

STATE OF MINNESOTA
IN SUPREME COURT
A23-0301



In re Petition for Disciplinary Action against
Eduardo E. Drake, a Minnesota Attorney,
Registration No. 0249154.

O R D E R

The Director of the Office of Lawyers Professional Responsibility has filed an amended petition for disciplinary action alleging that respondent Eduardo E. Drake has committed professional misconduct warranting public discipline—namely, failing to deposit an advance fee into trust, failing to diligently handle a client’s matter, failing to communicate with a client, failing to have books and records documenting a payment from a client, failing to cooperate with a disciplinary investigation, and failing to comply with the terms of a private probation.¹ *See* Minn. R. Prof. Conduct 1.3, 1.4(a)(4), 1.15(a), 1.15(c)(5), 1.15(h), as interpreted by Appendix 1, 8.1(b); Rule 25, Rules on Lawyers Professional Responsibility (RLPR).

Respondent and the Director have entered into a stipulation for discipline. In it, respondent withdraws his answer, unconditionally admits the allegations of the amended

¹ The filings in this case state that Susan Humiston, the Director of the Office of Lawyers Professional Responsibility, is recused and did not take part in these proceedings. Instead, a deputy director and a senior assistant director of the Office of Lawyers Professional Responsibility have acted on behalf of the Director.

petition, and waives his other procedural rights under Rule 14, RLPR. The parties jointly recommended that the appropriate discipline is a 90-day suspension, followed by 2 years of supervised probation.

We have independently reviewed the file and approve the jointly recommended disposition.

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

IT IS HEREBY ORDERED THAT:

1. Respondent Eduardo E. Drake is suspended from the practice of law for a minimum of 90 days, effective 14 days from the date of this order.

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

3. Respondent shall be eligible for reinstatement to the practice of law following the expiration of the suspension period provided that, not less than 15 days before the end of the suspension period, respondent files with the Clerk of the Appellate Courts and serves upon the Director an affidavit establishing that he is current in continuing legal education requirements, has complied with Rules 24 and 26, RLPR, and has complied with any other conditions for reinstatement imposed by the court.

4. Within 1 year of the date of this order, respondent shall file with the Clerk of the Appellate Courts and serve upon the Director proof of successful completion of the written examination required for admission to the practice of law by the Minnesota 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 timely file the required documentation shall result in automatic suspension, as provided in Rule 18(e)(3), RLPR.

5. Upon reinstatement to the practice of law, respondent shall be placed on probation for a period of 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 from the date of the court's 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 upon request.
- d. Respondent shall cooperate fully with the supervisor in their 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 that ensure there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that respondent is handling, and that 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 the court's 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 probation requirements. Respondent shall provide progress reports as requested.

Dated: March 11, 2024

BY THE COURT:

A handwritten signature in black ink, appearing to read "M. Chutich", written over a horizontal line.

Margaret H. Chutich
Associate Justice