

FILE NO. A14-0703

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against BARBARA ANN NIMIS,
a Minnesota Attorney,
Registration No. 235428.

**SUPPLEMENTARY PETITION
FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a March 28, 2014, petition for disciplinary action. Respondent's license to practice law was suspended on July 7, 2013, for failure to provide proof that she had successfully passed the MPRE as required by the June 19, 2012, order in *In re Nimis*, 816 N.W.2d 479 (Minn. 2012). Additionally, respondent has failed to pay the lawyer registration fees due July 1, 2013, and July 1, 2014. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

SECOND COUNT

12. Respondent represented David Corbo in post-decree proceedings in the matter of *In re the Marriage of Cynthia Marie Corbo and David Allen Corbo*.

13. On April 29, 2013, respondent brought a motion for clarification and assistance on the judgment and decree on behalf of David Corbo. That motion was set

for hearing by the court on June 7, 2013, and was served on Cynthia Corbo on May 16, 2013.

14. On May 28, 2013, in response to the April 29 motion, Cynthia Corbo's attorney brought a responsive motion. That motion alleged that respondent had failed to comply with the provisions of Minn. R. Gen. Prac. §§ 303.03(a)(1), 303.03(b), and 303.03(c), by failing to provide to Cynthia Corbo copies of all motion documents at least 14 days in advance of the motion hearing and by failing to initiate a settlement conference within 7 days of filing the motion. The responsive motion sought an award of conduct based attorney's fees and sanctions against respondent and her client in the amount of \$999.00. Respondent was served with a copy of the responsive motion.

15. On June 7, 2013, a hearing was held on the motion brought by respondent. Respondent did not appear at the hearing. David Corbo was represented at the hearing by attorney Sara M. G. Rojas, who had only shortly before then substituted in as counsel for David Corbo. The court did not then rule on the merits of the motion but instead continued the hearing date. The motion was eventually heard by the court on September 12, 2013.

16. On November 1, 2013, the court issued a stipulated order and judgment. In that order the court noted that, despite having been provided with notice of Cynthia Corbo's motion for fees and costs, respondent failed to respond to that motion and failed to appear at the hearing on the motion. The court granted Cynthia Corbo's motion for an award of conduct based fees and entered judgment against respondent in the amount of \$999.00. The court found that:

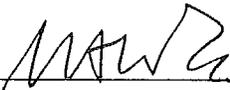
- 9) Barbara Ann Nimis, Esq., failed to comply with the timelines provided for in the Judgment and Decree regarding disputed personal property items and her failure had a prejudicial effect on her client, [David Corbo].

- 10) Barbara Ann Nimis, Esq., failed to respond to correspondence from Petitioner's attorney regarding the disputed personal property items and her failure prejudiced her client, [David Corbo].
- 11) Barbara Ann Nimis, Esq., brought an improper and inaccurate motion on behalf of [David Corbo].
- 12) Barbara Ann Nimis, Esq., failed to comply with the applicable rules of court by not serving a complete copy of the motion and supporting documents on Petitioner.
- 13) Barbara Ann Nimis, Esq., failed to provide the Responsive Motion and supporting paperwork to Sara M. G. Rojas, Esq., whom she had contacted to appear on her behalf at the initial hearing on this motion.
- 14) Barbara Ann Nimis, Esq., failed to provide notice to the Court, Petitioner, or [David Corbo] that she was no longer representing [David Corbo] and that she would not appear at the hearing.
- 15) Barbara Ann Nimis, Esq., failed to appear at the hearings scheduled in this matter or file any responsive paperwork.
- 16) Barbara Ann Nimis, Esq., failed to engage in settlement discussions with Petitioner or her counsel.
- 17) Barbara Ann Nimis, Esq., failed to provide [David Corbo's] new counsel, whom she had personally arranged for, with a complete copy of [David Corbo's] client file.
- 18) Barbara Ann Nimis, Esq., failed to cooperate fully with [David Corbo's] new counsel, whom she had personally arranged for.
- 19) Barbara Ann Nimis, Esq., provided inaccurate information regarding the status of this matter and the prior dissolution action to [David Corbo].
- 20) The conduct of Barbara Ann Nimis, Esq., shall be referred to the Minnesota Lawyers Professional Responsibility Board Office of Lawyers Professional Responsibility for further review.

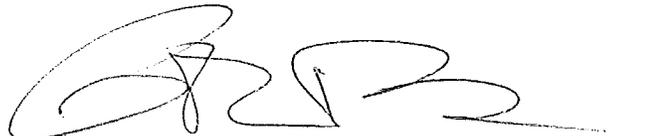
17. Respondent's conduct violated Rules 1.1, 1.3, 1.4, 1.16(d), 3.4(c), and 8.4(d), Minnesota Rules of Professional Conduct.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: July 11, 2014.


MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and


PATRICK R. BURNS
FIRST ASSISTANT DIRECTOR
Attorney No. 134004

This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR, by the undersigned.

Dated: July 22, 2014. 
CASSANDRA WARD BROWN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD