

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
09/16/2024
Clerk of the
Appellate Courts

IN RE: GRACE INGRID GARDINER, BPR #023269
An Attorney Licensed to Practice Law in Tennessee
(Tampa, Florida)

No. M2024-01220-SC-BAR-BP
BOPR No. 2024-3428-5-AW-25

ORDER OF RECIPROCAL DISCIPLINE

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 25, upon a Notice of Submission filed by the Board of Professional Responsibility (“Board”) containing a certified copy of *In re Grace Ingrid Gardiner* order entered June 20, 2024, by the Supreme Court of Minnesota indefinitely suspending Grace Ingrid Gardiner from the practice of law. The Minnesota order is attached hereto as exhibit A.

On August 15, 2024, this Court entered a Notice of Reciprocal Discipline advising Ms. Gardiner to inform this Court within thirty (30) days of receipt of the Notice why reciprocal discipline should not be imposed in Tennessee pursuant to Tenn. Sup. Ct. R. 9, § 25.4 or, in the absence of a response demonstrating the grounds set forth in Tenn. Sup. Ct. R. 9, § 25.4, this Court would impose discipline with identical terms and conditions based upon the order of the Supreme Court of Minnesota. Ms. Gardiner responded on September 13, 2024, acknowledging that no grounds specified in Tenn. Sup. Ct. R. 9, § 25.4 exist and that reciprocal discipline identical in terms and conditions to that imposed by the Supreme Court of Minnesota should be imposed here.

Accordingly, this Court finds, based upon the Board’s Notice of Submission and Ms. Gardiner’s response that it is appropriate to enter an Order of Reciprocal Discipline.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

- (1) Grace Ingrid Gardiner shall be indefinitely suspended from the practice of law consistent with the final order entered June 20, 2024, by the state of Minnesota Supreme Court.
- (2) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3, Ms. Gardiner shall pay to the Clerk

of this Court the costs incurred herein within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

- (3) Prior to seeking reinstatement, Ms. Gardiner must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs in this matter.
- (4) Ms. Gardiner shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.
- (5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.
- (6) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

FILED

June 20, 2024

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A22-0922

In re Petition for Disciplinary Action Against
Grace I. Gardiner, a Minnesota Attorney,
Registration No. 0282248.

O R D E R

On March 10, 2023, we suspended respondent Grace I. Gardiner for 4 months, retroactive to August 30, 2021, waived the reinstatement hearing process, and allowed her to be reinstated by affidavit. *In re Gardiner*, 986 N.W.2d 489, 490 (Minn. 2023) (order). We stated that by March 10, 2024, Gardiner had to file proof of her successful completion of the written examination required for admission to the practice of law by the Minnesota State Board of Law Examiners on the subject of professional responsibility and that failure to do so would result in automatic suspension, as provided in Rule 18(e)(3), Rules on Lawyers Professional Responsibility (RLPR). *Gardiner*, 986 N.W.2d at 490–91.

We conditionally reinstated Gardiner on June 28, 2023. *In re Gardiner*, No. A22-0922, Order at 1 (Minn. filed June 28, 2023). Our order reinstating Gardiner repeated the requirement from our earlier order regarding the deadline to file proof of her successful completion of the professional responsibility portion of the state bar examination. *Id.* at 2. We again stated that failure to do so would result in automatic suspension, pending successful completion of the examination, as provided in Rule 18(e)(3), RLPR. *Gardiner*, Order at 2.

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Exhibit A

Rule 18(e)(3), RLPR, provides that, unless waived by this court, “any suspended lawyer for whom the Court waives” the reinstatement hearing process “must, within one year from the date of the suspension order, successfully complete such written examination as may be required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility.” The professional responsibility examination referred to in Rule 18(e)(3), RLPR, is the Multistate Professional Responsibility Examination (MPRE). *See* Rule 4.A.(5), Rules for Admission to the Bar. “Except upon motion and for good cause shown, failure to successfully complete this examination shall result in automatic suspension of the lawyer effective one year after the date of the original suspension order.” Rule 18(e)(3), RLPR.

“We have routinely denied attorneys’ requests for additional time to provide proof of passing the MPRE and instead have suspended the attorney.” *In re McCloud*, 971 N.W.2d 78, 78 (Minn. 2022) (order). This includes attorneys who argued that health issues precluded them from taking or passing the MPRE. *See id.* at 78–79 (denying motion and suspending attorney who claimed health issues and the COVID-19 pandemic prevented him from passing the MPRE); *In re Kennedy*, 919 N.W.2d 332, 332–33 (Minn. 2018) (order) (denying motion and suspending attorney who was unable to take the March 2018 MPRE due to health reasons and professional obligations and who took but did not receive a passing score on the August 2018 MPRE); *In re McCormick*, 837 N.W.2d 493, 494–95 (Minn. 2013) (order) (denying motion and suspending attorney who took and failed the MPRE and said he failed because he was ill on the day of the exam).

Gardiner did not file proof of successful completion of the MPRE by March 10, 2024. Instead, she filed a motion seeking additional time to provide such proof. Gardiner argues that she has shown good cause for an extension of time for her to successfully complete the MPRE because of her health problems. Gardiner states that she took the MPRE in March, August, and November 2023 but did not receive a passing score.¹ In addition to describing her health issues, Gardiner states that while studying for the November 2023 exam, she noticed that it was difficult for her to retain material. She plans on taking the MPRE again in August 2024.

The Director of the Office of Lawyers Professional Responsibility opposes Gardiner's motion.

Gardiner took and failed the MPRE three times. With respect to the first two times she took the MPRE, Gardiner does not explain the connection between her health problems and her failing the exam. Gardiner does claim that her health problems affected her performance the third time she took the MPRE, but she provides little evidence to support this claim. *See McCloud*, 971 N.W.2d at 79 (rejecting request for additional time to pass the MPRE, in part, because the lawyer failed to show that his hospitalizations or health issues prevented him from taking or passing the MPRE). Gardiner has not established good cause for her failure to successfully complete the MPRE.

¹ In an affidavit in support of her motion, Gardiner incorrectly states that a passing score on the MPRE is 81. In Minnesota, a scaled score of 85 on the MPRE is a passing score. Rule 4.A.(5), Rules for Admission to the Bar.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The motion of respondent Grace I. Gardiner for additional time to provide proof of successfully completing the professional responsibility portion of the state bar examination is denied.

2. Respondent's conditional reinstatement is revoked, and she is indefinitely suspended, effective 14 days from the date of this order.

3. Respondent must comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals).

4. Respondent may apply for reinstatement under Rule 18(f), RLPR, by filing with the Clerk of the Appellate Courts and serving upon the Director of the Office of Lawyers Professional Responsibility proof that she has successfully completed the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility.

Dated: June 20, 2024

BY THE COURT:



Margaret H. Chutich
Associate Justice