
STATE OF MINNESOTA
COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

In re Estate of:

Court File No.: 10-PR-16-46
Honorable Kevin W. Eide

Prince Rogers Nelson,

Deceased.

**MEMORANDUM IN SUPPORT OF
MOTION TO REMOVE, AND STRIKE
FILINGS OF, PRIOR COUNSEL OF
ALFRED FRANK ALONZO JACKSON**

BACKGROUND

Alfred Frank Alonzo Jackson (“Mr. Jackson”) was represented by the law firm of White Wiggins & Barnes, LLP (“WWB”), who hired local counsel to represent them in this matter (the law firm of J. Selmer Law, P.A.). On December 2, 2018, Mr. Jackson notified the law firm of WWB that he no longer required its services, and they were “terminated effective immediately.” They were discharged on that date but continued to act on behalf of Mr. Jackson and hold themselves out as his legal counsel without his knowledge, and after his express discharge. At the time of the termination, Mr. Jackson also requested that the final bill be sent to him.

PROFESSIONAL RULES

WWB and local counsel were required to withdraw from representing Mr. Jackson once they were terminated. A “lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (3) the lawyer is

discharged.” Minn. R. Prof. Cond. 1.16(a). Furthermore, upon being discharged the lawyers who have appeared before the Court should have notified the Court and other attorneys who have appeared of their termination or withdrawal. Minn. R. Prof. Cond. 1.16 (c); *see also* Minn. Stat. § 481.11 (“The attorney in a civil action or proceeding may be changed at any time. When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties). Counsels’ responsibilities also required them to reasonably protect Mr. Jackson’s interests in the matter including surrendering papers to him and allowing him to retain substitute counsel and returning his file or forwarding to our office as his new legal counsel. Minn. R. Prof. Cond. 1.16(d) & (e); *see also* Minn. Stat. § 481.14 (providing that a court can order an attorney to turn over money or papers in their possession.).

ARGUMENT

Mr. Jackson terminated his attorneys on December 2, 2018 both by email, and written letter. On that date, their authority to represent him in any capacity was terminated unequivocally, and the law firm’s continuing to file documentation on his behalf is without legal basis or justification. The lawyer is an agent for the client, and when a principal/client discharges an attorney, the “lawyer’s actual authority to represent a client ends.” Restatement (Third) of the Law Governing Lawyers § 31 (2000). Any statement or representation to the court, therefore, by an attorney who has been terminated that

implies that the attorney has authority to represent the client is misleading and improper.

When Mr. Jackson notified the law firms of WWB that he terminated the relationship, and then they subsequently received another letter from Attorney Corey Martin on February 1, 2019 stating he was now representing Mr. Jackson in the matter, WWB should have realized Mr. Jackson did in fact retain another attorney. As WWB's authority to represent Mr. Jackson was terminated, its attorneys have no business continuing to present themselves as Mr. Jackson's lawyers or agents. Their duties, instead, both ethically and under Minnesota Statute, is to withdraw, transfer the file and any property in their possession, and notify the Court and other attorneys who have appeared. WWB has failed to do this, however.

WWB argues that they were continuing to represent Mr. Jackson because they [REDACTED] [REDACTED] but performed these purported services and made decisions about the matter without first consulting with their client. WWB did not take any action [REDACTED] [REDACTED]. WWB is not [REDACTED], they are an agent that has been discharged. There is no basis in law or fact for an attorney to refuse to withdraw when his client has terminated representation. In its letter to the Court of February 11, 2019, WWB acknowledges that they were terminated and give no explanation that would in any way support an argument [REDACTED] In fact, the vast majority of WWB's

February 11, 2019 correspondence to the Court, presumably on behalf of Mr. Jackson, deals with their own issues in relation to the Court proceedings and other parties.

If WWB insists on maintaining its position that it has a place in this matter representing Mr. Jackson, it now bears the burden of proof to demonstrate this.

A court, upon motion and hearing, and when reasonable grounds are shown, may require any attorney to prove the attorney's authority to appear and, until such proof is made, may stay all proceedings by the attorney on behalf of the party the attorney assumes to represent. At any stage of the proceedings the court may relieve a party from the consequences of the unauthorized acts of an attorney and, upon motion, may summarily compel such attorney to repair any injury resulting therefrom.

Minn. Stat. § 481.09. WWB will not be able to meet this burden, and its authority to appear before this Court must be suspended until it does.

Despite explicitly acknowledging that they were terminated [REDACTED], the law firm of WWB continues to file pleadings and represent that they are legal counsel for Mr. Jackson. Upon information and belief, a billing statement or invoice has never been sent to Mr. Jackson from either law firm, so he is unaware of what the costs are associated with the former representation, what they have been doing or how they have been billed. Additionally, he has concerns that he will be charged even after he terminated the representation. Mr. Jackson has made his wishes known, hired a new attorney, and it is time for the prior representations to come to a close.

CONCLUSION

The law firms of WWB and J. Selmer Law, P.A. should be removed from any Odyssey e-filing or e-service as service contacts, they should not be allowed to participate in any further proceedings or hearings as counsel for Mr. Jackson, and any pleadings, correspondence, or documents that either law firm presented to the Court or any interested person in this matter as of or after December 2, 2018, should be stricken from the record as improper. Additionally, the law firms must forward their entire client files to the law firm of CHESTNUT CAMBRONNE PA, current legal counsel for Mr. Jackson, along with their final invoices.

Respectfully submitted,

Dated: February 26, 2019

CHESTNUT CAMBRONNE PA

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