

SUPREME COURT OF NORTH DAKOTA

Disciplinary Board of the Supreme Court of North Dakota v. Donald L. Peterson

2004 ND 205 · No. Nos. 20040167, 20040169 · Decided November 4, 2004

SUMMARY

The Supreme Court of North Dakota disbarred Donald L. Peterson for multiple violations of professional conduct rules, including lack of diligence and communication, false notarization, filing a purportedly forged affidavit, and submitting an order bearing a forged judicial signature. The Court rejected the Hearing Panel's recommendation of a one-year suspension and ordered Peterson to pay \$4,156.38 in disciplinary proceeding costs.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Gerald W. VandeWalle, C.J.; William A. Neumann; Dale V. Sandstrom; Mary Muehlen Maring; Carol Ronning Kapsner
JURISDICTION	North Dakota
DECIDED	November 4, 2004
DOCKET	Nos. 20040167, 20040169
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the Supreme Court of North Dakota under N.D.R. Lawyer Discipl. 3.1(F)(2) after a hearing panel recommended a one-year suspension and assessment of costs. No objections were filed to the hearing panel's report.
PRECEDENTIAL VALUE	published
PARTIES	Disciplinary Board of the Supreme Court of North Dakota v. Donald L. Peterson

TOPICS

- sanctions
- costs
- appellate procedure
- civil procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether Peterson's violations of the North Dakota Rules of Professional Conduct and related disciplinary rules warranted a sanction more severe than the hearing panel's recommended one-year suspension.
2. Whether disbarment was generally appropriate under N.D. Std. Imposing Lawyer Sanctions 5.11 for intentional conduct involving false swearing, fraud, misrepresentation, forgery, and dishonesty seriously adversely reflecting on fitness to practice law.

HOLDINGS

1. Disbarment was warranted because Peterson engaged in serious intentional misconduct involving false swearing, misrepresentation, fraud, forgery, and dishonesty that seriously adversely reflected on his fitness to practice law.
2. Peterson was required to pay \$4,156.38 in costs and expenses of the disciplinary proceedings.

KEY QUOTATIONS

“ORDERED, Donald L. Peterson is DISBARRED from the practice of law.” (§13)

“disbarment is generally appropriate when: (a) a lawyer engages in serious conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; . . . or (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.” (§13)

FACTUAL BACKGROUND

Peterson failed to pursue an agreed divorce appeal and represented that he had filed a contempt motion when he had not yet done so. He prepared and notarized an affidavit using Robert Taylor's name without Taylor's signature and submitted it in court. In a separate matter, Peterson told opposing counsel that a civil case had been dismissed and provided an order bearing a forged judicial signature. He also failed to communicate a proposed plea agreement and did not timely provide all of a former client's files.

PROCEDURAL HISTORY

Peterson admitted service of the disciplinary petition and answered, admitting some allegations and denying others while asserting mitigating circumstances. A hearing panel found multiple violations of the North Dakota Rules of Professional Conduct and recommended a one-year suspension and costs of \$4,156.38. The Supreme Court independently considered whether the recommended sanction adequately reflected the seriousness of the misconduct and ordered disbarment instead.

DISPOSITION

other

CASES CITED

- Disciplinary Board v. Peterson, 2004 ND 101, 680 N.W.2d 238

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