

RECEIVED

MAY 31 2006

OFFICE OF LAWYERS  
PROF. RESP.

STATE OF MINNESOTA  
IN SUPREME COURT

OFFICE OF  
APPELLATE COURTS

MAY 30 2006

A06-426

FILED

In re Petition for Disciplinary Action against  
Sergio Roberto Andrade, a Minnesota attorney,  
Registration No. 261750.

ORDER

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action in the above-entitled matter on March 2, 2006. On the same day, the Director filed a petition seeking an order temporarily suspending respondent from the practice of law pending the final determination of these disciplinary proceedings.

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

IT IS HEREBY ORDERED that the petition for temporary suspension be, and the same is, denied.

IT IS FURTHER ORDERED that within 10 days of the date of this order, respondent shall provide written notice to his existing clients, in Spanish and in English, of his criminal conviction and of the disciplinary proceedings pending against him. Such notice shall state that respondent has been convicted of attempted theft by swindle in excess of \$2,500 from a client, shall state that the Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action against respondent,

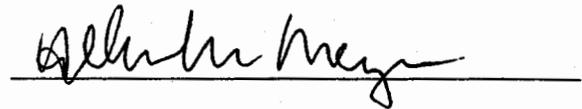
and shall state that the Director seeks respondent's suspension or disbarment from the practice of law. Respondent may state that he is cooperating with the Director's investigation but that he is contesting the discipline proposed by the petition for disciplinary action. Respondent need not provide clients with copies of either the district court's findings or the petition for disciplinary action. Respondent shall file with the Director an affidavit showing that respondent has fully complied with the court's order and shall attach copies of the notice. Respondent shall also provide the same notice to new clients when respondent is retained.

IT IS FURTHER ORDERED that pending final resolution of the disciplinary proceedings pending against him, respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director. Within five days of the date of this order, respondent shall provide to the Director the name of the attorney who has agreed to be nominated as respondent's supervisor. If the attorney who has agreed to be nominated as respondent's supervisor is not acceptable to the Director, the Director shall appoint a supervisor. Respondent shall cooperate fully with the supervisor in his or her efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the

Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

Dated: May 30, 2006

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Helen M. Meyer", is written over a solid horizontal line.

Helen M. Meyer  
Associate Justice

GILDEA, J., took no part in the consideration or decision of this case.

## DISSENT

ANDERSON, Paul H., Justice (dissenting).

I respectfully dissent. I would grant the Director's petition to temporarily suspend respondent Sergio Roberto Andrade from the practice of law pending final determination of these disciplinary proceedings. I conclude that the "extent and seriousness" of respondent's conduct—conviction of felony attempted theft by swindle of a client—warrants a temporary suspension. *In re Plowman*, 463 N.W.2d 497, 497 (Minn. 1990). In the felony criminal matter, the district court found that respondent deliberately and intentionally made false statements to a client in an attempt to obtain money from the client. In light of the court's findings and the felony conviction, it would be inappropriate to hold out respondent "as an attorney who poses no risk of injury to the public and who is entitled to the unquestioned trust and confidence of clients, judges, and lawyers." *In re Okerman*, 298 N.W.2d 28, 29 (Minn. 1980). Accordingly, I would order that respondent be temporarily suspended from the practice of law pending the final determination of the disciplinary proceedings pending against him.

HANSON, Justice (dissenting).

I join in the dissent of Justice Paul H. Anderson.