

STATE OF MINNESOTA
IN SUPREME COURT
A21-0327



In re Petition for Disciplinary Action against
John Timothy Hernandez, a Minnesota Attorney,
Registration No. 0398836.

ORDER

In 2021, the Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action, a supplementary petition for disciplinary action, and a second supplementary petition for disciplinary action against respondent John Timothy Hernandez. The misconduct alleged in the three petitions involves 9 clients and 11 matters. The misconduct includes misappropriation of client funds, dishonesty, failure to provide competent and diligent representation, failure to expedite litigation, failure to comply with multiple court orders, failure to attend multiple court hearings, the unauthorized practice of law while CLE-suspended, failure to withdraw from representation when withdrawal is required, failure to communicate with clients and the court, and noncooperation with disciplinary investigations.

After respondent did not answer any of the petitions, we deemed the allegations in the three petitions admitted and invited the parties to submit memoranda about the appropriate discipline. Respondent did not file a memorandum. The Director recommended disbarment.

After oral argument, we temporarily suspended respondent and referred the matter to a referee to consider aggravating and mitigating factors and to make a recommendation for discipline. The allegations in the three petitions remained admitted.

The referee held an evidentiary hearing. Respondent participated in the evidentiary hearing. The referee filed his findings of fact, conclusions, and recommendation. The referee found no mitigating factors but found aggravating factors and recommended disbarment.

No party ordered a transcript. *See* Rule 14(e), Rules on Lawyers Professional Responsibility (RLPR) (stating a referee’s “findings of fact and conclusions shall be conclusive” if neither party orders a transcript). We issued a briefing schedule. Respondent again did not file a brief. The Director filed a brief and again recommends disbarment.


Based on the records, files, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent John Timothy Hernandez is disbarred, effective as of the date of this order.
2. Respondent shall comply with Rule 26, RLPR (requiring notice of disbarment to clients, opposing counsel, and tribunals), and shall pay \$900 in costs pursuant to Rule 24(a), RLPR.

Dated: April 25, 2023

BY THE COURT:



Natalie E. Hudson
Associate Justice