

SUPREME COURT OF MINNESOTA

In re the Petition for Reinstatement to the Practice of Law of Wendy
Alison Nora

725 N.W.2d 745 (Minn. 2007) · No. A06-1292 · Decided January 11, 2007

SUMMARY

The Minnesota Supreme Court reinstated Wendy Alison Nora to the practice of law after she demonstrated by clear and convincing evidence that she was competent and morally fit to resume practice. The court placed her on supervised probation for two years, subject to conditions concerning monitoring, compliance with professional conduct rules, file supervision, and medical treatment.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Helen M. Meyer; G. Barry Anderson
JURISDICTION	Minnesota
DECIDED	January 11, 2007
DOCKET	A06-1292
DISPOSITION	approved
PROCEDURAL POSTURE	Petition for reinstatement to the practice of law following an indefinite suspension. A Lawyers Professional Responsibility Board panel recommended reinstatement subject to two years of supervised probation, and the Minnesota Supreme Court independently reviewed and approved that recommendation.
STANDARD OF REVIEW	Independent review of the file, records, and proceedings
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Wendy Alison Nora v. Director's Office, Lawyers Professional Responsibility Board

TOPICS

- appellate procedure
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Nora established by clear and convincing evidence that she was competent and morally fit to resume the practice of law in Minnesota.
2. Whether Nora should be reinstated subject to two years of supervised probation and the conditions recommended by the Lawyers Professional Responsibility Board panel.

HOLDINGS

1. The court approved the panel's determination that Nora had proven by clear and convincing evidence that she was competent and morally fit to resume the practice of law.
2. Nora was reinstated to the practice of law effective immediately and placed on supervised probation for two years, subject to the conditions specified in the order.

KEY QUOTATIONS

"This court has independently reviewed the file and approves the panel's recommended disposition." (725 N.W.2d at 746)

FACTUAL BACKGROUND

Wendy Alison Nora had been indefinitely suspended from practicing law in Minnesota and had previously been denied reinstatement or withdrawn an application. During her Minnesota suspension, she continued practicing law in Wisconsin. Following a 2006 reinstatement hearing, a Lawyers Professional Responsibility Board panel found by clear and convincing evidence that she was competent and morally fit to resume practice and recommended reinstatement subject to two years of supervised probation and additional conditions.

PROCEDURAL HISTORY

Nora was indefinitely suspended from practicing law in Minnesota in 1990. Her first reinstatement application was denied in 1991, and she voluntarily withdrew a second application in 1992. After filing another application in July 2006, she received a hearing before a Lawyers Professional Responsibility Board panel, which found by clear and convincing evidence that she was competent and morally fit to practice and recommended reinstatement with supervised probation. Nora and the Director agreed with the recommendation and waived briefing and oral argument. The Supreme Court independently reviewed the record and approved the disposition.

DISPOSITION

approved

CASES CITED

- In re Nora, 450 N.W.2d 328, 330 (Minn. 1990)
- In re Nora, 471 N.W.2d 670 (Minn. 1991)

- In re Nora, 489 N.W.2d 525 (Minn. 1992)
- In re Swanson, 343 N.W.2d 662, 664 (Minn. 1984)

OPINION

PER CURIAM.

725 N.W.2d 745 (2007) In re the Petition for REINSTATEMENT TO the PRACTICE OF LAW OF Wendy Alison NORA, Registration No. 165906. No. A06-1292. Supreme Court of Minnesota. January 11, 2007. ORDER On January 19, 1990, we indefinitely suspended petitioner Wendy Alison Nora from the practice of law with no right to apply for reinstatement for at least 30 days.

In re Nora, 450 N.W.2d 328, 330 (Minn.1990). In 1991, we denied petitioner's application for reinstatement. In re Nora, 471 N.W.2d 670 (Minn.1991). Petitioner voluntarily withdrew a second application for reinstatement in 1992.

In re Nora, 489 N.W.2d 525 (Minn.1992). During her suspension from the practice of law in Minnesota, petitioner has continued to practice in Wisconsin, where she was admitted to practice in 1975. Petitioner again applied for reinstatement in July 2006, and a hearing was held before a panel of the Lawyers Professional Responsibility Board.

The panel found that petitioner has proven by clear and convincing evidence that she is competent and morally fit to resume the practice of law. See In re Swanson, 343 N.W.2d 662, 664 (Minn.1984) (providing that burden is on attorney to establish by clear and convincing evidence the moral fitness to resume the practice of law).

The panel recommended that petitioner be reinstated to the practice of law and be placed on supervised probation for two years subject to additional conditions. Petitioner and the Director agree with the panel's recommendation and waive briefing and oral argument on the petition. *746 This court has independently reviewed the file and approves the panel's recommended disposition.

Based upon all the files, records, and proceedings herein, IT IS HEREBY ORDERED that, effective immediately, petitioner Wendy Alison Nora is reinstated to the practice of law and is placed on supervised probation for a period of two years, subject to the following conditions: (a) Petitioner shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and shall promptly respond to the Director's correspondence by the due date.

Petitioner shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, petitioner shall provide authorization for release of information and documentation to verify compliance with the terms of this probation. (b) Petitioner shall abide by the Minnesota Rules of Professional Conduct. (c) Petitioner's Minnesota practice shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation.

Petitioner shall not agree to represent any Minnesota clients until a supervisor has signed a consent to supervise. Petitioner shall provide to the Director, no later than two weeks from the date of filing of this order, the names of four attorneys who have agreed to be nominated as petitioner's supervisor. If, after diligent effort, petitioner is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor.

Petitioner shall make active client files available to the Director upon request. (d) Petitioner shall cooperate fully with the supervisor in his/her efforts to monitor compliance with this probation. Petitioner shall contact the supervisor and schedule bi-monthly, in-person meetings with her supervisor, at which meetings the supervisor shall randomly select and review a sample of petitioner's open Minnesota files.

Petitioner's supervisor shall have access to all Minnesota client files unless such access would constitute a conflict of interest. Petitioner shall submit to the supervisor an inventory of all active Minnesota client files by the first day of each month during the probation. With respect to each active Minnesota client file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, anticipated closing date, and any complaints or circumstances that might lead to a complaint.

Petitioner's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director. (e) Petitioner shall continue medical treatment from a medical professional approved by the Director and abide by the course of treatment recommended. Petitioner shall complete the necessary authorizations for release of medical information to ensure that information regarding petitioner's health status is shared with the Director on a regular basis.

BY THE COURT: /s/Helen M. Meyer Associate Justice ANDERSON, G. BARRY, J., took no part in the consideration or decision of this matter.