

LOCAL

Widow claims lawyer funneled husband's \$5M estate to East Grand Forks church

A new will signed in the final weeks of Randy Driscoll's life gave his family farm to the local Catholic church.

By John Reinan (<https://www.startribune.com/john-reinan/273043871/>) Star Tribune |

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When her husband's will was read, Cindy Driscoll immediately thought something was wrong — because it said nothing about caring for Randy Driscoll's beloved parrot, Beeker. But the biggest surprise was yet to come.

The 62-year-old East Grand Forks, Minn., farmer had left virtually his entire estate, totaling more than \$5 million, to the foundation of Sacred Heart Catholic Church — a church the Driscolls didn't attend. Included were 500 acres of prime Red River Valley farmland that had been in the Driscoll family since the late 1800s.

And then Cindy Driscoll learned something that disturbed her even more: The lawyer who wrote a new will for her husband in the weeks before he died was the registered agent for, and a board member of, the Sacred Heart Foundation, which stood to get the money.

"I was just stunned," she recalled. "I said, 'Something has gone terribly wrong here.' Never would Randy have done this to the family or me.

"There's no way he would have left everything to the church."

Now Driscoll is suing East Grand Forks attorney Gerard Neil and his law firm in Polk County District Court, alleging malpractice, negligence and fraudulent misrepresentation.

As she stood by her husband's sickbed, Driscoll said in court documents, Neil handed her legal papers she'd never seen before and told her to sign them.

Believing she was signing documents dealing with estate taxes, Driscoll said, she signed them without reading — and in doing so, forfeited \$2 million of her share of the estate to the church. Less than a month later — on Dec. 7, 2015 — Randy Driscoll died of leukemia.

"I thought he was doing the best for Randy and me," Cindy Driscoll said. "The day I let those people in my house was the biggest mistake I ever made."

"It's taking advantage of someone who's vulnerable and unsophisticated," said Patrick O'Neill Jr., the St. Paul lawyer representing Cindy Driscoll. "We're a self-policing profession, and someone needs to hold the lawyers accountable."

Neil said that's not what happened.

"Gerard Neil and the Neil Law Firm vehemently deny the allegations Cindy Driscoll has made in this lawsuit," Neil's attorney, Peter Zuger, said in a statement. "Her complaint omits critical facts — facts that tell a much different story than the story she has told in her complaint."

Lawyer's conduct questioned

The money issues over Randy Driscoll's estate have been largely settled. In 2018, the Driscoll family and Sacred Heart agreed to a deal that gave the church \$1.5 million. Cindy Driscoll got title to her home and \$1 million in cash. The farmland went to other



Randy and Cindy Driscoll were married in Hawaii in 2005. Ten years later, Randy's death would spark a bitter fight over his \$5 million estate.

Driscoll family members, who had to come up with nearly \$900,000 to complete the deal.

The current lawsuit is focused on Neil's actions in drawing up Randy Driscoll's will and trust, and gaining Cindy Driscoll's consent to them.

Neil has been practicing law in the East Grand Forks area for more than 30 years. He did estate work for Randy Driscoll's father, and a lawyer at his three-attorney firm had drafted an earlier will for Randy Driscoll.

Neil has never faced professional discipline, according to records of the Minnesota Lawyers Professional Responsibility Board.

In court documents, Neil said he was carrying out Randy Driscoll's wishes and that he had no legal duty to look out for Cindy Driscoll, who had been Randy's partner for 31 years and his wife for 10.

Randy Driscoll wanted to provide a comfortable life for his wife, Neil said in a deposition, but "he did not want Cindy to have control of a significant amount of money." Neil testified that Randy Driscoll had become concerned about his wife's spending and didn't want her giving money to her own relatives.

His new will allowed her to live in their home for the rest of her life — although she'd have to pay all maintenance, taxes and expenses — and provided her with an income of up to \$54,000 a year, according to Neil.

The day after meeting with Neil for three hours to discuss his new will, according to court documents and family members, Randy Driscoll was admitted to a hospital suffering from hallucinations.

Neil didn't show any legal papers to Cindy Driscoll before she signed them, according to court documents, and didn't advise her to have her own attorney look at them. Thus, when Cindy signed a document stating that she'd read and understood everything she was signing, Neil knew it wasn't true, O'Neill said.

Meanwhile, Randy Driscoll was fading fast after fighting leukemia for five years. He was taking up to 60 pills a day for a variety of ailments, Cindy Driscoll said: "a pile at breakfast, a pile at lunch and a pile at dinner."

"I was losing my husband," she said, sobbing. "I was watching him go each day, piece by piece, and I knew what was coming."

Randy Driscoll had written his first will in 2010, after learning he had leukemia, said his brother, Bruce Driscoll, and the family believes that will represented his true wishes.

"In his 2010 will, he left all of his farmland to his two nephews and his niece. He left his house and all his investments to his wife," said Bruce Driscoll, who was his brother's trustee. That will would have given Sacred Heart the proceeds from the sale of Randy Driscoll's antique guns and cars — an amount estimated in court documents to be between \$150,000 and \$500,000.

Leaving his entire estate to the church, Bruce Driscoll said, is "not what I would expect out of Randy at all. It wasn't Randy."

A lesson to pass on

The extended Driscoll family has long ties to Sacred Heart, the Diocese of Crookston said in a statement, noting that Randy Driscoll was a registered member of the parish and his burial mass was held at the church.

"Sacred Heart Church, School and Foundation were unaware of Randy's gift until after he died," the statement said. "No one from Sacred Heart contacted Randy during his lifetime regarding the will or trust.

"Msgr. Mike Foltz prays that just resolution can be met for all involved."

Cindy Driscoll said the experience has taught her a lesson she wants to pass on to others.

“I want to tell Mr. and Mrs. Randy Driscoll’s story so this never happens to anybody else, especially when you have been fighting [illness] for five years and neither of you are in your right mind,” she said. “That you should never sign anything without a lawyer standing by you.

“I know damn well Randy would never have done anything to hurt me,” she said. “I was the love of his life and he was my soul mate.”

John Reinan is a news reporter covering Greater Minnesota and the Upper Midwest. For the Star Tribune, he’s also covered the western Twin Cities suburbs, as well as marketing, advertising and consumer news. He’s been a reporter for more than 20 years and also did a stint at a marketing agency.

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