

STATE OF MINNESOTA

IN SUPREME COURT

A24-0601

FILED

February 14, 2025

**OFFICE OF
APPELLATE COURTS**

In re Petition for Disciplinary Action against
Courtney J. Ernston, a Minnesota Attorney,
Registration No. 0396458.

O R D E R

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent Courtney J. Ernston has committed professional misconduct warranting public discipline—namely, failing to act with reasonable diligence in responding to discovery requests, failing to timely supplement discovery requests, and making knowingly false and misleading statements within and about responses to discovery requests. *See* Minn. R. Prof. Conduct 1.3, 3.4(d), 4.1, 8.4(c). We referred the matter to a referee, and after conducting an evidentiary hearing, the referee made findings of fact, conclusions, and a recommendation for discipline. The referee found that respondent committed the alleged misconduct and that there was one aggravating factor. The referee recommended a 30-day suspension.

Respondent and the Director have entered into a stipulation for discipline. In it, they stipulate that the referee’s findings of fact and conclusions are conclusive and waive their rights to briefing and oral argument before us pursuant to Rule 14(g), Rules on Lawyers Professional Responsibility (RLPR). The parties jointly recommend that the appropriate discipline is a 30-day suspension.

The court has independently reviewed the file and agrees that a 30-day suspension is appropriate. In addition, upon reinstatement, respondent will be placed on probation for two years.

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

IT IS HEREBY ORDERED THAT:

1. Respondent Courtney J. Ernston is suspended from the practice of law for a minimum of 30 days, effective 14 days from the date of this order.

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

3. Respondent will 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 she 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 one year of the date of this order, respondent must 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 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

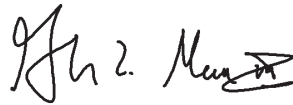
Multistate Professional Responsibility Examination). Failure to timely file the required documentation will result in automatic suspension, as provided in Rule 18(e)(3), RLPR.

5. Upon reinstatement to the practice of law, respondent will be placed on probation for a period of 2 years, subject to the following terms and conditions:

- a. Respondent must abide by the Minnesota Rules of Professional Conduct.
- b. Respondent must cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent must promptly respond to the Director's correspondence by its due date. Respondent must provide to the Director a current mailing address and must immediately notify the Director of any change of address. Respondent 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, respondent must provide authorization for release of information and documentation to verify compliance with the terms of this probation.

Dated: February 14, 2025

BY THE COURT:

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

Gordon L. Moore, III
Associate Justice