

STATE OF MINNESOTA

IN SUPREME COURT

CO-93-1827

OFFICE OF  
APPELLATE COURTS

OCT 25 1993

**FILED**

RECEIVED

OCT 27 1993

LAWYERS PROF. RESP. OFFICE

In Re the Petition for Disciplinary Action  
against Linn J. Firestone, an Attorney at  
Law of the State of Minnesota.

ORDER

The Director of the Office of Lawyers Professional Responsibility filed a petition with this Court alleging that the respondent Linn J. Firestone had committed professional misconduct warranting public discipline. In the petition, the Director alleges that in July of 1980, respondent was appointed personal representative of the estate of A.S. and, thereafter, in May 1983, was appointed personal representative of the estate of A.S.'s wife, K.S.; that, from 1980 through 1993, respondent charged and withdrew from the estates \$136,705 in attorney fees, personal representative fees and other charges which were not justified or warranted by the services he provided; that, in addition, from 1983 through 1993, respondent failed to respond to numerous written and telephone inquiries from the Office of the Attorney General about the status of the funds in the estates and his failure to promptly administer and close the estates; and that, in 1993, the Office of the Attorney General petitioned to have respondent removed as personal representative of the estates, whereupon respondent restored the misappropriated funds plus interest to the estates. Respondent currently is 77 years old and is in the process of closing his practice.

Along with the above-described petition, the Director filed the parties' stipulation for discipline. In the stipulation, the respondent waived all of his procedural rights to hearings as provided in Rule 10(a), Rule 9 and Rule 14, Rules on Lawyers Professional Responsibility. Respondent also waived his right to interpose an answer and unconditionally admitted all of the allegations of the petition.

Respondent joined with the Director in recommending that appropriate discipline pursuant to Rule 15, Rules on Lawyers Professional Responsibility, is an indefinite suspension for a minimum of 5 years. In the event respondent seeks reinstatement after 5 years, the stipulation states that respondent's right to reinstatement shall be limited to reinstatement to permanent retired status only.

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 the respondent, Linn J. Firestone hereby is indefinitely suspended from the practice of law for a minimum of 5 years from the date of this order, pursuant to Rule 15, Rules on Lawyers Professional Responsibility.

2. That, in the event respondent seeks reinstatement at the conclusion of the above-described 5-year period, respondent may seek only to be reinstated to permanent retired status and any such reinstatement shall be conditioned upon the following:

a. Respondent's payment of costs in the amount of \$750 plus interest, pursuant to Rule 24(d), Rules on Lawyers Professional Responsibility.

b. Respondent's compliance with Rule 26, Rules on Lawyers Professional Responsibility.

Dated: October 21, 1993

BY THE COURT:

A handwritten signature in cursive script, reading "M. Jeanne Coyne", is written over a horizontal line.

M. Jeanne Coyne  
Associate Justice