

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against LYNN M. TAPLIN,
a Minnesota Attorney,
Registration No. 173708.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) 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 23, 1986. Respondent most recently practiced law in St. Paul, 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 June 9, 2010, respondent was issued an admonition for failing to diligently handle a client's divorce matter and failing to communicate with the client.

B. On February 24, 2011, respondent was issued an admonition for failing to diligently handle a client's child support matter and failing to communicate with the client.

FIRST COUNT

Robuck Matter

1. In early June 2011, Jason Robuck consulted with respondent by telephone regarding a marriage dissolution matter.
2. On June 3, 2011, respondent emailed Robuck a retainer agreement and questionnaire. In her email, respondent stated that she would be out of town between June 6 and June 15, 2011.
3. Robuck signed the written retainer agreement on June 7, 2011, and paid a \$3,000 advance fee retainer sometime around the same time.
4. According to a bill sent to Robuck on or about July 1, 2011, respondent completed .7 hours of work in June, earning \$175 of the \$3,000 retainer which at that time was apparently held in trust.
5. Between mid-June and mid-August 2011, Robuck attempted to contact respondent several times by email and telephone to determine the status of the marriage dissolution matter. Other than one voice mail message left by respondent on June 20, 2011, respondent failed to respond to Robuck's requests for information regarding his case, and failed to take any further action to advance Robuck's case.
6. Robuck submitted a complaint to the Director on August 18, 2011. A notice of investigation was issued on September 6, 2011, requesting a response within two weeks.
7. On September 19, 2011, the court sent respondent notice of intent to place the case on inactive status. Respondent failed to inform Robuck of this notification.
8. On November 1, 2011, the court placed the case on inactive status. Respondent failed to inform Robuck that the case had been placed on inactive status.
9. On February 12, 2012, the court dismissed the matter. Respondent failed to inform Robuck that the case had been dismissed, and failed to return the unused portion of the retainer.

10. Following the dismissal of the matter, respondent has not returned the unused portion of the retainer (\$2,825) to Robuck.

11. Respondent submitted a response to the September 6, 2011, notice of investigation on March 28, 2012. Within that response, respondent admitted that she failed to follow through on Robuck's case, failed to return Robuck's attempts to communicate with her, and failed to return the unused portion of Robuck's retainer.

12. Respondent's failure to pursue the Robuck matter violated Rule 1.3, Minnesota Rules of Professional Conduct (MRPC).

13. Respondent's failure to reply to reasonable requests for information from Robuck violated Rule 1.4(a)(4), MRPC.

14. Respondent's failure to return the unearned portion of fees paid to her in the Robuck matter violated Rules 1.15(c)(4) and 1.16(d), MRPC.

Thomas Matter

15. On or around August 30, 2011, Amber Thomas hired respondent to represent her in a marriage dissolution matter. Ms. Thomas paid respondent a total of \$2,400 in the matter by September 21, 2011. Respondent drafted and served a summons and petition for dissolution, and filed it with the court on September 23, 2011. Respondent also filed a certificate of representation at that time.

16. On October 18, 2011, the court held an initial case management conference. Although notice had been mailed to respondent, respondent failed to appear at the conference.

17. On October 24, 2011, the court ordered respondent to appear on November 22, 2011, for a review hearing. The court sent notice of the hearing to respondent.

18. Respondent failed to appear for the November 22, 2011, hearing. On November 30, 2011, the matter was placed on inactive status by order of the court.

19. Respondent did not inform Thomas of either the October 18, 2011, initial case management conference or the November 22, 2011, review hearing.

20. Thomas attempted to contact respondent by email and voice mail message on several occasions, including but not limited to October 3, November 3, and November 21. At no time did respondent return Thomas' calls, or inform her of the status of the case.

21. In December 2011, due to respondent's failure to pursue her case, Thomas hired another attorney to represent her.

22. On December 19, 2011, Thomas submitted a complaint to the Director. A notice of investigation was issued to respondent on January 5, 2012, requesting a response within two weeks.

23. On March 28, 2012, respondent submitted a response to the notice of investigation. Within that response, respondent admitted that she failed to follow through on the Thomas representation, failed to communicate with Thomas, and failed to return Thomas' unused retainer.

24. Respondent's failure to attend the initial conference and the review hearing in the Thomas matter violated Rules 1.1, 1.3, 3.2, 3.4(c), and 8.4(d), MRPC.

25. Respondent's failure to keep Thomas reasonably updated as to the status of her case, and respondent's failure to respond to reasonable requests for information from Thomas violated Rule 1.4(a)(3) and (a)(4), MRPC.

26. Respondent's failure to return the unearned portion of fees paid to her in the Thomas matter violated Rules 1.15(c)(4) and 1.16(d), MRPC.

Non-Cooperation

27. On September 6, 2011, a notice of investigation was issued in the Robuck matter. The matter was assigned for investigation to the Second District Ethics Committee (DEC), and a response to the notice of investigation was due within two weeks. Respondent failed to submit a response.

28. On October 24, 2011, the DEC investigator spoke to a person answering respondent's office phone, and requested a call back in reference to the Robuck matter. The DEC investigator did not receive a return call from respondent.

29. On November 3, 2011, the DEC investigator left a message on respondent's office phone, requesting a call back in reference to the Robuck matter. The DEC investigator did not receive a return call from respondent.

30. On November 16, 2011, the DEC investigator sent a letter to respondent, requesting a response to the notice of investigation in the Robuck matter. Respondent failed to respond to the investigator's request.

31. On November 22, 2011, a legal courier driver operating under the instruction of the DEC investigator in the Robuck matter left a message with the answering service when he called respondent's office telephone number. The driver requested that respondent call him. As of December 12, 2011, the driver had not received a return telephone call.

32. On November 30, 2011, a legal courier driver delivered an envelope containing the DEC investigator's letter dated November 16 to respondent's home address.

33. On December 8, 2011, respondent left a voice mail message for the DEC investigator in the Robuck matter, requesting that she be given an extension for "a week from tomorrow," or December 16, 2011. Respondent failed to submit a response.

34. On January 5, 2012, a notice of investigation was issued in the Thomas matter. The matter was assigned for investigation to the DEC, and a response to the notice of investigation was due within two weeks. Respondent did not submit any response, or request an extension.

35. On February 2, 2012, the Director sent email messages to two email addresses known to be associated with respondent, and placed a telephone call to each of the phone numbers known to be associated with respondent. Respondent did not respond to any of the Director's attempts to contact her.

36. On February 14, 2012, the Director wrote respondent informing her that the Thomas matter had been withdrawn from the DEC and reassigned to the Director's

Office. The Director requested a response from respondent within ten days.

Respondent failed to submit a response to the Director.

37. On February 16, 2012, the Director again attempted to contact respondent by telephone at two separate numbers. The Director left a message at one number, and received a recording at the other stating the telephone number was not currently accepting calls. Respondent did not respond to the Director's attempts to contact her.

38. On February 24, 2012, the Director wrote respondent, again requesting responses in the Robuck and Thomas matters. Respondent did not submit any response, nor did she request additional time.

39. On March 21, 2012, the Director reached respondent by telephone. Respondent admitted that she had received the letters from the Director. Respondent further stated that she would issue refunds to both Robuck and Thomas, and agreed to submit a complete response in those matters by March 28, 2012.

40. On March 28, 2012, the Director received respondent's response to the Robuck and Thomas matters.

41. On March 29, 2012, the Director wrote respondent, asking follow-up questions to the complaints of Robuck and Thomas. The Director also requested respondent to provide copies of correspondence to Robuck and Thomas, including copies of the refund checks issued. Respondent did not respond to the Director's request.

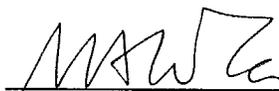
42. On April 11 and 13, 2012, the Director left voice mail messages with respondent requesting a return call. Respondent did not return the Director's calls.

43. On April 17, 2012, the Director wrote respondent, requesting her attendance at a meeting scheduled for April 25, 2012, at the Director's Office to discuss her failure to cooperate with the Robuck and Thomas investigations. Respondent did not attend the April 25 meeting.

44. Respondent's failure to cooperate with the disciplinary investigations in the Robuck and Thomas matters violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring or suspending respondent or imposing otherwise 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 12, 2012.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
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and



ROBIN J. CRABB
SENIOR ASSISTANT DIRECTOR
Attorney No. 387303

This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: October 17, 2012.



RICHARD LAREAU
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD