

Approved 3/24/92

MINUTES

SUPREME COURT'S ADVISORY COMMITTEE ON
THE RULES OF PROFESSIONAL CONDUCT

Tuesday, February 11, 1992, 5:30 p.m.
Administrative Office of the Courts

Bert L. Dart, Presiding

PRESENT:

Bert L. Dart
Stephen F. Hutchinson
Hon. John Rokich
Tom Arnett
Barbara Polich
Stephen Trost
Hon. Lynn Davis
Lee Dever
J. Frederic Voros
Jo Carol Nessel-Sale
F. John Hill
Stuart Schultz

EXCUSED:

Clark Nielsen
John K. Morris
John W. Palmer
G. Richard Hill
Danny C. Kelly

STAFF:

Colin R. Winchester

1. WELCOME AND APPROVAL OF MINUTES. Mr. Dart welcomed the Committee members to the meeting.

MOTION: Judge Davis made a motion to approve the Minutes of the January 28 meeting as prepared.

SECOND: Mr. Arnett seconded the motion.

VOTE: The Committee voted unanimously to approve the motion.

2. RULES OF ATTORNEY DISCIPLINE. Mr. Trost distributed copies of the new Rules of Attorney Discipline which incorporate those changes necessary to place public discipline hearings within the district court system. Mr. Hutchinson indicated that the subcommittee had reviewed most of the changes, but had not yet seen

the final product. Mr. Trost noted that the subcommittee had attempted to use the prior subcommittee's draft wherever possible, making only those changes felt necessary.

Ms. Polich noted that the Committee's changes since May of 1991 have not yet been incorporated into the distributed draft.

Mr. Trost reviewed the proposals generally, indicating that the most significant changes are in Rules 2, 3 and 11. Committee members noted the following concerns:

1. The expungement process in Rule 4 needs Committee approval and expansion.

2. The ten day deadline for holding a sanction hearing after a finding of misconduct is too strict. Thirty days would be more appropriate.

3. The seven year retention of records for dismissals and declinations to prosecute may be excessive.

4. Should discipline counsel be governed by the Bar Commission or the Court?

5. What formula, if any, should be used to reimburse the Administrative Office of the Courts for the use of the state court system?

6. Should Rule 10 contain the standards sanctions, or should the standards sanctions stand alone?

7. Should a "letter of caution" be retained as proposed in Rule 11(b)(4)?

8. The proposals should be redrafted to achieve gender neutrality.

9. The use of the word "court " should be replaced with "district court" and "Supreme Court" appropriately throughout the proposals.

10. Should Bar Counsel be independent from disciplinary counsel?

Mr. Dart requested that staff prepare a redline draft of the proposals indicating those changes recommended by the subcommittee.

3. **FUTURE MEETINGS.** If a new draft can be prepared quickly enough, the Committee will meet again on February 25. If not, the Committee will meet on March 3. The Committee will also meet on March 10.

4. ADJOURNMENT.
meeting was adjourned.

There being no further business, the