

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