

STATE OF MINNESOTA

IN SUPREME COURT

A10-1645

OFFICE OF
APPELLATE COURTS

JUN 13 2011

FILED

In re Petition for Reinstatement to the
Practice of Law of Barton Carl Winter,
Registration No. 271433.

ORDER

In 2009, we suspended petitioner Barton Carl Winter from the practice of law for a minimum of 120 days for knowingly making a false statement to a tribunal, in violation of Minn. R. Prof. Conduct 3.3(a)(1), 3.4(c), 4.1, 8.4(c), and 8.4(d). In September 2010, Winter petitioned for reinstatement and the matter was heard by a panel of the Lawyers Professional Responsibility Board. The panel found that Winter has proven by clear and convincing evidence that he is competent and morally fit to resume the practice of law. *See In re Swanson*, 343 N.W.2d 662, 664 (Minn. 1984). The panel further found that Winter complied with the notice requirements of Rule 26, Rules on Lawyers Professional Responsibility (RLPR), paid costs under Rule 24, RLPR, successfully completed the professional responsibility portion of the bar examination, and is current in continuing legal education (CLE) reporting requirements, as required by Rule 18, RLPR. The panel recommends that Winter be reinstated to the practice of law and, should he resume the practice of law, be subject to supervised probation for a period of two years. Winter and

the Director of the Office of Lawyers Professional Responsibility agree with the panel's recommendations.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that petitioner Barton Carl Winter is reinstated to the practice of law, subject to the following conditions:

(a) Petitioner shall abide by the Minnesota Rules of Professional Conduct.

(b) Petitioner shall notify the Director of the Office of Lawyers Professional Responsibility at least 30 days before resuming the practice of law. Once petitioner commences the practice of law, petitioner shall be subject to supervised probation for a period of two years under the following terms and conditions:

(1) Petitioner shall cooperate fully with the efforts of the Office of Lawyers Professional Responsibility to monitor compliance with the probation. Petitioner shall promptly respond to the Director's correspondence by the due date. Petitioner shall provide the Director with a current mailing address and shall immediately notify the Director of any change of address. Petitioner shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon request, petitioner shall authorize the release of information and documents to verify his compliance with the terms of probation.

(2) Not less than 30 days before petitioner resumes the practice of law, petitioner shall provide the Director with the names of at least three attorneys who have agreed to be nominated as petitioner's supervisor. If, after diligent effort, petitioner is unable to locate a supervisor acceptable to the Director, the Director will appoint a supervisor. Until a supervisor is appointed, petitioner shall provide the Director, by the first day of each month, an inventory of client files as described in paragraph (3) below. Petitioner shall make active client files available to the Director upon request.

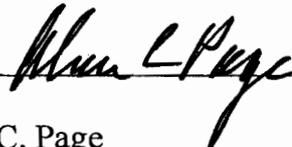
(3) Petitioner shall cooperate fully with the supervisor's efforts to monitor compliance with probation. Petitioner shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. By the first day of each month of probation, petitioner shall provide the supervisor with an inventory of all active client files. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, date of most recent activity, next anticipated action, and anticipated closing date. Petitioner's supervisor shall file written reports with the Director at least quarterly or as the Director may reasonably request.

(4) Within 30 days of resuming the practice of law, petitioner shall initiate office procedures designed to ensure (1) that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that petitioner is handling, and (2) that petitioner regularly reviews each and every file and completes legal matters on a timely basis. Petitioner shall provide progress reports to the probation supervisor or to the Director as requested.

(5) During the two-year period of supervised probation, petitioner shall take at least six continuing legal education credits in the area of intellectual property in courses approved by the Director in advance.

Dated: June 13, 2011

BY THE COURT:

A handwritten signature in cursive script, reading "Alan C. Page", is written over a horizontal line.

Alan C. Page
Associate Justice