

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against BRIAN M. OLSEN,
a Minnesota Attorney,
Registration No. 81620.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 1, 1976. Respondent currently practices law in Cokato, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline, including admonitions, is as follows:

a. On January 21, 1994, respondent received an admonition for failing to adequately communicate his fee arrangement in violation of Rule 1.5(b), Minnesota Rules of Professional Conduct (MRPC).

b. On November 9, 1994, respondent was placed on private probation for failing to satisfy debts directly related to the practice of law in violation of Rules 3.4(c) and 8.4(d), MRPC.

c. On March 29, 1995, respondent's private probation was extended for additional violations of Rules 3.4(c) and 8.4(d), MRPC.

d. On September 6, 2001, respondent received an admonition for comments he made in a letter to a co-defendant in a criminal case. The comments violated Rules 4.4 and 4.3(c), MRPC.

FIRST COUNT

1. Rachel Yoerg hired respondent in August 2001 to assist with a claim against her homeowner's insurance company. The claim centered around an alleged theft at Yoerg's house which occurred in June 2000.

2. Between August 2001 and December 2001, respondent worked a limited amount on Yoerg's claim. On October 2, 2001, counsel for Illinois Farmers Insurance Company (Farmers) sent respondent a letter indicating respondent had failed to respond to a request for contact. On November 12, 2001, Farmers' counsel again wrote respondent indicating respondent had not responded to the earlier request and requested communication by a date certain. Respondent failed to contact Farmers' counsel by the requested date.

3. On December 17, 2001, a supervisor from Farmers Property Claims sent respondent a letter indicating that due to respondent's failure to respond to Farmers' counsel, Yoerg's claim was denied. The letter also pointed out the contractual limitations on bringing a lawsuit within two years after the date of loss.

4. Respondent took no action on the case and did not advise Yoerg. Respondent claims that he withdrew from the case shortly after the December 17, 2001, letter. However, there is no documentation in the file notifying either Yoerg or Farmers that respondent withdrew from representation. Moreover, a March 21, 2002, letter to First National Bank of the Lakes indicates respondent was still representing Yoerg in March 2002 and agrees to protect the bank for Yoerg's outstanding loan from "any future settlement that [Yoerg] might get."

5. After March 21, 2002, respondent took no action on Yoerg's claim and failed to promptly return Yoerg's file.

6. Respondent's conduct violated Rules 1.2, 1.3, 1.4, and 1.16, MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: October 6, 2005.



KENNETH L. JORGENSEN
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