

MINNESOTA RULES ON LAWYER PROFESSIONAL RESPONSIBILITY

PROPOSED AMENDMENTS

Proposed Amendments to Current Court Rules On Professional Responsibility

RESOLVED, that in the judgment of the Board of Governors, it is deemed advisable to support the following changes recommended by the Committee on Revision of Rules.

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MINNESOTA RULES ON LAWYERS PROFESSIONAL RESPONSIBILITY

[COMMENT: *Current Title is "Court Rules on Professional Responsibility."*]

RULE 1. DEFINITIONS. As used in these Rules:

- (1) "Board" means the Lawyers Professional Responsibility Board.
- (2) "Chairman" means the Chairman of the Board.
- (3) "Director" means the Director of Lawyers Professional Responsibility.
- (4) "District Bar Association" includes the Range Bar Association.
- (5) "District Chairman" means the Chairman of a District Bar Association's Ethics Committee.
- (6) "District Committee" means a District Bar Association's Ethics Committee.
- (7) "Notify" means to give personal notice or to mail to the person at his last known address or the address maintained on this Court's attorney registration records.
- (8) "Panel" means a panel of the Board.

[COMMENT: *No "Definitions" in Current Rules. "Lawyers Professional Responsibility Board" is substituted for "State Board of Professional Responsibility" and "Director of Lawyers Professional Responsibility" for "State Administrative Director of Professional Conduct."*]

RULE 2. PURPOSE. It is of primary importance to the public and to the members of the Bar that complaints of lawyers' alleged unprofessional conduct be promptly investigated and disposed of and that disciplinary proceedings be brought in those cases where investigation discloses it is warranted. Such investigations and proceedings shall be conducted in accordance with these Rules.

[COMMENT: *Substantially identical to current Rule I.*]

RULE 3. DISTRICT ETHICS COMMITTEE

(a) **Composition.** Each District Committee shall consist of:

- (1) A Chairman appointed by this Court for such time as it designates and serving at the pleasure of this Court but not more than six years as Chairman; and
- (2) Four or more persons whom the District Bar Association (or, upon failure thereof, this Court) may appoint to three-year terms except that shorter terms shall be used where necessary to assure that approximately one-third of all terms expire annually. No person may serve more than two three-year terms, in addition to any additional shorter term for which he was originally appointed and any period served as District Chairman.

At least 20 percent of each District Committee's members shall be nonlawyers.

[COMMENT: Under current Rule II the Chairman is appointed by the District Bar Association and there is no requirement to have nonlawyer members.]

(b) **Duties.** *The District Committee shall investigate complaints of lawyers' alleged unprofessional conduct and make reports and recommendations thereon as provided in these Rules. It shall meet at least annually and from time to time as required. The District Chairman shall prepare and submit an annual report and such other reports as the Director may require.*

[COMMENT: New. See also Rule 7.]

RULE 4. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

(a) **Composition.** The Board shall consist of

(1) A Chairman appointed by this Court for such time as it designates and serving at the pleasure of this Court but not more than six years as Chairman; and

(2) Fifteen lawyers having their principal office in this state, nine of whom the Minnesota State Bar Association may nominate, and six nonlawyers resident in this State, all appointed by this Court to three-year terms except that shorter terms shall be used where necessary to assure that one-third of all terms expire each February 1. No person may serve more than two three-year terms, in addition to any additional shorter term for which he was originally appointed and any period served as Chairman.

[COMMENT: This would double the number of nonlawyers on the Board.]

(b) **Compensation.** The Chairman and other members shall serve without compensation but shall be paid their reasonable and necessary expenses incurred in the performance of their duties.

[COMMENT: Substantially identical to current Rule III provision.]

(c) **Duties.** The Board shall have general supervisory authority over the administration of these Rules, shall advise and assist the Director in the performance of his duties, and may, from time to time, issue opinions on questions of professional conduct. The Board may elect a Vice-Chairman and specify his duties, and may elect an Executive Committee and authorize it to perform specified duties of the Board between Board meetings.

[COMMENT: The second sentence, on Vice-Chairman and Executive Committee, is new.]

(d) **Panels.** The Chairman shall divide the Board into three Panels, each consisting of five lawyer members and two nonlawyer members. The Chairman or the Vice Chairman, if any, is a Panel member at any Panel proceeding he attends. Any five Panel members shall constitute a quorum. If a quorum cannot be obtained the Director may assign other Board members for the particular matter. A Panel may refer any matter before it to the full Board.

[COMMENT: First four sentences are new.]

(e) **Assignment to Panels.** The Director shall assign matters to Panels in rotation.

[COMMENT: *New.*]

(f) **Approval of petitions.** Except as ordered by this Court, no petition for disciplinary action shall be filed with this Court without approval of a Panel or the Board.

[COMMENT: *Substantially identical to current Rule III provision.*]

RULE 5. DIRECTOR

(a) **Appointment.** The Director shall be appointed by and serve at the pleasure of this Court, and shall be paid such salary as this Court shall fix.

[COMMENT: *Substantially identical to current Rule IV provision.*]

(b) **Duties.** The Director shall be responsible and accountable to this Court and unless this Court otherwise directs, to the Board, for the proper administration of these Rules.

[COMMENT: *“Unless this Court otherwise directs” is substituted for “subject thereto.”*]

(c) **Employees.** The Director when authorized by this Court and on this Court’s behalf may employ persons at such compensation as this Court may approve.

[COMMENT: *Substantially identical to current Rule IV provision.*]

RULE 6. COMPLAINTS.

(a) **Investigation.** All complaints of lawyers’ alleged unprofessional conduct *shall be investigated pursuant to these Rules.*

[COMMENT: *Similar to current Rule V(a) provision*]

(b) **Notification; referral.** If a complaint of a lawyer’s alleged unprofessional conduct is submitted to a District Committee, the District Chairman promptly shall notify the Director of its pendency. If a complaint is submitted to the Director, he shall refer it for investigation to the District Committee of the district where the lawyer has his principal office unless he determines to investigate it without referral.

[COMMENT: *Current Rule V(c) allows Director to investigate without referral only if Committee requests or Director finds Committee lacks facilities or is otherwise unavailable or unwilling to make necessary investigation or that unreasonable delay may occur.*]

RULE 7. DISTRICT COMMITTEE INVESTIGATION

(a) **Assignment; assistance.** The District Chairman may investigate or assign investigation of the complaint to any of the Committee’s members, and may request the Director’s assistance in making the

investigation. The District Chairman may request some or all Committee members to consider the matter.

[COMMENT: Current Rule V(a) provides Committee may assign investigation to any of its members who shall report results to Committee.]

(b) **Report.** The District Chairman or his designee shall report the results of the investigation to the Director. The report shall include a recommendation that the Director:

- (1) Determine that discipline is not warranted;
- (2) Issue a private warning;
- (3) Refer the matter to a Panel, either with or without a recommendation as to the matter's ultimate disposition; or
- (4) Investigate the matter further.

[COMMENT: Current Rule V(a) authorizes District Committee to dismiss complaint, issue private reprimand or admonition, or refer complaint to Director for further investigation or with recommendation that disciplinary proceedings be instituted.]

(c) **Time.** The investigation shall be completed and the report made promptly and, in any event, within 45 days after the District Committee received the complaint, unless good cause exists. If the report is not made within 45 days, the District Chairman or his designee within that time shall notify the Director of the reasons for the delay.

[COMMENT: Current Rule V(a) requires report on status if matter is under investigation more than 90 days.]

(d) **Removal.** The Director may at any time and for any reason remove a complaint from a District Committee's consideration by notifying the District Chairman of the removal.

[COMMENT: Current Rule V(c) requires Board to find District Committee lacks facilities or is otherwise unable or unwilling to make necessary investigation or that unreasonable delay may occur.]

RULE 8. NOTICE TO COMPLAINANT; INVESTIGATION; DISPOSITION

(a) **Notice to complainant.** The Director shall keep the complainant advised of the progress of the proceedings and shall appropriately notify him of each stage of the proceedings, including:

- (1) Receipt of the complaint by a District Committee or the Director;
- (2) Notification of reasons for delay under Rule 7(c);
- (3) Removal of a complaint under Rule 7(d); and
- (4) Receipt of a report under Rule 7(b).

[COMMENT: New. Clause (4) does not authorize notifying the complainant of the substance of the report or its recommendation.]

(b) **Initiating investigation.** At any time, with or without a complaint or a District Committee's report, the Director may make such investigation as he deems appropriate as to the conduct of any lawyer or lawyers.

[COMMENT: *New. See Rule 6(b), 7(d), supra.*]

(c) **Disposition**

(1) **Determination discipline not warranted.** If, in a matter where there has been a complaint, the Director concludes that discipline is not warranted he shall so notify the lawyer involved, the complainant, and the Chairman of the District Committee, if any, that has considered the complaint. The notification may set forth an explanation of the Director's conclusion. The notification to the lawyer shall set forth the complainant's identity and the complaint's substance.

[COMMENT: *Current Rule V(c) authorizes the Director to recommend that District Committee or Board approve the dismissal of a complaint and that it inform the lawyer and the complainant of the action taken.*]

(2) **Warning.** If in any matter, with or without a complaint, the Director concludes that a lawyer's conduct does not warrant discipline but warrants a warning, he shall notify the lawyer of that warning and that:

(i) The warning is in lieu of the Director's presenting charges of unprofessional conduct to a Panel.

(ii) The lawyer may within a specified reasonable time demand that the Director so present the charges, and

(iii) Unless the lawyer so demands the Director after that time will notify the complainant, if any, and the Chairman of the District Committee, if any, that has considered the complaint, that the Director has issued the warning.

[COMMENT: *New.*]

(3) **Submission to Panel.** If in any matter, with or without a complaint, the Director concludes that discipline is warranted, or if the lawyer makes a demand under Rule 8(c)(2)(ii), the Director shall submit the matter to a Panel under Rule 9.

[COMMENT: *Current Rule V(b) provides that if District Committee recommends that disciplinary action be taken, Director shall submit to Board.*]

RULE 9. PANEL PROCEEDINGS

(a) **Charges; setting hearing.** If the matter is to be submitted to a Panel, the Director shall prepare charges of unprofessional conduct, set a time and place for a hearing by a Panel on the charges, and notify the lawyer of the charges and hearing and of the lawyer's right to be heard at the hearing. The Director shall also notify the complainant, if any, of the hearing's time and place.

[COMMENT: The last sentence, on notifying the complainant, is new.]

(b) **Subpoenas.** At the instance of the Director or the lawyer, attendance of witnesses and production of documentary or tangible evidence shall be compelled as provided in Rule 45, Rules of Civil Procedure. The District Court of the District where the hearing will be held shall have jurisdiction over issuance of subpoenas, motions respecting subpoenas, motions to compel witnesses to testify or give evidence, and determinations of claims of privilege.

[COMMENT: Current Rule V(b) authorizes Board or Panel to request issuance of subpoena as provided in Rule 45.05 requiring person other than the lawyer to appear and testify or produce documentary or tangible evidence or requiring the lawyer to produce documentary or tangible evidence other than his personal records or things subject to his clients' unwaived privilege of confidence.]

(c) **Admission of charges.** The Director shall, if possible, contact the lawyer to determine whether he desires to admit any charges. The lawyer may:

- (1) Admit some or all charges, or
- (2) Tender an admission of some or all charges conditioned upon a stated disposition.

[COMMENT: New.]

(d) **Conditional stay.** The Panel may, if the Director and the lawyer agree, consent to hold the proceedings in abeyance for a specified period and thereafter discontinue them, provided the lawyer throughout the period complies with specified reasonable conditions.

[COMMENT: New.]

(e) **Disposition.** After hearing, the Panel shall either:

- (1) Determine that discipline is not warranted;
- (2) Instruct the Director to give a warning;
- (3) Make a finding of unprofessional conduct and issue a reprimand; or
- (4) Instruct the Director to file in this Court a petition for disciplinary action, either with or without a recommendation as to the matter's ultimate disposition.

[COMMENT: Current Rule V(b) authorizes Board or Panel to determine disciplinary measures not warranted, Board to administer private warning or reprimand, and Board or Panel to direct Director to file petition.]

(f) **Notification.** The Director shall notify the lawyer, the complainant, if any, and the District Committee, if any, that has considered the complaint, of the Panel's action under subdivision (d) or (e).

[COMMENT: Similar to Rule V(b) provision.]

RULE 10. PROCEDURE UPON ADMISSION OF CHARGES. If the Panel so instructs, the Director

shall file a petition for disciplinary action together with the lawyer's admission of charges or tender of conditional admission. This Court may act thereon with or without any of the procedures under Rules 12, 13, or 14. If this Court rejects a tender of conditional admission, the matter may be remanded to the same or a different Panel.

[COMMENT: *New.*]

RULE 11. RESIGNATION. The Court may at any time, with or without a hearing and with any conditions it may deem appropriate, grant or deny a lawyer's request to resign from the bar.

[COMMENT: *New.*]

RULE 12. PETITION FOR DISCIPLINARY ACTION

(a) **Petition.** When so directed by a Panel or by this Court the Director shall file with this Court a petition for disciplinary action. The petition shall set forth the unprofessional conduct charged.

[COMMENT: *Current Rule VI(a) is similar but requires the petition to be verified and provides an "order to answer" procedure.*]

(b) **Service.** The Director shall cause the petition to be served upon the respondent in the same manner as a summons in a civil action. If the respondent has a duly appointed resident guardian or conservator service shall be made thereupon in like manner.

[COMMENT: *Similar to current Rule VI(b), (c) provisions.*]

(c) Respondent not found

(1) **Suspension.** If the respondent cannot be found in the state, the Director shall mail a copy of the petition to the respondent's last known address and file an affidavit of mailing with this Court. Thereafter the Director may apply to this Court for an order suspending the respondent from the practice of law. A copy of the order, when made and filed, shall be mailed to each district court judge of this state. Within one year after the order is filed, the respondent may move this Court for a vacation of the order of suspension and for leave to answer the petition for disciplinary action.

[COMMENT: *Similar to current Rule VI(c) provisions.*]

(2) **Order to show cause.** If the respondent does not so move, the Director shall petition this Court for an order directing the respondent to show cause to this Court why appropriate disciplinary action should not be taken. The order to show cause shall be returnable not sooner than 20 days after service. The order may be served on the respondent by publishing it once each week for three weeks in the regular issue of a qualified newspaper published in the county in this state in which the respondent was last known to practice or reside. The service shall be deemed complete 21 days after the first publication. Personal service of the order without the state, proved by the affidavit of the person making the service, sworn to before a person authorized to administer an oath, shall have the

same effect as service of publication. Proof of service shall be filed with this Court. If the respondent fails to respond to the order to show cause, this Court may proceed under Rule 15.

[COMMENT: Similar to current Rule VI(c) provisions.]

RULE 13. ANSWER TO PETITION FOR DISCIPLINARY ACTION

(a) **Filing.** Within 20 days after service of the petition, the respondent shall file duplicate in this Court an answer. The answer may deny or admit any accusations or state any defense, privilege, or matter in mitigation.

[COMMENT: Current Rule VII specifies verified answer which denies or admits the accusations and states any defense or matter in mitigation.]

(b) **Conditional admission.** The answer may tender an admission of some or all accusations conditioned upon a stated disposition.

[COMMENT: New.]

(c) **Failure to file.** If the respondent fails to file an answer within the time provided or any extension of time this Court may grant, the petition's allegations shall be deemed admitted and this Court may proceed under Rule 15.

[COMMENT: Current Rule VII similar except specifies respondent shall be held to be in default and an Order of discipline entered.]

RULE 14. HEARING ON PETITION FOR DISCIPLINARY ACTION

(a) **Referee.** This Court may appoint a referee with directions to hear and report the evidence submitted for or against the petition for disciplinary action.

[COMMENT: Similar to Rule VIII provision.]

(b) **Conduct of hearing before referee.** Unless this Court otherwise directs, the hearing shall be conducted in accordance with the rules of civil procedure applicable to district courts and the referee shall have all the powers of district court judge.

[COMMENT: Substantially identical to Rule VIII provisions.]

(c) **Record.** The referee shall appoint a court reporter to make a record of the proceedings as in civil cases.

[COMMENT: Current Rule VIII has more detail and denies reporter compensation except for furnishing transcript.]

(d) **Referee's finding, conclusions, and recommendations.** The referee shall make findings of fact, conclusions, and recommendations, file them with this Court, and notify the respondent and Director of them. Unless the respondent or Director within five days orders a transcript and so notifies this Court, the

findings of fact and conclusions shall be conclusive. One ordering a transcript shall make satisfactory arrangements with the reporter for his payment. The reporter shall complete the transcript within 30 days.

[COMMENT: Similar to current Rule VIII except in setting forth specific time limits which are half those provided in Minn. R. Civ. App. P. 110.02.]

(e) **Hearing before Court.** This court within ten days of the referee's findings, conclusions, and recommendations, shall set a time for hearing before this Court. The order shall specify times for briefs and oral arguments. The matter shall be *heard upon the record, briefs, and arguments.*

[COMMENT: First two sentences new; current Rule VIII specifies time for oral arguments.]

RULE 15. DISPOSITION; PROTECTION OF CLIENTS

(a) **Disposition.** Upon conclusion of the proceedings, this Court may:

- (1) Disbar the lawyer;
- (2) Suspend him indefinitely or for a stated period of time;
- (3) Place him on a probationary status for a stated period, or until further order of this Court, with such conditions as this Court may specify and to be supervised by the Director;
- (4) Reprimand him;
- (5) Make such other disposition as this Court deems appropriate; or
- (6) Dismiss the petition for disciplinary action.

[COMMENT: Substantially same as current Rule IX(a) except clause (5) new.]

(b) **Protection of clients.** When a lawyer is disciplined or permitted to resign, this Court may issue orders as may be appropriate for the protection of clients or other persons.

[COMMENT: New.]

RULE 16. TEMPORARY SUSPENSION PENDING DISCIPLINARY PROCEEDINGS.

(a) **Petition for temporary suspension.** Whenever it appears that a continuation of a lawyer's authority to practice law pending final determination of disciplinary proceedings may result in risk of injury to the public, the Director, on direction of a Panel, shall file with this Court a petition for suspension of the lawyer pending final determination of disciplinary proceedings. The petition shall set forth facts as may constitute grounds for the suspension and may be supported by a transcript of any evidence taken by the Panel, court records, documents or affidavits.

*[COMMENT: Similar to current Rule IX(b), (c) provisions except latter say "continuation of the practice of law *** may result in substantial risk of serious injury," require five Panel members to vote in affirmative, require petition to be verified, and have "order to answer" procedure.]*

(b) **Service.** The Director shall cause the petition to be served upon the lawyer in the same manner as a petition for disciplinary action.

[COMMENT: Similar to current Rule IX(c) provision]

(c) **Answer:** Within 20 days after service of the petition or such shorter time as this Court may order, the lawyer shall file in duplicate in this Court an answer to the petition for temporary suspension. If he fails to do so within that time or any extension of time this Court may grant, the petition's allegations shall be deemed admitted and this Court may enter an order suspending the lawyer pending final determination of disciplinary proceedings. The answer may be supported by a transcript of any evidence taken by the Panel, court records, documents, or affidavits.

[COMMENT: Somewhat similar to current Rule IX(c), (d) provisions, but they require answer to be verified and do not provide for ordering shorter time.]

(d) **Hearing; disposition.** If this Court after hearing finds a continuation of the lawyer's authority to practice law may result in risk of injury to the public, it may enter an order suspending the lawyer pending final determination of disciplinary proceedings.

[COMMENT: Similar to current Rule IX(e) provisions.]

RULE 17. FELONY CONVICTION

(a) **Non-final conviction.** Whenever a lawyer is convicted, other than upon his plea of guilty or nolo contendere, of a felony under Minnesota statute or of a crime under the laws of the United States, any state or territory thereof, or any foreign country punishable by incarceration for more than one year, the Director shall investigate and determine whether a continuation of the lawyer's authority to practice law pending final determination of disciplinary proceedings may result in risk of injury to the public. If he determines in the affirmative, he shall proceed under Rule 16. If he determines in the negative, he shall so notify the Board.

[COMMENT: Current Rule X provides that upon a Minnesota felony conviction the Director shall submit to the Court a petition for suspension.]

(b) **Final conviction.** Whenever a lawyer is convicted, upon his plea of guilty or nolo contendere or upon a judgment not subject to direct appellate review, of an offense specified in Rule 17(a), the Director shall investigate and submit the matter to a Panel under Rule 9. If appropriate, he shall also proceed under Rule 16.

[COMMENT: Current Rule X provides that upon a Minnesota final felony conviction the Director shall forthwith institute proceedings for disbarment.]

(c) **Other cases.** Nothing in this Rule precludes disciplinary proceedings, where appropriate, in case of conviction of an offense not punishable by incarceration for more than one year or in case of

unprofessional conduct for which there has been no criminal conviction or for which a criminal conviction is subject to appellate review.

[COMMENT: *New.*]

RULE 18. REINSTATEMENT

(a) **Petition for reinstatement.** A suspended, disbarred, or resigned lawyer's petition for reinstatement to practice law shall be served upon the Director and the president of the State Bar Association. The original petition, with proof of service, and one copy, shall then be filed with this Court.

[COMMENT: *Current Rule XI does not specify "resigned" and provides for service on District Chairman as well as State Bar Association President.*]

(b) **Investigative; report.** The Director shall investigate and report his conclusions to a Panel.

[COMMENT: *Current Rule XI provides for filing of objections to the petition and for Director to report conclusion to Board and Court.*]

(c) **Recommendation.** The Panel may conduct a hearing and shall make its recommendation. The recommendation shall be served upon the petitioner and filed with this Court.

[COMMENT: *New.*]

(d) **Hearing before Court.** There shall be a hearing before this Court on the petition unless otherwise ordered by this Court. This Court may appoint a referee. If a referee is appointed, the same procedure shall be followed as under Rule 14.

[COMMENT: *Current Rule XI provides shall be hearing unless waived by Board and Petitioner.*]

RULE 19. EFFECT OF PREVIOUS PROCEEDINGS

(a) **Criminal conviction.** A lawyer's criminal conviction in any jurisdiction, even if upon a plea of nolo contendere or subject to appellate review, is, in proceedings under these Rules, prima facie evidence that he committed the conduct for which he was convicted.

[COMMENT: *New.*]

(b) Disciplinary proceedings

(1) **Conduct previously considered.** Proceedings under these Rules may be based upon conduct considered in previous lawyer disciplinary proceedings of any jurisdiction, even if it was determined in the previous proceedings that discipline was not warranted or that the proceedings should be discontinued after the lawyer's compliance with conditions.

[COMMENT: *New.*]

(2) **Previous finding.** A finding by a Panel or equivalent or by a court in the previous proceedings that a lawyer committed conduct warranting reprimand, probation, suspension, disbarment, or equivalent is, in proceedings under these Rules, prima facie evidence that he committed the conduct.

[COMMENT: *New.*]

(3) **Previous discipline.** The fact that the lawyer received reprimand, probation, suspension, disbarment, or equivalent in the previous proceedings is admissible in evidence in proceedings under these Rules.

[COMMENT: *New.*]

(c) **Stipulation.** Unless the referee or this Court otherwise directs or the stipulation otherwise provides, a stipulation before a Panel remains in effect at subsequent proceedings regarding the same matter before the referee or this Court.

[COMMENT: *New.*]

RULE 20. CONFIDENTIALITY

(a) **General rule.** The files, records, and proceedings of the District Committees, the Board, and the Director, as they may relate to or arise out of any complaint or charge of unprofessional conduct against or investigation of a lawyer, shall be deemed confidential and shall not be disclosed, except:

- (1) As between the Committees, Board, and Director in furtherance of their duties;
- (2) In proceedings before a referee or this Court under Rules 10 through 18;
- (3) As between the Director and a lawyer admission or disciplinary authority of another jurisdiction in which the lawyer affected is admitted to practice or seeks to practice;
- (4) Upon request of the lawyer affected;
- (5) Where permitted by this Court; or
- (6) Where required or permitted by these Rules.

[COMMENT: *Similar to current Rule XII except clauses (3) and (6) are new. Regarding clause (6), see, e.g., Rules 8(a), (c), 9(a), (f).*]

(b) **Special matters.** The following may be disclosed:

- (1) The fact that a matter is or is not being investigated or considered by the Committee, Director, or Panel;
- (2) The fact that the Director has determined that discipline is not warranted, including the fact, if applicable, that a warning was given under Rule 8(c)(2);

- (3) The Panel's disposition under Rule 9(d) or (e);
- (4) The Director's determination under Rule 17(a); or
- (5) The Panel's disposition upon a matter submitted to it under Rule 17(b).

[COMMENT: *New.*]

(c) **Referee or Court proceedings.** Except as ordered by the referee or this Court, the files, records, and proceedings before a referee or this Court under Rules 10 through 18 are not confidential.

[COMMENT: *New.*]

RULE 21. PRIVILEGE. A complaint or charge, or statement relating to a complaint or charge, of a lawyer's alleged unprofessional conduct, made in proceedings under these Rules or to the Director or a person employed thereby or to a District Committee, the Board or this Court, or any member thereof, is absolutely privileged and may not serve as a basis for liability in any civil lawsuit brought against the person who made the complaint, charge, or statement.

[COMMENT: *New. See Sinnott v. Albert, 195 N.W.2d 506 (Neb. 1972), finding a complaint to a Bar Association Disciplinary Committee to be absolutely privileged and not giving rise to liability for libel.*]

RULE 22. PAYMENT OF EXPENSES. Payment of necessary expenses of the Director and the Board and its members incurred from time to time and certified to this Court as having been incurred in the performance of their duties under these Rules and the compensation of the Director and persons employed by him under these Rules shall be made upon vouchers approved by this Court from its funds now or hereafter to be deposited to its credit with the State of Minnesota or elsewhere.

[COMMENT: *Substantially identical to current Rule XIII.*]

RULE 23. SUPPLEMENTAL RULES. The Board and each District Committee may adopt rules and regulations, not inconsistent with these Rules, governing the conduct of business and performance of their duties.

[COMMENT: *Substantially identical to current Rule XIV.*]