

**OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY**

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March 31, 2025

Mr. Timothy A. Hutchinson
3637 Bellaire Avenue, Apt. 303
White Bear Lake, MN 55110

VIA EMAIL ONLY
thehutchinsons@gmail.com

Re: Timothy A. Hutchinson Complaint against Daniel J. Van Loh
Our File No. 48066

Dear Mr. Hutchinson:

Enclosed please find a copy of the disposition documents from the above-entitled matter. Pursuant to our call, you inadvertently recycled the earlier version. Thank you.

Very truly yours,

Office of Lawyers Professional
Responsibility

Holtgren, Jennifer

Digitally signed by Holtgren,
Jennifer

Date: 2025.03.31 09:59:00 -05'00'

By _____

Jennifer M. Holtgren
Paralegal

jt
Enclosure

In the Matter of the Complaint of
TIMOTHY A. HUTCHINSON
3637 Bellaire Avenue, Apt. 303
White Bear Lake, MN 55110
against DANIEL J. VAN LOH,
a Minnesota Attorney,
Registration No. 0297513.

**DETERMINATION
THAT DISCIPLINE
IS NOT WARRANTED**

TO: Complainant Timothy A. Hutchinson and Respondent Attorney Daniel J. Van Loh:

Based upon the entire file the Director of the Office of Lawyers Professional Responsibility determines that discipline is not warranted pursuant to Rule 8(d)(1), Rules on Lawyers Professional Responsibility. The attached memorandum of the District Ethics Committee, as amended by the Director, states the basis for this determination.

NOTICE TO COMPLAINANT OF RIGHT TO APPEAL

If you are not satisfied with this decision, an appeal may be made by notifying the **Lawyers Professional Responsibility Board (Board), 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.

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
445 Minnesota Street, Suite 2400
St. Paul, MN 55101-2139
(651) 296-3952

By **Ciano, Karin** Digitally signed by Ciano, Karin
Date: 2024.10.28 15:02:59
-05'00'
Karin K. Ciano
Senior Assistant Director

MEMORANDUM

Summary of Complaint:

Respondent Daniel Van Loh has represented Steven Anderson (Steven) and his wife, Brittany Anderson (Brittany) since April 2021 on a *pro bono* basis in two Harassment Restraining Order (HRO) proceedings against the complainant, Brittany's father, Timothy Hutchinson. Mr. Hutchinson made many allegations against Mr. Van Loh. The primary allegation investigated by the District Ethics Committee was the allegation that Mr. Van Loh might have had improper communications with Mr. Hutchinson, who was unrepresented.

Findings:

Mr. Hutchinson had a close relationship with his daughter Brittany until she became engaged to Steven in January 2021. Mr. Hutchinson began acting with hostility to Brittany and Steven and threatened to harm them or himself with a firearm. Mr. Hutchinson, a pastor himself, actively attempted to get Steven fired from his employment at another church. Mr. Hutchinson asked the church to mediate the dispute, but the church declined. Mr. Hutchinson put up a website, dirtysteven.com, that detailed his grievances against Steven.

Brittany and Steven sought and obtained HROs against Mr. Hutchinson based on Mr. Hutchinson's harassing emails and threats. On May 27, 2021, the day of the HRO hearing, Mr. Hutchinson, who was self-represented, spoke with Mr. Van Loh at a settlement conference outside the courtroom. During that conversation, Mr. Van Loh reminded Mr. Hutchinson again that he was not Mr. Hutchinson's attorney and could not give him legal advice, a fact that Mr. Hutchinson understood and acknowledged. Mr. Hutchinson knew that Mr. Van Loh did not represent him and did not ask Mr. Van Loh for advice. Mr. Van Loh communicated to Mr. Hutchinson, truthfully, that Brittany wanted the HROs in place. Mr. Hutchinson remembers Mr. Van Loh telling him that if he did not agree to the HRO, it might show up on Brittany's background check and affect her future employment and missionary efforts. Mr. Van Loh denies making such a statement, noting that it would not have been accurate.

At the hearing, Mr. Hutchinson agreed to the entry of HROs without findings of wrongdoing. Under oath, Mr. Hutchinson affirmed that he understood and agreed to the terms of the HROs, acknowledged that he could be criminally charged for violations, and asked no questions of the court when invited to do so. The court asked, "You are willing to be bound by these orders even though you don't have an attorney

here today to give you legal advice?" Mr. Hutchinson replied, "I do." The court continued, "And you are clear headed?" Mr. Hutchinson replied, "Yes, I am."

The HROs required Mr. Hutchinson to take down his website and have no direct or indirect contact with Brittany or Steven for two years. The sole exception was that Mr. Hutchinson could have written communication with Brittany and Steven exclusively through Mr. Van Loh provided that the communication was not disparaging, threatening, or harassing.

Starting on June 4, 2021, Mr. Hutchinson made more harassing and threatening communications to Brittany and Steven which he provided to Mr. Van Loh. Mr. Hutchinson also created an online journal and a lengthy video to share his thoughts about the dispute and invited Brittany and Steven to view it. On September 15, 2021, Mr. Hutchinson emailed Mr. Van Loh about settling his disagreement with Steven; the same day Mr. Van Loh responded, confirming that he represented Steven and asking for more information. Mr. Hutchinson then proposed an arbitration to determine whether Steven's assertions were true; if Mr. Hutchinson were to be successful, he believed Brittany could be ordered to drop the HRO and they would be able to resume a relationship. The next day, Mr. Van Loh responded:

Thank you for the explanation. I'm not sure that reconciliation of a father-daughter relationship for an[] adult daughter is something that can be arbitrated. The accusations to which you refer have not been adjudicated because you agreed to accept the HRO without a hearing and without admitting anything. Hence, there is no public sharing of the allegations, unless you have shared Steven and Brittany's affidavits with others, otherwise the allegations remain between you and them. On this note, can you please verify that you have removed the public website that contained your disparaging comments about Steven? This was required as part of the HRO.

I'm sorry that I cannot offer a better solution, Tim. I'm sure this is difficult. I'm happy to speak with an attorney who contacts me on your behalf, but there is simply not a legal process through the HRO to force relational reconciliation with an adult child. This is not to say that there is never a hope for healing and reconciliation, just not through the legal process.

Mr. Hutchinson replied that his website had been taken offline, and added:

My intent in reaching out to you was to see if there was a way to handle this situation without my retaining a lawyer and suing Steven. Once I proceed in that direction there is no turning back, and it will become a publicly known matter. I firmly maintain that I am a victim and am innocent of all accusations of Steven. It is only out of a desire to peacefully restore a relationship with my daughter that I extend this one-time offer to settle things before hiring an attorney.

To this, Mr. Van Loh replied:

What are the damages that you are alleging and what is the legal basis for any claims? Are you just referring to the allegations in Steven's HRO petition because these allegations were repeated by Brittany as well. I'm still trying to understand what you feel that Steven has done that can be remedied for me to see if there is a solution. Can you clarify this for me?

Mr. Hutchinson replied that "Steven's lies" damaged his relationship with Brittany, caused him to attempt suicide, and affected other relationships and his job. Mr. Hutchinson noted, "I'm convinced Brittany went along blindly with this and doesn't really know what the HRO says," and stating:

Let me be perfectly clear; I fully intend to take [Steven] to court and sue for damages resulting from his lies. It is only because I am a peaceful person that this opportunity to handle things outside a courtroom is being presented. With all due respect to you, sir, I really don't want to go back-and-forth through email with you like this. Either they want an opportunity to resolve this between us, or they are sticking with their story and not willing to move forward towards a resolution.

Mr. Van Loh responded, "Thank you for the clarification. I will discuss your proposal with Steven and get back to you. I just needed to be sure what the legal issues are so that I can advise him." Mr. Hutchinson checked in on September 24 for an update, and on October 12 Mr. Van Loh replied:

I apologize for my delayed response. I've discussed your invitation to arbitrate with Steven and, without a valid legal issue to resolve, I don't see arbitration as helpful or beneficial. I'm aware of your threats to sue Steven which appear to contradict your hope of reconciliation with your

daughter, Brittany, as hurting Steven will hurt Brittany which would most assuredly undermine or end any future hope of reconciliation.

The next day, Mr. Hutchinson wrote a lengthy response accusing Steven of perjury and claiming to be offended that Steven or Mr. Van Loh “would pretend to know more than I what’s best for Brittany.” Mr. Hutchinson again threatened to sue Steven so that the truth would come out, adding, “A lawsuit, however, is not my next move. It’s coming—soon. I will never give up on my daughter. Not ever! The truth WILL come out.”

On October 14, 2021, Mr. Van Loh responded to Mr. Hutchinson’s email, acknowledging their disagreement, and stating:

Understanding that I represent your daughter Brittany and cannot give you legal advice, I encourage you to give some thought to whether you are missing the opportunity to understand Brittany’s perspective through this process.

That said, I do not think that any further dialogue on this issue will be helpful. I remind you of the terms of the HRO given your comment/threat that “a lawsuit, however, is not my next move.” Per the HRO, you are to refrain from direct and indirect contact with both Steven and Brittany. Hence, both direct and indirect attempts of communication or behavior with the intention of reaching or impacting Steven and Brittany may be considered a violation of the HRO which may then have criminal penalties for any violations. On behalf of both Steven and Brittany, I am requesting that you refrain from any attempts to communicate with them.

I reiterate my comments that your threats of lawsuits or “other moves” undermine your efforts for future reconciliation with Brittany. She needs a break and respectfully requests that you respect her wishes, including your threatened legal attacks against Steven.

There appears to have followed a period of relative quiet. But in May 2023, after receiving a communication from Mr. Hutchinson stating that he intended to protest at the church every week once the HROs expired, Mr. Van Loh helped Brittany and Steven petition for an extension of the HROs. Mr. Hutchinson did not agree to the extension and the matter was tried on July 13, 2023.

During the trial, Mr. Van Loh questioned Mr. Hutchinson about his compliance with the original HROs and presented evidence of Mr. Hutchinson’s continuing harassment.

When Mr. Hutchinson presented witnesses, Mr. Van Loh objected to Mr. Hutchinson's questioning of the witnesses and the objections were sustained. Mr. Hutchinson believes the court granted too much leeway to present evidence to Mr. Van Loh and not enough to Mr. Hutchinson. Mr. Hutchinson also believes the court should have permitted him not to answer Mr. Van Loh's questions. After the hearing, the court found that Mr. Hutchinson and his witnesses lacked credibility. The court extended Brittany's HRO for two more years and Steven's for 10 years.

ANALYSIS

The standard of proof required in attorney disciplinary proceedings is "full, clear, and convincing evidence." *In re Nelson*, 733 N.W.2d 458, 461 (Minn. 2007). This standard is met when "the truth of the facts asserted is highly probable." *In re Disciplinary Action against Dedefo*, 752 N.W.2d 523, 529 (Minn. 2008). Clear and convincing evidence is established by more than a preponderance of the evidence but less than proof beyond a reasonable doubt. *Weber v. Anderson*, 269 N.W.2d 892, 895 (Minn. 1978).

Communication with Unrepresented Parties – Rule 4.3, Minnesota Rules of Professional Conduct (MRPC)

Rule 4.3, MRPC, provides that "[i]n dealing on behalf of a client with a person who is not represented by counsel," a lawyer "shall not state or imply that the lawyer is disinterested." Rule 4.3(a). If the lawyer knows the client's interests are adverse or in conflict with those of the unrepresented person, the lawyer also "shall clearly disclose that the client's interests are adverse to the interests of the unrepresented person," and "shall not give legal advice to the unrepresented person, other than the advice to secure counsel." Rule 4.3(b), (d). And, if the lawyer "knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding." Rule 4.3(c).

There is no dispute that, on behalf of his clients, Mr. Van Loh communicated with Mr. Hutchinson, an unrepresented opposing party whose interests were adverse to Mr. Van Loh's clients. Mr. Van Loh clearly communicated that fact to Mr. Hutchinson and indicated that if Mr. Hutchinson desired legal advice, he should retain his own counsel. Mr. Hutchinson acknowledged that Mr. Van Loh did not represent him and exhibited no confusion at any point about Mr. Van Loh's role in the proceedings. As the communications detailed above make clear, Mr. Van Loh provided no legal advice to Mr. Hutchinson, but instead asked questions and provided Mr. Hutchinson with information and argument as to Mr. Van Loh's clients' position.

There is no clear and convincing evidence of a violation of Rule 4.3, MRPC.

CONCLUSION

For the reasons stated above, the Director agrees with the DEC that no discipline is warranted.