OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY
445 MINNESOTA STREET, SUITE 2400
ST. PAUL, MINNESOTA 55101-2139

TELEPHONE (651) 296-3952
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June 17, 2024

John Wingo
[redacted]

Re: Rolf T. Henning Fiebiger

Dear Mr. Wingo and Mrs. [redacted]

The Rules on Lawyers Professional Responsibility provide that the Director is to notify you of the final disposition of your complaint.

The Director has issued an admonition to the respondent, a copy of which is enclosed, and the file is now closed.

If you are not satisfied with this decision, an appeal may be made by notifying the **Lawyers Professional Responsibility Board (Board) at 25 Rev. Martin Luther King, Jr. Blvd, Ste. 305, St. Paul, MN 55155,** in a letter postmarked no later than fourteen (14) days after the date of this notice, or by email to LPRBgeneral@courts.state.mn.us. The letter of appeal should state the reason(s) why you disagree with the decision. A Board member will review the appeal. The Board is comprised of 14 lawyers and 9 non-lawyers appointed by the Minnesota Supreme Court. Appeals are assigned to individual Board members by the Board Chair in rotation according to when they are received. The Board members' options on appeal are limited to (1) approving this decision, (2) requiring further investigation or, (3) if it appears that public discipline is warranted, directing that the case be submitted to a panel. This determination will generally be based upon the information which is already contained in the file.

Thank you for bringing this matter to our attention.

Very truly yours,

Office of Lawyers Professional Responsibility

By Ciano, Karin Digitally signed by Ciano, Karin Date: 2024.06.17 11:40:18 -05'00'

Karin K. Ciano
Senior Assistant Director

ljj
Enclosure
cc: Rolf T. Henning Fiebiger (no enclosure)

Reader copy | Identifying details redacted

In the Matter of the Complaint of
JOHN WINGO AND
[redacted] Complainants,
against ROLF T. FIEBIGER,
a Minnesota Attorney,
Registration No. 0391138.

ADMONITION AND NOTICE PURSUANT TO RULE 8(d)(2), RULES ON LAWYERS PROFESSIONAL RESPONSIBILITY

ADMONITION

This matter was initiated by a written complaint filed with the Director by the complainants. It was assigned for investigation to the Fourth District Ethics Committee (DEC) which recommended that the Director issue an admonition. Based upon the entire file the Director makes the following findings of fact:

1. The above-named attorney (respondent) was admitted to practice law in Minnesota on October 29, 2010. Respondent is current in paying the registration fee required by the Minnesota Supreme Court. Respondent practices law in Edina, Minnesota.
2. On about July 27, 2021, complainant John Wingo retained South Dakota attorney R.T. to represent him in connection with his claims concerning workplace injuries and employment discrimination that had occurred in South Dakota. Mr. Wingo signed a fee agreement that provided a contingent fee to R.T.'s firm in connection with the employment-discrimination matter in the amount of 33.3% through trial and 40% if appealed.
3. When R.T. realized that Mr. Wingo's employment-discrimination case was larger than he could handle alone, R.T. reached out for help to respondent, a lawyer outside R.T.'s firm who was experienced in handling

Reader copy | Identifying details redacted

employment-discrimination cases on a contingency basis. Respondent agreed to work with R.T. on Mr. Wingo's case.

4. Respondent and R.T. contemplated they would share responsibility for Mr. Wingo's employment-discrimination case and would ultimately share the 33.3% contingent fee derived from the recovery, which they communicated orally to Mr. Wingo on August 25, 2021. However, neither of them presented Mr. Wingo with a written agreement notifying Mr. Wingo of the proposed division of fees between firms nor did they confirm in writing Mr. Wingo's agreement to that division.

5. Eventually, R.T. was no longer able to continue representing Mr. Wingo, and respondent assumed primary responsibility for the matter. In about February of 2022, respondent asked Mr. Wingo to sign a new contingent fee agreement that included respondent's firm and set forth the division of fees. Mr. Wingo refused to sign the new agreement.

6. Respondent timely filed Mr. Wingo's employment-discrimination case in federal court on April 20, 2022. Dissatisfied with respondent's work, on May 10, 2022, Mr. Wingo terminated respondent's representation and asked respondent to transfer his file to successor counsel. Respondent promptly did so and later withdrew from representation in the federal court file.

7. Because Mr. Wingo refused to sign a contingent fee agreement that included respondent's firm, respondent represented Mr. Wingo for several months on a contingent-fee basis without a written fee agreement satisfying the requirements of Rule 1.5(c), Minnesota Rules of Professional Conduct (MRPC).

8. Because Mr. Wingo refused to sign an agreement to the division of fees between respondent's firm and R.T., respondent represented Mr. Wingo

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for several months intending to split the fee with R.T. but without a written agreement satisfying the requirements of Rule 1.5(e)(2), MRPC.

Based upon these facts, the Director states the following conclusions:

1. Respondent's conduct in representing a client on a contingent-fee basis without obtaining his client's informed consent and signed written contingency-fee agreement violated Rule 1.5(c), MRPC.
2. Respondent's conduct in failing to obtain his client's informed consent to a fee-sharing arrangement with another lawyer not in the same firm violated Rule 1.5(e)(2), MRPC.
3. Respondent's unprofessional conduct warrants the issuance of an admonition.

WHEREFORE, this admonition is issued pursuant to Rule 8(d)(2), Rules on Lawyers Professional Responsibility (RLPR). The attached memorandum is made a part hereof.



Tuong, Binh
2024.05.31
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BINH T. TUONG
DEPUTY DIRECTOR OF THE OFFICE
OF LAWYERS PROFESSIONAL
RESPONSIBILITY
445 Minnesota Street, Suite 2400
St. Paul, MN 55101-2139
(651) 296-3952

Reader copy | Identifying details redacted

NOTICE

TO: Respondent Rolf T. Henning Fiebiger at 6800 France Avenue South, Suite 190, Edina, MN 55435.

You are notified that the Director has, pursuant to Rule 8(d)(2), RLPR, issued the foregoing admonition.

You are further notified that the issuance of this admonition is in lieu of the Director's presenting charges of unprofessional conduct to a Lawyers Professional Responsibility Board Panel. You have the right to demand that the Director present the charges to a panel which shall consider the matter *de novo* or instruct the Director to file a petition for disciplinary action in the Minnesota Supreme Court.

To demand the presentation of charges to a panel, you must notify the Director in writing within 14 days of the date of this notice. If you demand the presentation of charges to a panel, you are requested, pursuant to Rule 25, RLPR, to enclose a reply to the facts and conclusions contained in the admonition. Your reply should set forth with specificity, those facts and conclusions which you admit, those which you deny, and any qualifications, explanations, defenses, or additional information you deem relevant.

If you do not demand the presentation of charges within 14 days of the date of this notice, the Director's file will be closed with the issuance of this admonition. The complainant, if any, and the district ethics committee, if any, that has considered this complaint, will be notified and provided with a copy of the admonition and memorandum, if any.

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

Ciano, Karin Digitally signed by Ciano, Karin Date: 2024.05.31 10:01:57 -05'00'

By _____

KARIN K. CIANO
SENIOR ASSISTANT DIRECTOR

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