

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