

SUPREME COURT OF MINNESOTA

In re Disciplinary Action Against Hulstrand

757 N.W.2d 690 (Minn. 2008) · Decided November 26, 2008

SUMMARY

The Minnesota Supreme Court approved a jointly recommended disposition in a lawyer disciplinary matter involving George E. Hulstrand, Jr.'s misconduct in representing a bankruptcy client. The court publicly reprimanded Hulstrand, placed him on two years of supervised probation, and ordered him to pay \$900 in costs.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Alan C. Page
JURISDICTION	Minnesota
DECIDED	November 26, 2008
DISPOSITION	approved
PROCEDURAL POSTURE	The Director of the Office of Lawyers Professional Responsibility filed a petition alleging that George E. Hulstrand, Jr., committed professional misconduct in connection with a bankruptcy representation. Hulstrand admitted the violations, waived his procedural rights, and jointly recommended with the Director that the court impose a public reprimand and two years of supervised probation.
STANDARD OF REVIEW	Independent review of the disciplinary file, records, and proceedings.
PRECEDENTIAL VALUE	published

TOPICS

bankruptcy

bankruptcy disclosure requirements

PRACTICE AREAS

legal ethics and professional responsibility

bankruptcy law

attorney discipline

QUESTIONS PRESENTED

1. Whether the respondent's admitted professional misconduct warranted the jointly recommended discipline of a public reprimand and two years of supervised probation.
2. What conditions should govern the respondent's probation.

HOLDINGS

1. The court approved the jointly recommended disposition and publicly reprimanded Hulstrand for his admitted professional misconduct.

KEY QUOTATIONS

"The court has independently reviewed the file and approves the jointly recommended disposition." (757 N.W.2d at 691)

FACTUAL BACKGROUND

Hulstrand failed to competently represent a client in a bankruptcy matter and failed to properly withdraw while protecting the client's interests. He also failed to respond to requests from the bankruptcy trustee, failed to appear at a bankruptcy hearing, and failed to keep the client reasonably informed or adequately explain the matter. Hulstrand admitted that this conduct violated the Minnesota Rules of Professional Conduct.

PROCEDURAL HISTORY

The Director filed a disciplinary petition alleging violations of the Minnesota Rules of Professional Conduct. The respondent admitted the misconduct and waived procedural rights under Rule 14 of the Rules on Lawyers Professional Responsibility. The Minnesota Supreme Court independently reviewed the record and approved the jointly recommended disposition.

DISPOSITION

approved

OPINION

In re Disciplinary Action Against Hulstrand 757 N.W.2d 690

ALAN, J.

ORDER

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent George E. Hulstrand, Jr., committed professional misconduct warranting public discipline, namely, failure to competently represent a client in bankruptcy, failure to properly withdraw from representation, failure to protect the client's interests upon withdrawal, failure to respond to the bankruptcy trustee's requests for information, failure to appear at a bankruptcy hearing, failure to keep the client reasonably informed, and failure to adequately explain the matter to the client, in violation of Minn. R. Prof. Conduct 1.1, 1.16(c) and (d), 3.4(c), and 1.4(a) and (b). Respondent admits that his conduct violated the Rules

of Professional Conduct, waives his procedural rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR), and with the Director recommends that the appropriate discipline is a public reprimand and two years' supervised probation. *691The court has independently reviewed the file and approves the jointly recommended disposition. Based upon all the files, records, and proceedings herein, IT IS HEREBY ORDERED that respondent George E. Hulstrand, Jr., is publicly reprimanded and placed on probation for a period of two years from the date of filing of this order, subject to the following terms and conditions: (a) Respondent 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. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent 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, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation. (b) Respondent shall abide by the Minnesota Rules of Professional Conduct. (c) Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation. Respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor within two weeks from the date of filing of this order. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall on the first day of each month provide the Director with the inventory of active client files described in paragraph (d) below. Respondent shall make active client files available to the Director upon request. (d) Respondent shall cooperate fully with the supervisor's efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. By the first day of each month during probation, respondent shall submit to the supervisor an inventory of all active client files. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, date of most recent activity, next anticipated action, and anticipated closing date. Respondent'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) Respondent shall initiate and maintain office procedures that ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that respondent is handling, and that will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis. (f) Within 30 days from the date of filing of this order, respondent shall provide to the Director and to the probation supervisor, once appointed, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress

reports as requested. Respondent shall pay \$900 in costs pursuant to Rule 24, RLPR. *692BY
THE COURT: /s/ Alan C. Page Associate Justice

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