

STATE OF MINNESOTA  
IN SUPREME COURT  
A11-0425



In re Petition for Reinstatement of  
Patrick Joseph Farley, a Minnesota Attorney,  
Registration No. 387773.

O R D E R

On August 13, 2009, we suspended petitioner Patrick Joseph Farley from the practice of law for a minimum of one year after his conviction for felony criminal solicitation of a minor over the internet. *In re Farley*, 771 N.W.2d 857 (Minn. 2009). In March 2011, Farley petitioned for reinstatement to the Minnesota bar. Farley's petition for reinstatement was heard by a panel of the Lawyers Professional Responsibility Board, which recommends that Farley be reinstated to the practice of law and placed on supervised probation for a period of three years.

An attorney seeking reinstatement must prove by clear and convincing evidence that he has undergone a moral change such that, if reinstated, "clients could submit their most intimate and important affairs to him with complete confidence in both his competence and fidelity." *In re Herman*, 293 Minn. 472, 476, 197 N.W.2d 241, 244 (1972). Evidence of moral change "must come not only from an observed record of appropriate conduct, but from the petitioner's own state of mind and his values." *In re Swanson*, 405 N.W.2d 892, 893 (Minn. 1987). We require an attorney petitioning for

reinstatement to provide stronger proof of good character and trustworthiness than is required in the original application for admission to the bar. *In re Anderley*, 696 N.W.2d 380, 385 (Minn. 2005).

In addition to proof of moral change, we consider: “(1) the attorney’s recognition that his conduct was wrong; (2) the length of time since the misconduct and [discipline]; (3) the seriousness of the original misconduct; (4) the attorney’s physical or mental illness or pressures that are susceptible to correction; and (5) the attorney’s intellectual competency to practice law.” *Id.* We independently review the entire record to determine whether the attorney should be reinstated. *Id.* We consider the panel’s recommendations, but they are not binding on us. *See, e.g., In re Kadrie*, 602 N.W.2d 868, 869-70 (Minn. 1999) (reinstating suspended attorney contrary to the panel’s recommendation).

The panel concludes that petitioner has proven by clear and convincing evidence that he has undergone the requisite moral change to render him fit to resume the practice of law. The panel further concludes that petitioner has satisfied the requirements of Rules 24 and 26, Rules on Lawyers Professional Responsibility (RLPR), has satisfied the requirements of Rule 18(e)(2), RLPR, by successfully completing the professional responsibility portion of the state bar examination, and is current in continuing legal education requirements as required by Rule 18(e)(4), RLPR. The panel recommends that petitioner be reinstated to the practice of law, placed on supervised probation for a period of three years, and subject to other conditions. The Director does not oppose reinstatement.

The court has independently reviewed the file and approves of the panel's recommendations, as modified below.

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

IT IS HEREBY ORDERED that petitioner Patrick Joseph Farley is reinstated to the practice of law and placed on supervised probation for a period of two years, subject to the following terms and conditions:

(a) Petitioner shall cooperate fully with the efforts of the Director's office to monitor compliance with this probation. Petitioner shall provide the Director with a current mailing address and shall promptly notify the Director of any change of address. Petitioner shall respond to the Director's correspondence by the date specified in the correspondence. Petitioner 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, petitioner shall authorize the release of information and documentation to verify compliance with the terms of this probation.

(b) Petitioner shall abide by the Minnesota Rules of Professional Conduct.

(c) Petitioner shall continue his current mental health treatment program, under which he is now seen on an as-needed basis, and shall follow all recommendations of his treating professional.

(d) Petitioner shall be subject to the following conditions for two years, beginning from the date of the Director's appointment of a licensed attorney to act as petitioner's supervisor:

(1) Petitioner shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor petitioner's compliance with the terms of this probation. Before engaging in the practice of law, petitioner shall provide the Director with the names of at least two attorneys who have agreed to be nominated as supervisor. If, after diligent effort, petitioner is unable to locate a supervisor acceptable to the Director, the Director will appoint a supervisor. Until a supervisor is appointed, petitioner shall make active client files available to the Director upon request.

(2) Petitioner shall cooperate fully with the supervisor's efforts to monitor compliance with this probation. Petitioner shall schedule a minimum of one in-person meeting with the supervisor per month. Before each in-person meeting, petitioner shall provide the supervisor with a list of all active client files, which inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. The supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as the Director may reasonably request.

(3) Petitioner shall initiate and maintain office procedures that ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that petitioner is handling, and that will ensure that petitioner regularly reviews all files and completes legal matters on a timely basis.

(4) With the list of supervisor candidates required by paragraph (d)(1), petitioner shall provide the Director with a written plan outlining office procedures designed to ensure that petitioner complies with the requirements of this probation and with a written business plan. Petitioner shall also provide the written business plan and office procedures plan to the supervisor, once appointed.

(5) Petitioner shall maintain law office and trust account books and records in compliance with Minn. R. Prof. Conduct 1.15. 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 earned, service charges, and interest payments to the Minnesota IOLTA program. Such books and records shall be made available to the Director at such intervals as the Director deems necessary to determine compliance.

Dated: December 5, 2011

BY THE COURT:

/s/

Alan C. Page  
Associate Justice