SUPREME COURT OF MINNESOTA

In re Disciplinary Action Against Hatling

794 N.W.2d 642 (Minn. 2011) · Decided March 8, 2011

SUMMARY

The Minnesota Supreme Court conditionally reinstated John Allen Hatling to the practice of law effective March 7, 2011, subject to his successful completion of the professional responsibility portion of the state bar examination. The court also placed him on two years of probation, requiring compliance with professional-conduct rules and specified tax-filing and tax-payment obligations.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Alan C. Page
JURISDICTION	Minnesota
DECIDED	March 8, 2011
DISPOSITION	other
PROCEDURAL POSTURE	Respondent John Allen Hatling sought reinstatement after a 45-day suspension from the practice of law. The Director of the Office of Lawyers Professional Responsibility did not oppose the request.
PRECEDENTIAL VALUE	published

TOPICS

appellate procedure · tax collection · tax

PRACTICE AREAS

attorney discipline · professional responsibility · tax compliance

QUESTIONS PRESENTED

1. Whether respondent should be reinstated to the practice of law after a 45-day suspension despite not yet successfully completing the professional-responsibility portion of the state bar examination.
2. What conditions should govern respondent's reinstatement and probation, including tax-filing, tax-payment, and payment-agreement requirements.

HOLDINGS

1. Respondent was conditionally reinstated to the practice of law effective March 7, 2011, subject to successful completion of the professional-responsibility portion of the state bar examination.
2. Respondent was placed on probation for two years and required to cooperate with monitoring, comply with the Minnesota Rules of Professional Conduct, timely file and pay required state and federal taxes, report compliance, and enter into satisfactory payment agreements with the IRS and Minnesota Department of Revenue for unpaid taxes.

KEY QUOTATIONS

> *"IT IS HEREBY ORDERED that, effective March 7, 2011, respondent John Allen Hatling is conditionally reinstated to the practice of law in the State of Minnesota, subject to his successful completion of the professional responsibility portion of the state bar examination."* (794 N.W.2d at 642)

> *"IT IS FURTHER ORDERED that respondent is placed on probation for a period of two years, subject to the following terms and conditions:"* (794 N.W.2d at 642-643)

FACTUAL BACKGROUND

John Allen Hatling had been suspended from the practice of law for 45 days. He represented that he had complied with the suspension order except that he had not successfully completed the professional-responsibility portion of the state bar examination. His reinstatement request was unopposed by the Director of the Office of Lawyers Professional Responsibility. The court also required him to remain current on state and federal tax filings and payments and to enter into satisfactory payment agreements for unpaid taxes.

PROCEDURAL HISTORY

The court suspended Hatling from practicing law for 45 days on January 11, 2011. After Hatling filed an affidavit stating that he had complied with the suspension order except for completing the professional-responsibility portion of the state bar examination, he requested reinstatement. The Supreme Court of Minnesota conditionally reinstated him effective March 7, 2011, imposed a two-year probation, and required compliance with specified tax and professional-responsibility conditions.

DISPOSITION

other

OPINION

ALAN, J.

ORDER On January 11, 2011, the court suspended respondent John Allen Hatling from the practice of law for a period of 45 days. Respondent has filed an affidavit stating that he has fully complied with the terms of the suspension order, except for successful completion of the professional responsibility portion of the state bar examination, and requests reinstatement.

The Director of the Office of Lawyers Professional Responsibility does not oppose the request. Based upon all the files, records, and proceedings herein, IT IS HEREBY ORDERED that, effective March 7, 2011, respondent John Allen Hatling is conditionally reinstated to the practice of law in the State of Minnesota, subject to his successful completion of the professional responsibility portion of the state bar examination.

By January 11, 2012, respondent shall file with the Clerk of Appellate Courts and serve upon the Director of the Office of Lawyers Professional Responsibility proof of successful completion of the professional responsibility portion of the state bar examination. Failure to do so shall result in automatic re-suspension, pending successful completion of the examination, pursuant to Rule 18(e)(3), Rules on Lawyers Professional Responsibility.

IT IS FURTHER ORDERED that respondent is placed on probation for a period of two years, subject to the following terms and conditions: (a) Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with probation. Respondent shall promptly respond to the Director's correspondence by the due date. Respondent shall provide the Director with a current mailing address and shall immediately notify the Director of any change of address.

Re*643spondent 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 authorize the release of information and documentation to verify compliance with the terms of probation. (b) Respondent shall abide by the Minnesota Rules of Professional Conduct. (c) Respondent shall timely file all required state and federal tax returns, including individual and employer withholding returns, and shall timely pay the taxes due thereon.

Respondent shall affirmatively report to the Director, on or before the due date of the required returns, his compliance with filing and payment requirements and shall provide the Director with copies of the required returns.

On or before the filing deadline, respondent shall provide the Director with copies of all applications for extensions and proof of approval of such extensions where approval by the taxing authority is required for the extension to be effective. Respondent shall provide the documents and information required by this paragraph without specific reminder or request. (d) Within 60 days of the date of filing of this order, respondent shall have entered into agreements satisfactory to the Internal Revenue Service (IRS) and the Minnesota Department of Revenue (DOR) for the payment of all unpaid taxes.

Respondent shall provide the Director with copies of the payment agreements and proof that respondent is current on payments required by the agreements. If, despite diligent efforts, respondent has not reached agreement with the IRS and the DOR, respondent shall report monthly to the Director concerning his progress until written payment agreements have been signed with both the IRS and the DOR.

BY THE COURT: /s/Alan C. Page Associate Justice