

STATE OF MINNESOTA
IN SUPREME COURT
A24-0142



In re Petition for Reinstatement of
Michael A. Essien, a Minnesota Attorney,
Registration No. 031741X.

O R D E R

In July 2021, we indefinitely suspended petitioner Michael A. Essien from the practice of law, with no right to petition for reinstatement for 18 months, for committing misconduct in two client matters and committing trust-account related misconduct. *In re Essien*, 961 N.W.2d 778, 779 (Minn. 2021) (order). Petitioner failed to deposit a client's \$1,450 filing fees into a trust account, misappropriated those filing fees, neglected the matter, and failed to communicate with the client. *Id.* In another matter, petitioner failed to communicate with the client, failed to deposit unearned fees into a trust account, and failed to promptly return the client's unearned fees. *Id.* And petitioner failed to maintain proper trust-account books and records, resulting in shortages; commingled personal funds with client funds in his trust account; and allowed a third-party to withdraw funds from his trust account. *Id.*

Petitioner applied for reinstatement in January 2024. A hearing was held before a panel of the Lawyers Professional Responsibility Board. The panel submitted its findings of fact, conclusions, and recommendation. The panel concluded, in part, that petitioner

had proven by clear and convincing evidence that he has undergone the requisite moral change to render him fit to resume the practice of law and that he possesses the intellectual competency to practice law. The panel recommended that petitioner be reinstated to the practice of law and placed on probation for two years.

Petitioner and the Director of the Office of Lawyers Professional Responsibility waive their procedural rights under Rule 18, Rules on Lawyers Professional Responsibility. They jointly recommend that petitioner be reinstated to the practice of law and placed on probation, as recommended by the panel.

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

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

IT IS HEREBY ORDERED THAT:

1. Petitioner Michael A. Essien is reinstated to the practice of law, effective upon payment of the required registration fees to the Minnesota Lawyer Registration Office.
2. Petitioner is placed on probation for two years. This two-year period will begin to run when petitioner returns to the active practice of law. The following terms and conditions apply to petitioner's probation:
 - (a) Petitioner must provide written notice to the Director of any plan to return to the active practice of law. Petitioner must provide as much advance notice as possible, and no less than 60 days advance notice.
 - (b) Petitioner must abide by the Minnesota Rules of Professional Conduct.
 - (c) Petitioner must cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Petitioner must promptly respond

to the Director's correspondence by the due date. Petitioner must provide the Director with a current mailing address and must immediately notify the Director of any change of address. Petitioner must 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, petitioner must authorize the release of information and documentation to verify compliance with the terms of this probation.

(d) Petitioner must be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation. Petitioner must provide to the Director the names of up to four attorneys who have agreed to be nominated as petitioner's supervisor within 2 weeks from the date that petitioner notifies the Director that he intends to engage in the practice of law. If, after diligent effort, petitioner 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, petitioner must on the first day of each month provide the Director with an inventory of active client files described in paragraph (e) below. Petitioner must make active client files available to the Director upon request.

(e) Petitioner must cooperate fully with the supervisor's efforts to monitor compliance with his probation. Petitioner must contact the supervisor and schedule a minimum of one in-person or virtual meeting per calendar quarter. Petitioner must give 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 must disclose the client's name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Petitioner's supervisor must regularly engage in discussions with petitioner about petitioner's caseload and what case levels are appropriate and realistic, with the focus being the avoidance of undue stress, overextension, and/or avoidance by petitioner. Petitioner's supervisor must file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

(f) Within 2 weeks of notifying the Director of his intent to return to the active practice of law, petitioner must provide to the Director and to the supervisor, if any, a written plan outlining office procedures designed to ensure that petitioner complies with all probation requirements. Such office procedures must outline petitioner's specific plans to ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters

that petitioner is handling, and that ensure that petitioner regularly reviews each file and completes legal matters on a timely basis.

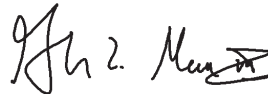
(g) Petitioner must maintain trust account books and records in compliance with Minn. R. Prof. Conduct 1.15 and Appendix 1 thereto. These books and records must include the following: client subsidiary ledgers; checkbook register; monthly trial balance reports; monthly reconciliation reports; bank statements; 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 must be made available to the Director within 30 days of petitioner's return to practice, and thereafter must be made available to the Director at such intervals as the Director deems necessary to determine compliance.

(h) Petitioner must continue or engage in counseling or therapy as recommended by his therapist or healthcare professional.

(i) If, at any time during the period of probation, after giving petitioner the opportunity to be heard by the Director, the Director concludes that petitioner has violated the conditions of probation or engaged in further misconduct, the Director may file a petition for disciplinary action against petitioner with the Minnesota Supreme Court without the necessity of submitting the matter to a panel or a panel chair. Petitioner waives the right to such consideration by a panel or a panel chair.

Dated: February 4, 2025

BY THE COURT:

A handwritten signature in black ink, appearing to read "G.L. Moore, III". The signature is stylized and includes a horizontal line at the end.

Gordon L. Moore, III
Associate Justice