

STATE OF MINNESOTA
IN SUPREME COURT

A15-0890

FILED

July 8, 2015

**OFFICE OF
APPELLATE COURTS**

In re Petition for Disciplinary Action against
James Hillson Cohen, a Minnesota Attorney,
Registration No. 0263643.

ORDER

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent James Hillson Cohen committed professional misconduct warranting public discipline, namely: representing clients in a termination of parental rights proceeding despite a conflict of interest without obtaining timely informed consent, confirmed in writing; failing to withdraw from representation of clients and surrender an unused retainer after being discharged by order of the court; sharing fees with lawyers not in respondent's law firm without the agreement of clients, confirmed in writing; depositing unearned client funds into a business account; failing to provide billing statements or otherwise account to clients for payments made to respondent; failing to provide clients with written notice of the time, amount, and the purpose of withdrawals of their money from respondent's trust account; failing to timely withdraw the remaining balance of earned fees from a trust account and provide an accounting to the affected clients; failing to maintain accurate records of a client's retainer fee and failing to withdraw earned fees in a timely manner; and failing to maintain required books and records for a trust account and a business account, in

violation of Minn. R. Prof. Conduct 1.5(e), 1.7(a)(2), 1.15(a), (b), (c)(3), (c)(5), and (h), as interpreted by Appendix 1 to the Rules, and 1.16(a)(3) and (d).

Respondent waives his procedural 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 public reprimand and 2 years of supervised probation if respondent is transferred from retired status to active status.

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 James Hillson Cohen is publicly reprimanded.
2. Respondent shall pay \$900 in costs pursuant to Rule 24, RLPR.
3. Respondent's license to practice law in Minnesota was transferred to retired status, effective December 10, 2014. If respondent wishes to resume practicing law and have his license transferred to active status, before doing so he shall (1) give the Director 30 days' notice and (2) identify a probation supervisor who has consented to supervise respondent's probation. Upon the return to active status, and without any further order of the court, respondent shall be placed on supervised probation for a period of 2 years, subject to the following conditions:

(a) 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 the Director with 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 respondent's compliance with the terms of this probation;

(b) Respondent shall abide by the Minnesota Rules of Professional Conduct;

(d) Respondent shall cooperate fully with the supervisor's 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 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 the Director may reasonably request; and

(e) Respondent shall maintain law office and trust account books and records in compliance with Minn. R. Prof. Conduct 1.15 and Appendix 1 to the Rules. These books and records shall include the following: client subsidiary ledger, checkbook register, monthly trial balances, monthly trust account reconciliation, bank statements, cancelled checks, duplicate deposit slips and bank reports of interest, service charges, and interest payments to the Minnesota IOLTA Program. Such books and records shall be made available to the Director within 30 days from the date of the filing of this order and thereafter shall be made available to the Director at such intervals as he deems necessary to determine compliance.

Dated: July 8, 2015

BY THE COURT:



Alan C. Page
Associate Justice