

NORTH DAKOTA SUPREME COURT

In the Matter of Reciprocal Discipline of Steven T. Rosso

2019 ND 208 · No. 20190191 · Decided August 1, 2019

SUMMARY

The North Dakota Supreme Court imposed reciprocal discipline on Steven T. Rosso after the Minnesota Supreme Court suspended him for 12 months for misconduct involving client funds, trust-account management, supervision, and an improper client loan. The court ordered a 12-month North Dakota suspension, subject to notice requirements and reinstatement conditions including successful completion of the Multistate Professional Responsibility Examination and compliance with continuing legal education requirements.

CASE DETAILS

COURT	North Dakota Supreme Court
WRITING FOR THE COURT	Per Curiam; Gerald W. VandeWalle, C.J.; Daniel J. Crothers; Jerod E. Tufte; Lisa Fair McEvers; Jon J. Jensen
JURISDICTION	North Dakota
DECIDED	August 1, 2019
DOCKET	20190191
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the North Dakota Disciplinary Board after the Minnesota Supreme Court suspended Steven T. Rosso.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion

TOPICS

appellate procedure

remedies

PRACTICE AREAS

legal ethics

attorney discipline

QUESTIONS PRESENTED

1. Whether North Dakota should impose reciprocal discipline following the Minnesota Supreme Court's 12-month suspension of Rosso.

2. What conditions should govern Rosso's reinstatement in North Dakota.

HOLDINGS

1. North Dakota imposed a 12-month suspension from the practice of law on Rosso, effective upon entry of judgment, based on the Minnesota Supreme Court's suspension and Rosso's failure to establish that identical discipline would be unwarranted.
2. Reinstatement after the 12-month suspension is conditional upon successful completion of the Multistate Professional Responsibility Examination and compliance with continuing legal education requirements, and is governed by N.D.R. Lawyer Discipl. 4.5.

KEY QUOTATIONS

“ORDERED, that Steven T. Rosso is SUSPENDED from the practice of law in North Dakota for 12 months, effective upon entry of judgment in this matter.” (¶5)

“IT IS FURTHER ORDERED, that reinstatement is governed by N.D.R. Lawyer Discipl. 4.5 and is conditional upon on successful completion of the Multistate Professional Responsibility Examination and compliance with continuing legal education requirements.” (¶7)

FACTUAL BACKGROUND

The Minnesota Supreme Court suspended Rosso for 12 months after finding violations involving failure to safeguard and promptly disburse client funds, deficient trust-account records and review, inadequate supervision of nonlawyer staff, negligent misappropriation, and an improper personal loan from a client. Reinstatement in Minnesota was conditioned on passing the Multistate Professional Responsibility Examination and satisfying continuing legal education requirements. Rosso had previously been admitted in North Dakota but did not respond to notice that reciprocal discipline would be imposed there.

PROCEDURAL HISTORY

The Minnesota Supreme Court suspended Rosso for 12 months for multiple violations involving client funds, trust-account management, supervision, and an improper client loan. The North Dakota Disciplinary Board notified Rosso that identical discipline was being considered and gave him 30 days to object; he did not respond. The Board then recommended a 12-month North Dakota suspension with the same reinstatement conditions, which the North Dakota Supreme Court ordered.

DISPOSITION

other

OPINION

PER CURIAM.

Filed 8/1/19 by Clerk of Supreme Court IN THE SUPREME COURT STATE OF NORTH DAKOTA 2019 ND 208 In the Matter of Reciprocal Discipline of Steven T. Rosso, a Person

Previously Admitted to the Bar of the State of North Dakota No. 20190191 Recommendation for Reciprocal Discipline. SUSPENSION ORDERED. Per Curiam. [¶1] On June 18, 2019, the North Dakota Disciplinary Board notified the Supreme Court under N.D.R.

Lawyer Discipl. 4.4(D) that it was recommending the reciprocal discipline of Steven T. Rosso. The record reflects that the Minnesota Supreme Court suspended Rosso for 12 months for failing to safeguard client funds; failing to ensure accurate maintenance of the required trust account books and records; failing to review the activity in the pooled and individual client trust accounts or any of the reports generated for those accounts; failing to adequately supervise non-lawyer staff in the handling of client funds, which resulted in the misappropriation of client funds; failing to promptly disburse funds to clients; negligent misappropriation of client funds; and accepting an improper personal loan from a client.

The Minnesota Supreme Court conditioned reinstatement on successful completion of the Multistate Professional Responsibility Examination and compliance with continuing legal education requirements. [¶2] Rosso was admitted to practice law in North Dakota on October 5, 1994, and was licensed until December 31, 2017. Rosso did not pay his license fee for 2018 and was listed with the State Board of Law Examiners as retired starting January 23, 2018. [¶3] On January 17, 2019, the North Dakota Disciplinary Board served notice under N.D.R.

Lawyer Discipl. 4.4(B) that a certified copy of an order of suspension was entered by the Minnesota Supreme Court was received. The notice informed Rosso he had 30 days to file any claim that imposition of the identical discipline in North Dakota would be unwarranted and the reasons for the claim. No response was received from Rosso.

On June 18, 2019, the Disciplinary Board filed its recommendation that Rosso be suspended for 12 months, with reinstatement conditioned on completion of the Multistate Professional Responsibility Examination and compliance with continuing legal education requirements. [¶4] The Court considered the matter, and [¶5] ORDERED, that Steven T. Rosso is SUSPENDED from the practice of law in North Dakota for 12 months, effective upon entry of judgment in this matter. [¶6] IT IS FURTHER ORDERED, that Rosso must comply with N.D.R.

Lawyer Discipl. 6.3 regarding notice. [¶7] IT IS FURTHER ORDERED, that reinstatement is governed by N.D.R. Lawyer Discipl. 4.5 and is conditional upon on successful completion of the Multistate Professional Responsibility Examination and compliance with continuing legal education requirements. [¶8] Gerald W. VandeWalle, C.J. Daniel J. Crothers Jerod E. Tufte Lisa Fair McEvers Jon J. Jensen 2