

REPORT . . . LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

By

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On January 1, 1977, a completely revised version of the Minnesota Rules on Lawyers' Professional Responsibility became effective. The Rule changes represent the culmination of efforts begun by a Committee of the Lawyers Professional Responsibility Board in 1975. The Rule amendments were considered by this Committee, the District Ethics Committees, the Bar Association, and, finally, by formal hearing before the Minnesota Supreme Court. The Court adopted the proposed Rules, with certain amendments, by its Order of November 1, 1976.

The new Rules have already been published by West Publishing Company in the 1977 Desk Copy, Minnesota Rules of Court, at pages 1203-1216. The detailed provisions of the Rules changes cannot be stated fully in this short article, but the following are the most significant amendments:

1. A requirement that at least 20% of the membership of District Ethics Committees be non-lawyers. Several ethics committees have already been operating with lay members.
2. A change in the function of District Ethics Committees. The District Committees will now investigate complaints and recommend dispositions to the Director, rather than dispose of them directly.
3. Complainants who are dissatisfied with the disposition of a complaint may appeal to the Minnesota Attorney General. Upon receipt of such an appeal, the Attorney General may *confidentially* review the Board's file and may take an appeal directly to the Board or by Petition to the Supreme Court. This Rule change parallels the provisions of Chapter 304, 1977 Minnesota Statutes—legislation which was endorsed in its final form by the Bar Association.
4. A provision for more uniform and prompt notification of complainants as to the processing of each stage of a complaint.
5. Acceleration of the time for initial investigation of a complaint and for disposition of complaint. The basic time limit for consideration of a complaint by the District Ethics Committees has been shortened from 90 to 45 days.

6. Some liberalization of confidentiality rule. The Director may now disclose that a matter is under investigation or may disclose the disposition of a matter.
7. Appointment of the District Committee Chairmen directly by the Supreme Court.

Other Rule amendments extend a privilege to complainants, alter the effect in disciplinary proceedings of conviction of crimes, and provide a new Rule governing resignation from the Bar.

While the new Rules impose many procedural changes, it is my view that the system of professional discipline in Minnesota will remain much as it has been since 1971, when the State Board was created. Heavy reliance will continue to be placed upon the role of the District Ethics Committees. The 175 volunteer members of these Committees will, through their investigation and recommendations, continue to shape the standard of professional ethics in Minnesota.