

SUPREME COURT OF MINNESOTA

In re Disciplinary Action Against Lundeen

807 N.W.2d 168 (Minn. 2011) · Decided December 1, 2011

SUMMARY

The Minnesota Supreme Court temporarily suspended Steven Paul Lundeen from the practice of law pending final determination of disciplinary proceedings. The court deemed admitted allegations that Lundeen misappropriated client funds, abandoned clients, made false statements, engaged in unauthorized practice, committed criminal misconduct, and failed to cooperate with the disciplinary investigation.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Alan C. Page
JURISDICTION	Minnesota
DECIDED	December 1, 2011
DISPOSITION	other
PROCEDURAL POSTURE	The Director of the Office of Lawyers Professional Responsibility petitioned for disciplinary action and temporary suspension of respondent Steven Paul Lundeen. Lundeen failed to answer the petitions, causing the allegations to be deemed admitted.
STANDARD OF REVIEW	The court independently reviewed the records, files, and proceedings to determine whether temporary suspension was warranted under Rule 16, RLPR.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court disciplinary order

TOPICS

administrative law

sanctions

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

administrative law

QUESTIONS PRESENTED

1. Whether the allegations in the disciplinary and temporary-suspension petitions were deemed admitted when Lundeen failed to answer them.
2. Whether temporary suspension from the practice of law was warranted under Rule 16, RLPR, because continuation of Lundeen's authority to practice posed a substantial threat of serious harm to the public.

HOLDINGS

1. When a respondent fails to answer a disciplinary petition or supplemental petition, the allegations are deemed admitted under Rule 13(b), RLPR.
2. Temporary suspension was warranted under Rule 16, RLPR, where the admitted allegations and the court's independent review showed that continued authority to practice law posed a substantial threat of serious harm to the public.

KEY QUOTATIONS

“Therefore, the allegations in the petition for temporary suspension are deemed admitted, and “this Court may enter an order suspending the lawyer pending final determination of the disciplinary proceedings.””
(807 N.W.2d at 169)

FACTUAL BACKGROUND

The disciplinary petitions alleged that Lundeen misappropriated one client's funds and abandoned six other clients after accepting advance fees and costs, making false statements about work performed, and refusing to return unearned fees and costs. They also alleged unauthorized practice of law after suspension for failure to pay his attorney-registration fee, a fifth-degree drug-possession conviction, misconduct in the criminal proceeding, and failure to cooperate with the disciplinary investigation. The temporary-suspension petition further alleged that he continued accepting fees without completing legal work, was unavailable to clients, lacked an office at his registered address, and had not completed required chemical-dependency evaluation and treatment.

PROCEDURAL HISTORY

The Director filed an initial disciplinary petition and two supplemental petitions alleging client-fund misappropriation, client abandonment, unauthorized practice, criminal misconduct, and failure to cooperate with the investigation. The court previously deemed the allegations in the initial and first supplemental petitions admitted, and deemed the allegations in the second supplemental petition admitted when Lundeen failed to answer it. The Director then petitioned for temporary suspension under Rule 16(a), RLPR; Lundeen did not answer within 20 days. After independently reviewing the file, the court temporarily suspended Lundeen pending final determination of the disciplinary proceedings.

DISPOSITION

other