

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against DOUGLAS A. RUHLAND,  
a Minnesota Attorney,  
Registration No. 94328.  
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**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 May 5, 1978. Respondent currently practices law in Eden Valley, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

a. On July 7, 1989, respondent was publicly reprimanded for failing to honor an agreement with opposing counsel and the trial court, failing to disclose the exercise of an attorney's lien and failing to obey a court order to pay funds to an opposing party in violation of Rules 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

b. On July 12, 1989, respondent was issued an admonition for failing to engage in formal discovery in a dissolution action for over one year after the dissolution action commenced in violation of Rule 1.3, MRPC.

c. On December 28, 1990, respondent was issued an admonition for conflict of interest in violation of Rule 1.9(a), MRPC.

d. On April 2, 1997, respondent received an admonition for failing to probate an estate for approximately one and one-half years and failing to inform his clients that he would not undertake certain action until his entire legal fee had been paid in violation of Rules 1.3 and 1.4(b), MRPC.

e. On April 11, 2001, respondent received an admonition for failing for more than two years to handle a real estate matter with adequate diligence and promptness and failing to communicate adequately regarding the matter in violation of Rules 1.3 and 1.4, MRPC.

### COUNT ONE

#### Neglect, Non-Communication, Failure to Return Papers, Failure to Obey Court Order, Failure to Appear in Court - Dilley Matter

1. In August 1999 Marion Dilley retained respondent to probate the estate of her late husband.

2. Respondent charged a \$1,500 flat fee plus expenses. Respondent agreed Dilley could pay in installments. By the end of July 2000 Dilley had paid in full, a total of \$2,499.14

3. Respondent worked on the matter until September 2000.

4. As of September 2000, respondent had neither drafted nor filed the following required documents:

- Inventory and appraisal;
- Final account;
- Consent to final account;
- Petition for complete settlement of estate and decree of distribution;
- Order allowing account;
- Petition for discharge of personal representative; and

- Proposed order discharging personal representative.

5. Respondent failed to work on the matter from late September 2000 until March 2004, after the court ordered that respondent's conduct be brought to the attention of the Director's Office.

6. Respondent failed to communicate with Dilley from September 2000 until March 2003.

7. From September 2000 through March 2003, respondent understood Dilley was exploring sale of the property, and Dilley heard from interested buyers. Dilley also became seriously ill during part of this time and was not looking for respondent to finalize the estate at that time.

8. In March 2003 Dilley requested to meet with respondent. During their meeting, respondent stated that the probate would be completed within a couple of weeks. Respondent failed thereafter to work on the matter.

9. From March 2003 through March 2004, respondent failed to communicate with Dilley except for three occasions when Dilley initiated the communication.

10. On July 7, 2003, Dilley wrote to respondent, reminded respondent that in March 2003 he had assured Dilley the probate would be completed within a couple of weeks, reminded respondent that Dilley had paid in full for respondent's services, and requested respondent to send all papers concerning the estate, including the finalized paperwork, to Dilley by July 24, 2003. Respondent failed to respond.

11. On August 1, 2003, Dilley called respondent's office and left a message for respondent to return the call. Respondent failed to do so.

12. On August 3, 2003, Anne Holme, the Minnesota Senior Citizen Ombudsman, called respondent about the matter and requested respondent to return the call. Respondent failed to do so.

13. On September 19, 2003, Dilley telephoned respondent. Respondent promised the matter would be completed within a week. Respondent failed thereafter to work on the matter.

14. On October 14, 2003, Holme again called and left a message for respondent to return the call. Respondent failed to so do.

15. On November 8, 2003, Dilley wrote to the court, stated that the estate had been in probate for almost three years but virtually no action had been taken on the matter and that no inventory, appraisal, or final account had been filed. Dilley wanted the estate resolved soon and requested the court to establish a deadline for respondent to complete his work. Dilley sent a copy of the letter to respondent.

16. On November 10, 2003, the court administrator instructed respondent to file documents for closing the estate no later than December 15, 2003. Respondent failed to do so.

17. On December 26, 2003, the court administrator's office requested respondent to advise regarding the status of the estate. Respondent failed to respond.

18. In January 2004 Dilley and her daughter telephoned respondent's office multiple times. Dilley's daughter spoke with respondent's assistant and asked that the file be returned to Dilley. Respondent's assistant said she would confer with respondent and call back. Respondent failed to then communicate with Dilley and failed to return the file.

19. On January 26, 2004, the court issued an order for respondent to file the closing documents by March 2, 2004, or else to appear on March 2. Respondent failed to file the closing documents by March 2 and failed to appear on March 2.

20. By order dated March 4, 2004, the court authorized Dilley to terminate respondent as attorney for the estate, ordered respondent to immediately deliver his file regarding the estate to Dilley and ordered respondent to file an accounting with the court for his legal services.

21. By letter dated April 13, 2004, respondent apologized to Dilley for the delays. Respondent thereafter completed the work on the estate, which was closed in early May 2004.

22. Respondent's conduct violated Rules 1.3, 1.4, 1.15(c)(4), 3.2, 3.4(c) and 8.4(d), Minnesota Rules of Professional Conduct (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: September 29, 2004.



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