

SUPREME COURT OF MINNESOTA

In re Disciplinary Action Against Oyen

791 N.W.2d 129 (Minn. 2010) · Decided December 3, 2010

SUMMARY

The Minnesota Supreme Court approved a stipulated disposition disciplining attorney Kristian Lee Oyen for professional misconduct, including an improper sexual relationship with a client, neglect of client matters, inadequate communication, and delay in returning a client file. The court imposed a 60-day suspension, two years of supervised probation upon reinstatement, completion of the professional responsibility portion of the state bar examination, and \$900 in costs.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Alan C. Page
JURISDICTION	Minnesota
DECIDED	December 3, 2010
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Director of the Office of Lawyers Professional Responsibility filed an amended petition, the respondent waived procedural rights and admitted the allegations, and the parties jointly recommended discipline.
STANDARD OF REVIEW	The court independently reviewed the file, records, and proceedings before approving the recommended disciplinary disposition.
PRECEDENTIAL VALUE	published disciplinary order

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the court should approve the parties' jointly recommended discipline for the respondent's admitted professional misconduct.

2. What conditions should govern the respondent's suspension, reinstatement, supervised probation, continuing professional responsibility examination, and payment of costs.

HOLDINGS

1. The court approved the jointly recommended disposition after independently reviewing the file, records, and proceedings, and suspended Kristian Lee Oyen from the practice of law for 60 days followed by two years of supervised probation.
2. Reinstatement was conditioned on compliance with notice, continuing legal education, affidavit, supervised-probation, professional-responsibility examination, and other requirements, and the respondent was required to pay \$900 in costs.

KEY QUOTATIONS

“The court has independently reviewed the file and approves the recommended disposition.” (at 130)

“Respondent Kristian Lee Oyen is suspended from the practice of law, effective upon the date of filing of this order, for a period of 60 days.” (at 130)

“Failure to do so shall result in automatic re-suspension, pending successful completion of the examination, pursuant to Rule 18(e)(3), RLPR.” (at 131)

FACTUAL BACKGROUND

Kristian Lee Oyen admitted having sexual relations with a client, failing to diligently handle three client matters, failing to communicate with two clients, and delaying the return of a client's files after termination of representation. The misconduct was alleged to violate Minnesota Rules of Professional Conduct 1.8(j), 1.7(a)(2), 1.3, 1.4(a)(3) and (4), and 1.16(d). The parties jointly recommended a 60-day suspension followed by two years of supervised probation.

PROCEDURAL HISTORY

The Director filed an amended petition alleging multiple violations of the Minnesota Rules of Professional Conduct. Kristian Lee Oyen waived his procedural rights under Rule 14 of the Rules on Lawyers Professional Responsibility and admitted the allegations. The Minnesota Supreme Court independently reviewed the record and approved the jointly recommended discipline.

DISPOSITION

other