

STATE OF MINNESOTA

IN SUPREME COURT

A14-1852

FILED

October 14, 2015

**OFFICE OF
APPELLATE COURTS**

In re Petition for Disciplinary Action against
Dennis James Rutgers a Minnesota Attorney,
Registration No. 313142.

ORDER

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Dennis James Rutgers committed professional misconduct warranting public discipline. After respondent filed an answer to the petition, we referred the matter to a referee.

The referee made findings of fact, conclusions of law, and a recommendation for discipline. Specifically, the referee concluded that respondent violated Minn. R. Prof. Conduct 1.3, 1.15(b), 3.4(c), and 8.4(d) by failing to account for and timely disburse the proceeds of the sale of a family farm that respondent held in his trust account, communicate with a client regarding the family farm sale's proceeds, provide notice of his payment of attorney fees, answer a complaint filed against him in district court, and timely pay a judgment entered against him. The referee further concluded that respondent violated Minn. R. Prof. Conduct 1.3, 1.4(a)(3) and (4) by neglecting a bankruptcy matter and failing to communicate with that client about the bankruptcy. The referee also concluded that respondent violated Minn. R. Prof. Conduct 8.1(b) and Rule 25, Rules on Lawyers Professional Responsibility (RLPR), by failing to cooperate in

disciplinary investigations. Finally, the referee concluded that one aggravating factor was present. The referee recommended that respondent be indefinitely suspended with no right to petition for reinstatement for 1 year.

Because no party ordered a transcript of the proceedings before the referee, the referee's findings and conclusions are conclusive. *See* Rule 14(e), RLPR. We issued a briefing schedule. Respondent informed the court that he would not be filing a brief. In his brief, the Director recommends that the court impose the 1-year suspension recommended by the referee.

We have independently reviewed the record and conclude that a 1-year suspension is the appropriate discipline for respondent's misconduct.

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

IT IS HEREBY ORDERED that:

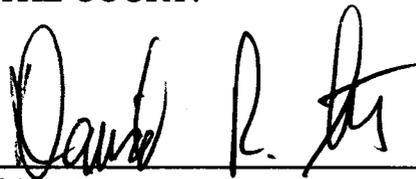
1. Respondent Dennis James Rutgers is indefinitely suspended from the practice of law, effective 14 days from the date of the filing of this order, with no right to petition for reinstatement for 1 year.

2. Respondent may petition for reinstatement pursuant to Rule 18(a)-(d), RLPR. Reinstatement is conditioned on successful completion of the professional responsibility portion of the state bar examination and satisfaction of continuing legal education requirements pursuant to Rule 18(e), RLPR.

3. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals), and shall pay \$900 in costs pursuant to Rule 24, RLPR.

Dated: October 14, 2015

BY THE COURT:

A handwritten signature in black ink, appearing to read "David R. Stras", written over a horizontal line.

David R. Stras
Associate Justice