STATE OF MINNESOTA
IN SUPREME COURT
FILE NO 43601

In the Matter of the Application for the Discipline of VICTOR B. ANDERSON, an Attorney at Law of the State of Minnesota.

PETITION AND ACCUSATION

TO THE SUPREME COURT OF THE STATE OF MINNESOTA, AND TO OSCAR R. KNUTSON, CHIEF JUSTICE:

The undersigned, Administrative Director on Professional Conduct, at the direction of the State Board of Professional Responsibility, makes this Petition and represents and states to the Court as follows:

1. That Victor B. Anderson, hereinafter referred to as "Respondent", is, and at all times since October 4, 1955, has been, licensed to practice law in the State of Minnesota, and presently and for many years last past has practiced his profession in the City of St. Paul, State of Minnesota. That Respondent has paid his registration fees required by Rule 3 of the Rules of the Supreme Court for registration of attorneys through the year 1972.

2. That on October 21, 1970, Respondent was charged with willfully and knowingly failing to file Federal income tax returns for the calendar years 1964, 1965, 1966, and 1967, to the District Director of Internal Revenue, District of Minnesota, at St. Paul, Minnesota, or at any other proper office of the United States, in violation of Section 7203, Internal Revenue Code, 26 U.S.C. 7203. That on November 2, 1970, Respondent was

arraigned before the United States District Court for the District of Minnesota, Third Division, and entered pleas of not guilty to all counts. That on February 16, 1971, Respondent entered a plea of guilty to the offense of having willfully and knowingly failed to file a Federal income tax return for the calendar year 1965. That on March 15, 1971, Respondent was sentenced to imprisonment for a period of one year by the United States District Court for the District of Minnesota, Third Division, with the provision that Respondent serve six months in confinement, and that thereafter he be placed on probation for two years. That Respondent was released from prison in the month of September, 1971, and has resumed the practice of law in the state of Minnesota.

3. That Respondent failed to file Minnesota State income tax returns at the times required by Minnesota law for the years 1957, 1958 and 1959, and for the years 1962 through 1970.

4. That one Kenneth Maloney made a complaint against Respondent to the Ramsey County Ethics Committee, which Committee made an investigation of said complaint. That Respondent failed to cooperate with the Ramsey County Ethics Committee in the investigation and disposition of said complaint, and on May 4, 1966, was formally reprimanded by that Committee for his failure to cooperate.

5. That on April 7, 1965, the Credit Manager of St. Luke's Hospital, St. Paul, Minnesota, made a complaint against Respondent to the Ramsey County Ethics Committee. That the Ramsey County Ethics Committee subsequently determined that no professional misconduct on the part of Respondent was involved; however, Respondent, having failed to cooperate with the Ramsey

County Ethics Committee in the investigation of said complaint, was censured by that Committee by letter dated May 4, 1966.

6. That during 1967, Respondent failed to answer inquiries made of him by his client, Mrs. Leone Murphy. Mrs. Murphy made a complaint against Respondent to the Ramsey County Ethics Committee, which Committee, by letter dated July 19, 1968, formally admonished Respondent and instructed him to conduct his practice in a manner that would avoid giving rise to similar complaints against him in the future.

7. That sometime prior to the year 1968, Respondent undertook to represent one Carolyn Chelburg in a personal injury case. That Respondent inadvertently permitted the statute of limitations to run against the claim of Carolyn Chelburg. That thereafter Respondent made a settlement with Carolyn Chelburg satisfactory to her.

8. That for many years last past, Respondent has suffered from metastatic osteomyelitis, affecting multiple sites, and which has resulted in a shortening of the right hip due to adduction deformity at that hip. That said hip condition has caused open sores on one of Respondent's legs, and Respondent's physical condition over the years has caused him intense pain and suffering.

9. That because of Respondent's physical condition, he became obsessed with the thought that he did not have long to live, and that as a result thereof, he engaged in the excessive use of alcohol and developed anti-social attitudes.

10. That recent medical care has substantially improved Respondent's situation and has reduced the pain and suffering which formerly accompanied his condition, to a point

where he can now live with it. That this fact, coupled with his imprisonment, has brought about a substantial change in the attitude of Respondent, both toward his profession and those associated with him. That as evidence of his changed attitude, Respondent cooperated fully with Petitioner and the State Board of Professional Responsibility in the hearing held on the complaints against him.

11. That Petitioner alleges on information and belief that Respondent's situation has now improved to a point that, if placed on probation upon the terms and conditions hereinafter set forth, Respondent will be able to engage in the practice of law in a lawyer-like manner, and should he fail to do so, the terms of his probation will adequately protect the public, the profession, and the Court.

12. That Petitioner and Respondent have entered into a Stipulation, a copy of which is hereto attached, marked "Exhibit A", and made a part of this Petition and Accusation.

WHEREFORE, Petitioner prays the Court for Orders as follows:

(i) Placing Respondent on probation until further Order of the Court, the terms of the probation to be as follows:

(a) That Respondent shall not neglect legal matters entrusted to him.

(b) That Respondent shall not engage in any conduct, either in connection with his practice or his personal life, that adversely reflects upon his fitness to practice law.

(c) That Respondent shall so conduct his practice as to avoid legitimate complaints

against him, and if any complaints are made, he will fully cooperate with the Ethics Committee or other disciplinary agency in the investigation and disposition of such complaints.

(d) That Respondent will refrain from the excessive use of alcohol.

(e) That Respondent shall enter into agreements with the Internal Revenue Service and the Minnesota Department of Taxation, satisfactory to them, for the settlement of Respondent's income tax liabilities, and that in the future Respondent will make timely filings of both Federal and State returns.

(f) That Respondent's practice shall be supervised by at least two (2) attorneys, satisfactory to the Administrative Director, which attorneys shall enter into an agreement with the Administrative Director to undertake such supervision and to make periodic reports to the Administrative Director.

(ii) That upon a showing to the Court, satisfactory to the Court, that Respondent has failed to comply with the conditions of his probation, he shall be forthwith suspended indefinitely from the practice of law in the State of Minnesota.

DATED this 18th day of February, 1972.

Administrative Director
on Professional Conduct

STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS

R. B. Reavill, being duly sworn, deposes and says that he is the Administrative Director on Professional Conduct, the Petitioner herein; that he has read the foregoing Petition and Accusation subscribed to by him and believes the charges therein contained are true.

R. B. Reavill

Subscribed and sworn to before me this 18th day of February, 1972.

Audrey J. Sterner

AUDREY J. STERNER
Notary Public, Ramsey County, Minn.
My Commission Expires May 9, 1977