

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2023 ND 189

In the Matter of Reciprocal Discipline of Joseph D. Roach, a Member of the
Bar of the State of North Dakota

No. 20230233

Recommendation for Reciprocal Discipline.

SUSPENSION ORDERED.

Per Curiam.

[¶1] On June 20, 2023, the North Dakota Disciplinary Board notified the Supreme Court under N.D.R. Lawyer Discipl. 4.4(D) it was recommending the reciprocal discipline of Joseph D. Roach. The record reflects that effective December 7, 2022, the Minnesota Supreme Court reprimanded and placed him on probation with conditions for two years based on misconduct representing a client in a divorce.

[¶2] Roach was admitted to practice law in North Dakota on November 18, 2003, and has been licensed since. On December 27, 2022, 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 Roach 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. On January 17, 2023, Roach, consented to reciprocal discipline, but asked that the monitoring of his practice be satisfied in Minnesota, where he resides and his office is located.

[¶3] On June 20, 2023, the Disciplinary Board filed its recommendation that Roach be reprimanded by this court. It requested that Roach be put on probation with the conditions set out in the Minnesota order for two years. The Board recommended that, rather than a Minnesota attorney, an attorney licensed in North Dakota supervise Roach's North Dakota practice.

[¶4] The Court considered the matter, and

[¶5] ORDERED that Joseph D. Roach is REPRIMANDED.

[¶6] IT IS FURTHER ORDERED that Roach is placed on probation effective upon the entry of judgment in this matter with the following conditions:

1. Roach comply with the Minnesota Supreme Court order filed December 7, 2022. Roach will provide to North Dakota Disciplinary Counsel copies of all reports filed in connection with that supervision.
2. Roach abide by the North Dakota Rules of Professional Conduct.
3. Roach be supervised by an attorney licensed in North Dakota for compliance with the terms of this probation and with respect to any practice in North Dakota for two years effective upon entry of the judgment in this matter.
4. Roach will cooperate fully with his supervisor's efforts to monitor compliance. Roach will contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Roach will submit to the supervisor an inventory of all active files related to North Dakota practice by the first day of each month during probation. With respect to each active North Dakota file, the inventory will disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Roach's supervisor will file written reports with Disciplinary Counsel at least quarterly, or at such more frequent intervals as may reasonably be requested by Disciplinary Counsel.

5. Within two weeks of entry of judgment in this matter, Roach will provide Disciplinary Counsel with the name of the attorney licensed in North Dakota who agrees to supervise. If, after diligent effort, respondent is unable to locate a supervisor, Disciplinary Counsel will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, Roach will on the first day of each month provide Disciplinary Counsel with an inventory of active files related to North Dakota practice. Roach will make active files related to North Dakota practice available to Disciplinary Counsel upon its request.
6. Roach's North Dakota supervising attorney shall file quarterly written reports with Disciplinary Counsel which will be due starting November 1, 2023.

[¶1] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr