

FILED

January 25, 2022

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A21-1529

In re Petition for Disciplinary Action against
Dennis James Smith, a Minnesota Attorney,
Registration No. 0313725.

O R D E R

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent Dennis James Smith has committed professional misconduct warranting public discipline—namely, failing to exercise diligence in handling a client matter, failing to adequately or reasonably communicate with his client during the representation, failing to communicate his hourly rate to his client, failing to deposit a client’s advance fee payment into his trust account until three months after receipt, failing to properly safekeep a large check received from a third party in a client matter until mailing it to the client five weeks later, failing to timely withdraw earned fees from his trust account and provide the client with a billing statement to reflect the earned fees or work performed on the client matter, failing to timely forward his client’s file to her successor counsel, failing to timely refund the unearned portion of the advance fee, and making multiple knowingly false statements regarding the progress and status of his client’s file as well as false statements regarding respondent’s communication with his client, in violation of Minn. R. Prof. Conduct 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(b), 1.15(a), 1.15(b), 1.16(d), 4.1, and 8.4(c).

Respondent and the Director have entered into a stipulation for discipline. In it, respondent waives his right to answer, waives his other rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR), and unconditionally admits the allegations in the petition. The parties jointly recommend that the appropriate discipline is a 30-day suspension followed by 2 years of probation.

The court has independently reviewed the file and approves the recommended disposition.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Dennis James Smith is suspended from the practice of law for a minimum of 30 days, effective 14 days from the date of this order.
2. Respondent shall pay \$900 in costs pursuant to Rule 24, RLPR.
3. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals).
4. Upon reinstatement to the practice of law, respondent shall be placed on probation for a period of 2 years, upon the following terms and conditions:
 - a. Respondent shall abide by the Minnesota Rules of Professional Conduct.
 - b. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director's correspondence by its due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent 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 provide authorization for release of information and documentation to verify compliance with the terms of this probation.

c. Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation. Within 2 weeks from the date of this court's order reinstating respondent to the practice of law, respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall on the first day of each month provide the Director with an inventory of active client files, as described in paragraph d. below. Respondent shall make active client files available to the Director upon request.

d. Respondent shall cooperate fully with the supervisor in his/her efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client's name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

e. Respondent shall initiate and maintain office procedures which ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

f. Within 30 days from the filing of this court's order reinstating respondent to the practice of law, respondent shall provide to the Director and to the probation supervisor, if any, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

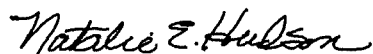
5. Respondent shall be eligible for reinstatement to the practice of law following the expiration of the suspension period provided that, not less than 15 days before the end of the suspension period, respondent files with the Clerk of the Appellate Courts and serves upon the Director an affidavit establishing that he is current in continuing legal

education requirements, has complied with Rules 24 and 26, RLPR, and has complied with any other conditions for reinstatement imposed by the court.

6. Within 1 year of the date of this order, respondent shall file with the Clerk of the Appellate Courts and serve upon the Director proof of 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. *See* Rule 4.A.(5), Rules for Admission to the Bar (requiring evidence that an applicant has successfully completed the Multistate Professional Responsibility Examination). Failure to timely file the required documentation shall result in automatic suspension, as provided in Rule 18(e)(3), RLPR.

Dated: January 25, 2022

BY THE COURT:



Natalie E. Hudson
Associate Justice

THISSEN, J., took no part in the consideration or decision of this case.