

STATE OF MINNESOTA
IN SUPREME COURT

A17-2013



In re Petition for Disciplinary Action against
Scott J. Koch, a Minnesota Attorney,
Registration No. 0143169.

ORDER

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent Scott J. Koch has committed professional misconduct warranting public discipline—namely, failing to maintain required trust account books and records, negligently misappropriating client funds, allowing trust account shortages, and failing to cooperate with the Director. *See* Minn. R. Prof. Conduct 1.15(c)(3) and (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 waives his procedural rights under Rule 14, RLPR, and unconditionally admits the allegations of the petition. The parties jointly recommend that the appropriate discipline is a public reprimand followed by 2 years of probation if petitioner resumes practicing law. In a memorandum, the Director identifies a mitigating factor for the lack of cooperation.

This court has independently reviewed the file and approves the jointly recommended disposition.

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

IT IS HEREBY ORDERED THAT:

1. Respondent Scott J. Koch is publicly reprimanded.
2. Respondent shall pay \$900 in costs pursuant to Rule 24, RLPR.
3. If respondent resumes practicing law, he will be placed on probation for 2

years, subject to the following terms and conditions:

a. Any probation will start on the date respondent resumes the practice of law. At least 5 days before he begins to practice law, respondent shall provide the Director with written notice of his intent to resume practicing law.

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 the release of information and documentation to verify compliance with the terms of this probation.

c. Respondent shall abide by the Minnesota Rules of Professional Conduct.

d. Respondent shall maintain law office and trust account books and records in compliance with Minn. R. Prof. Conduct 1.15 and Appendix 1. The trust account books and records shall include the following: client subsidiary ledgers; checkbook registers; monthly trial-balance reports; monthly reconciliation reports; bank statements; canceled checks if they are provided with bank statement; 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. Within 30 days of resuming the practice of law, respondent shall make such books and records available to the Director and thereafter shall make such

book and records available to the Director at such intervals as the Director deems necessary to determine compliance.

Dated: February 8, 2018

BY THE COURT:

A handwritten signature in black ink, appearing to read "David L. Lillehaug". The signature is written in a cursive style with a large, sweeping initial "D".

David L. Lillehaug
Associate Justice