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STATE OF MINNESOTA

IN SUPREME COURT

A05-847

OFFICE OF
APPELLATE COURTS

MAY 26 2005

FILED

In re Petition for Disciplinary Action against
Brian Todd Pierce, a Minnesota Attorney,
Registration No. 290038.

ORDER

On May 3, 2005, the Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action against respondent Brian Todd Pierce and filed a motion for temporary suspension of respondent pending final disposition of the disciplinary proceedings. On May 11, 2005, this court issued an order directing the parties to file memoranda on the issue of temporary suspension by May 18, 2005, and setting the matter on for oral argument on June 2, 2005. Respondent failed to file a memorandum as required by this court and has not otherwise responded to the Director's motion for temporary suspension.

Rule 16(d), Rules on Lawyers Professional Responsibility (RLPR), authorizes temporary suspension of an attorney pending final determination of the disciplinary proceedings if "a continuation of the lawyer's authority to practice law poses a substantial threat of serious harm to the public." Rule 16(c), RLPR, provides that if a lawyer fails to respond to a motion for temporary suspension, "this Court may enter an order suspending the lawyer pending final determination of disciplinary proceedings."

We have independently reviewed the file and conclude that temporary suspension is warranted. Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that respondent Brian Todd Pierce is temporarily suspended from the practice of law in Minnesota pending final determination of the disciplinary proceedings. Respondent shall comply with the notification requirements of Rule 26, RLPR.

IT IS FURTHER ORDERED that the above-entitled matter is stricken from the June 2, 2005 en banc oral calendar.

Dated: May 25, 2005

BY THE COURT:



Kathleen A. Blatz
Chief Justice