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LAWYERS PROF. RESP. BOARD

STATE OF MINNESOTA

IN SUPREME COURT

C5-85-1907

OFFICE OF
APPELLATE COURTS

APR 08 1992

FILED

In Re the Petition for Disciplinary Action
against Richard W. Currott, an Attorney at
Law of the State of Minnesota.

ORDER

The Director of the Lawyers Professional Responsibility Board filed a petition with this Court alleging that the respondent Richard W. Currott has committed professional misconduct warranting public discipline. In the petition, the Director alleges three separate counts. In count one, the Director alleges that a client retained respondent in connection with the client's purchase of real property at a mortgage foreclosure sale and that respondent failed to file the sheriff's certificate of sale on time, failed to pursue the quiet title action diligently, and failed to communicate adequately with the client. In count two, the Director alleges that a client retained respondent to represent the client's mother in connection with the sale of the mother's home after the mother had moved into a nursing home and that respondent failed to take any action to cure a known title defect problem from September 1990 to August 1991 and failed to communicate adequately with the client. In count three, the Director alleges that a client retained respondent to complete a quiet title action and that respondent failed to pursue the quiet title action and failed to communicate adequately with the client. The Director also alleges that the respondent failed to respond in a timely manner to the notices of investigation of these complaints against him and to the Director's requests for information. Respondent has a

history of discipline, including a public reprimand in 1985 and a stipulated private probation in 1990, both of which related to respondent's neglect of client matters and failure to communicate.

On the day of the referee hearing in this matter, respondent entered into a stipulation for discipline with the Director. In the stipulation, the respondent waived all of his procedural rights to hearings as provided in Rule 14 of the Rules on Lawyers Professional Responsibility. Respondent unconditionally admits all of the allegations of the petition. Respondent joins with the Director in recommending that appropriate discipline pursuant to Rule 15, Rules on Lawyers Professional Responsibility, is suspension for a minimum of 100 days. Respondent further agrees to the imposition and payment of \$750 in costs pursuant to Rule 24, Rules on Lawyers Professional Responsibility.

The Court, having considered all of the facts and circumstances surrounding this matter, the petition of the Director, and the stipulation of the parties, NOW ORDERS:

1. That, effective immediately, the respondent, Richard W. Curott, hereby is suspended indefinitely from the practice of law for a minimum period of 100 days, pursuant to Rule 15 of the Rules on Lawyers Professional Responsibility.

2. That the reinstatement hearing provided for in Rule 18, Rules on Lawyers Professional Responsibility, is not waived.

3. That, although respondent may file a petition for reinstatement before the expiration of the minimum period of 100 days, respondent shall not be reinstated until the following conditions have been met:

(a) At least 100 days have passed from the date of this order.

(b) Respondent can demonstrate that he is fit to practice law and that his past misconduct is not likely to recur.

(c) Respondent is current in his continuing legal education requirements.

(d) Respondent has complied with Rule 26, Rules on Lawyers Professional Responsibility.

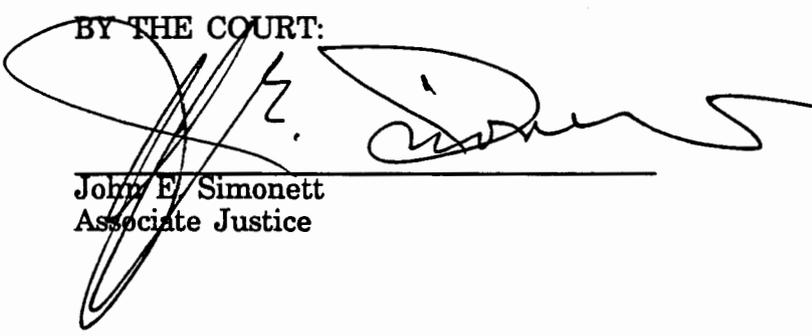
(e) Respondent has paid to the Director the sum of \$750 in costs and disbursements pursuant to Rule 24, Rules on Lawyers Professional Responsibility.

3. Respondent successfully shall complete the professional responsibility portion of the state bar examination within 1 year of the date of this order and respondent's failure to do so shall result in respondent's automatic suspension from the practice of law until such time as respondent successfully completes the examination.

4. Upon reinstatement, respondent shall be placed on supervised public probation for a period of 2 years, pursuant to such conditions as this court then deems appropriate.

Dated: *April 7, 1992.*

BY THE COURT:



John E. Simonett
Associate Justice