

SUPREME COURT OF MINNESOTA

In re Disciplinary Action Against Miller

836 N.W.2d 518 (Minn. 2013) · Decided September 3, 2013

SUMMARY

The Minnesota Supreme Court approved a stipulated disposition disciplining Robert D. Miller for illegally possessing a controlled substance and appearing in court while under the influence of alcohol. The court publicly reprimanded Miller, ordered him to pay \$900 in costs, and placed him on probation until April 15, 2016, subject to specified sobriety, treatment, monitoring, and professional-conduct conditions.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Alan C. Page
JURISDICTION	Minnesota
DECIDED	September 3, 2013
DISPOSITION	other
PROCEDURAL POSTURE	The Director of the Office of Lawyers Professional Responsibility petitioned the Minnesota Supreme Court for disciplinary action against attorney Robert D. Miller. Miller admitted the allegations and stipulated with the Director to a public reprimand, costs, and probation.
STANDARD OF REVIEW	Independent review of the file, records, and proceedings to determine whether to approve the jointly recommended disciplinary disposition.
PRECEDENTIAL VALUE	published

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics

professional discipline

lawyer discipline

administrative law

QUESTIONS PRESENTED

1. Whether Miller's admitted violations of Minn. R. Prof. Conduct 8.4(b) and (d) warranted public discipline.
2. Whether the Supreme Court should approve the parties' jointly recommended disposition of a public reprimand, costs, and probation.

HOLDINGS

1. The Supreme Court approved the jointly recommended disposition and publicly reprimanded Miller, ordered him to pay \$900 in costs, and placed him on probation until April 15, 2016, subject to specified conditions.

KEY QUOTATIONS

"This court has independently reviewed the file and approves the jointly recommended disposition." (519)

FACTUAL BACKGROUND

Robert D. Miller illegally possessed a controlled substance and appeared in court while under the influence of alcohol. He pleaded guilty to fifth-degree possession of a controlled substance, while the district court stayed adjudication and placed him on probation. Miller admitted the professional-misconduct allegations and agreed to conditions addressing chemical dependency, abstinence, treatment, monitoring, and compliance with criminal probation.

PROCEDURAL HISTORY

Miller pleaded guilty in district court to fifth-degree possession of a controlled substance, but adjudication was stayed and he was placed on probation. The Director then filed a disciplinary petition alleging violations of Minn. R. Prof. Conduct 8.4(b) and (d). Miller waived his Rule 14 rights, admitted the allegations, and jointly recommended a public reprimand and probation with the Director. The Supreme Court independently reviewed the record and approved the recommended disposition.

DISPOSITION

other