

SUPREME COURT OF MINNESOTA

In re Disciplinary Action Against Olson

903 N.W.2d 425 (Minn. 2017) · No. A16-1374 · Decided November 8, 2017

SUMMARY

The Minnesota Supreme Court revoked David Walter Olson's conditional reinstatement after he failed to provide proof of successfully completing the Multi-state Professional Responsibility Examination. The court indefinitely suspended Olson, effective 10 days after filing of the order, and permitted him to seek reinstatement upon proof of passing the required professional-responsibility examination.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	David R. Stras
JURISDICTION	Minnesota
DECIDED	November 8, 2017
DOCKET	A16-1374
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding concerning respondent's failure to complete and provide proof of passage of the required professional-responsibility examination after conditional reinstatement.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court disciplinary order

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

bar admission and reinstatement

QUESTIONS PRESENTED

1. Whether Olson's conditional reinstatement should be revoked after he failed to provide proof of successfully completing the required professional-responsibility examination.
2. Whether Olson should be indefinitely suspended pending successful completion of the required professional-responsibility examination.

HOLDINGS

1. A lawyer conditionally reinstated after a suspension of 90 days or less who fails to timely complete and provide proof of the required professional-responsibility examination may be automatically suspended, and the court may revoke the conditional reinstatement.
2. Olson's conditional reinstatement is revoked and he is indefinitely suspended, effective 10 days after filing of the order, pending his successful completion of the required professional-responsibility examination.

KEY QUOTATIONS

“Respondent’s conditional reinstatement is revoked and that he is indefinitely suspended, effective 10 days from the date of the filing of this order.”

FACTUAL BACKGROUND

Olson had been suspended from the practice of law and was required to pass the professional-responsibility examination, identified as the MPRE, and file proof of passage with the Clerk of the Appellate Courts. Although conditionally reinstated, he did not provide proof of passing the MPRE by October 18, 2017. He also failed to respond to the court's order directing him to show cause why he should not be suspended.

PROCEDURAL HISTORY

The court previously suspended David Walter Olson for a minimum of 60 days and required him to provide proof of successful completion of the professional-responsibility examination within one year, with automatic re-suspension for failure to comply. The court later conditionally reinstated Olson and repeated the examination requirement. After Olson failed to provide proof of passing the MPRE and did not respond to an order to show cause, the court revoked his conditional reinstatement and indefinitely suspended him.

DISPOSITION

other

CASES CITED

- In re Olson, 886 N.W.2d 485, 485 (Minn. 2016) (order)
- In re Olson, 889 N.W.2d 289, 289 (Minn. 2016) (order)
- In re Olson, No. A16-1374, Order at 1-2 (Minn. filed Oct. 25, 2017)

OPINION

STRAS, J.

ORDER We suspended respondent David Walter Olson from the practice of law for a minimum of 60 days, effective November 1, 2016. In re Olson, 886 N.W.2d 485, 485 (Minn. 2016) (order). We expressly stated that within 1 year of the date of the filing of the order, respondent was required to

file with the Clerk of the Appellate Courts proof of his “successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility,” and that failure to do so would “result in automatic re-suspension.” *Id.* The required professional-responsibility examination is the Multi-state Professional Responsibility Examination (MPRE).

See Rule 4.A(5), Rules for Admission to the Bar. We conditionally reinstated respondent, effective December 31, 2016. *In re Olson*, 889 N.W.2d 289, 289 (Minn. 2016) (order). We again repeated the requirement that respondent had to file with the Clerk of the Appellate Courts proof of successful completion of the MPRE by October 18, 2017, and that failure to do so would result in automatic re-suspension, pending successful completion of the examination.

Id. Rule 18(e)(3), Rules on Lawyers Professional Responsibility (RLPR), provides that, unless waived by this court, a lawyer who has been suspended for 90 days or less “must, within one year from the date of the suspension order, successfully complete such written examination as may be required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility.” Furthermore, “[e]xcept upon motion and for good cause shown, failure to successfully complete this examination shall result in automatic suspension of the lawyer effective one year after the date of the original suspension order.” *Id.* ■ Respondent did not provide this court with proof that he successfully passed the MPRE by October 18, 2017.

By order dated October 25, 2017, we gave respondent 10 days to file proof of cause why he should not be immediately suspended pending his successful completion of the MPRE. *In re Olson*, No. A16-1374, Order at 1-2 (Minn. filed Oct. 25, 2017).

We said that if no proof of cause was filed within 10 days, respondent would “be immediately suspended without further notice or proceedings.” *Id.* at 1. Respondent did not respond to the October 25 order to show cause. Based upon all the files, records, and proceedings herein, IT IS HEREBY ORDERED that respondent David Walter Olson’s conditional reinstatement is revoked and that he is indefinitely suspended, effective 10 days from the date of the filing of this order, Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals).

Respondent may apply for reinstatement under Rule 18(f), RLPR, by filing with the Clerk of the Appellate Courts and serving on the Director of the Office of Lawyers Professional Responsibility proof that he has received a passing score on such written examination as may be required for admission to the practice of law by the State Board of Law Examiners ■ on the subject of professional responsibility.

BY THE COURT: /s/-:-!-. David R. Stras Associate Justice

