

SUPREME COURT OF MINNESOTA

In re Petition for Disciplinary Action Against Eric Leighton Crandall

699 N.W.2d 769 (Minn. 2005) · No. A04-2431 · Decided July 28, 2005

SUMMARY

The Minnesota Supreme Court imposed an indefinite suspension on attorney Eric Leighton Crandall for neglecting three client matters, failing to communicate with clients, and failing to cooperate with the disciplinary investigation. Crandall was permitted to seek reinstatement after three months, subject to compliance with the applicable reinstatement rules, and was ordered to pay \$900 in costs and disbursements.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Per Curiam; Anderson; Blatz
JURISDICTION	Minnesota
DECIDED	July 28, 2005
DOCKET	A04-2431
DISPOSITION	other
PROCEDURAL POSTURE	The Director of the Office of Lawyers Professional Responsibility filed a petition alleging professional misconduct. The parties stipulated to dispense with panel proceedings and file the petition directly with the Minnesota Supreme Court. After Crandall failed to answer, the petition was deemed admitted under Rule 13(b), and the court decided the appropriate discipline.
STANDARD OF REVIEW	The court imposed discipline on a case-by-case basis by examining the nature of the misconduct, the cumulative weight of the violations, harm to the public, and harm to the legal profession.
PRECEDENTIAL VALUE	Published, precedential Minnesota Supreme Court opinion

TOPICS

- sanctions
- attorney fees
- costs
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What level of professional discipline was warranted for Crandall's cumulative neglect of three client matters, failures to communicate and expedite litigation, conduct prejudicial to the administration of justice, and noncooperation with the disciplinary investigation?
2. Whether Crandall should be subject to an indefinite suspension with a specified period before he could seek reinstatement.

HOLDINGS

1. Serious, cumulative misconduct affecting three clients and including failure to cooperate with the disciplinary investigation warrants an indefinite suspension rather than a public reprimand and probation.
2. An attorney indefinitely suspended for serious misconduct may seek reinstatement after three months only by fully complying with the reinstatement requirements of Rule 18(a)-(e), RLPR.

KEY QUOTATIONS

“Disciplinary sanctions for professional misconduct are imposed to protect the public and the judicial system, and to deter future misconduct.” (772)

“Failure to timely and completely cooperate is a significant factor in an attorney discipline investigation because it impedes the investigation, adds to the burden on the Director's staff, prevents the Director from responding to the complaining party, and frequently precludes the development of a record that explains why the misconduct occurred and how the attorney intends to prevent it in the future.” (772)

FACTUAL BACKGROUND

Crandall neglected three client matters in the United States District Court for the District of Minnesota, failed to respond to motions, discovery, and requests for admission, missed hearings, and failed to communicate material developments to his clients. His conduct resulted in dismissal of two clients' claims, more than \$30,000 in federal fees and sanctions, a temporary suspension from federal practice, and other adverse litigation consequences. He also failed to timely and completely cooperate with the disciplinary investigation, despite repeated requests for written responses and meetings.

PROCEDURAL HISTORY

The disciplinary petition concerned Crandall's neglect of three federal civil matters, failures to communicate with clients, failures to expedite litigation, conduct prejudicial to the administration of justice, and failure to cooperate with the disciplinary investigation. The Director sought an indefinite suspension with no reinstatement application for at least six months; Crandall sought a public reprimand and probation. The court imposed an indefinite suspension, permitted an application for reinstatement after three months, ordered payment of \$900 in costs and disbursements, and required compliance with Rules 18 and 26, RLPR.

DISPOSITION

other

CASES CITED

- In re Moore, 692 N.W.2d 446, 448, 450 (Minn. 2005)
- In re Madsen, 426 N.W.2d 434, 435-36 (Minn. 1988)
- In re Pokorny, 453 N.W.2d 345 (Minn. 1990)
- In re Edinger, 700 N.W.2d 462 (Minn. July 28, 2005)

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