

STATE OF MINNESOTA
IN SUPREME COURT
A21-0267



In re Petition for Disciplinary Action against
Kevin T. Duffy, a Minnesota Attorney,
Registration No. 0134600.

O R D E R

On September 7, 2022, we suspended respondent Kevin T. Duffy from the practice of law for a minimum of 90 days, effective 14 days from the date of our order.

Respondent has filed an affidavit seeking reinstatement in which he states that he has complied with the terms of our order regarding reinstatement, except for successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility. The Director of the Office of Lawyers Professional Responsibility does not oppose the request.

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

IT IS HEREBY ORDERED THAT:

1. Effective December 21, 2022, respondent Kevin T. Duffy is conditionally reinstated to the practice of law in the State of Minnesota, subject to his successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility, and is placed on probation for 2 years, upon the following terms and conditions:

- a. Respondent shall abide by the Minnesota Rules of Professional Conduct.
- b. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director's correspondence by its due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.
- c. Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation. Respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor within 2 weeks of the date of this order. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall, on the first day of each month, provide the Director with an inventory of active client files described in paragraph d. below. Respondent shall make active client files available to the Director on request.
- d. Respondent shall cooperate fully with the supervisor in the supervisor's efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.
- e. Respondent shall initiate and maintain office procedures which ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters which respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.
- f. Within 30 days from the date of this order, respondent shall provide to the Director and to the probation supervisor, if any, a written plan outlining office

procedures designed to ensure that respondent is in compliance with the probation requirements. Respondent shall provide progress reports as requested.

g. Respondent shall maintain trust account books and records in compliance with Minnesota Rule of Professional Conduct 1.15 and Appendix 1 to those rules. These books and records shall include the following: client subsidiary ledgers, checkbook register, monthly trial balance reports, monthly reconciliation reports, bank statements, canceled checks (if they are provided with the bank statements), duplicate deposit slips, bank reports of interest, service charges and interest payments to the Minnesota IOLTA Program, and bank wire, electronic or telephone transfer confirmations. Such books and records shall be made available to the Director within 30 days of the date of this order and thereafter shall be made available to the Director at such intervals as the Director deems necessary to determine compliance; however, respondent shall not be expected to provide the records more than once per quarter.

2. By September 7, 2023, respondent shall file with the Clerk of the Appellate Courts and serve upon the Director proof of respondent's successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility. *See* Rule 4.A.(5), Rules for Admission to the Bar (requiring evidence that an applicant has successfully completed the Multistate Professional Responsibility Examination). Failure to do so shall result in automatic suspension, pending proof of successful completion of the examination, under Rule 18(e)(3), Rules on Lawyers Professional Responsibility.

Dated: December 20, 2022

BY THE COURT:



Natalie E. Hudson
Associate Justice