

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against DAVID ERIC BAER,  
a Minnesota Attorney,  
Registration No. 293027.  
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**PETITION FOR  
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 29, 1999. Respondent currently practices law in Minneapolis, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. On October 7, 2010, respondent was charged by criminal complaint in Hennepin County District Court with three felony counts alleging controlled substance crimes in the second, fourth, and fifth degrees in violations of Minn. Stat. §§ 152.022, subdiv. 2(1), subdiv. 3(a); 609.101, subdiv. 3; 152.01, subdiv. 16a; 152.024, subdiv. 2(1), subdiv. 3(a); and 152.025, subdiv. 2(1), subdiv. 3(a).

2. On March 23, 2011, respondent pled guilty to all three felony charges.

3. On May 13, 2011, a judgment of conviction in accord with respondent's guilty pleas was entered and respondent was committed to the custody of the Commissioner of Corrections for 48 months, a \$75,000 fine and a \$78 surcharge was imposed, and respondent was placed on three years probation. The 48 month

imprisonment sentence and the fine were stayed for three years. The stay of imprisonment was conditioned on respondent serving 365 days in the Hennepin County Workhouse on immediate work release or, after 90 days actually served, on home detention/electronic monitoring. The terms of respondent's criminal probation include a prohibition on the use of non-prescribed drugs and possession of firearms or dangerous weapons.

4. Rule 19(a), RLPR, provides, in relevant part:

**Criminal Conviction.** A lawyer's criminal conviction in any American jurisdiction, even if upon a plea of nolo contendere or subject to appellate review, is, in proceedings under these Rules, conclusive evidence that the lawyer committed the conduct for which the lawyer was convicted.

5. Respondent's conduct violated Rule 8.4(b), Minnesota Rules of Professional Conduct.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: June 13, 2011.

  
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MARTIN A. COLE  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 148416  
1500 Landmark Towers  
345 St. Peter Street  
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and

  
\_\_\_\_\_  
PATRICK R. BURNS  
FIRST ASSISTANT DIRECTOR  
Attorney No. 134004