

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

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against CHRISTOPHER JAMES BIANCO,  
an Attorney at Law of the  
State of Minnesota.  
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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 (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on January 10, 1986. Respondent was suspended on January 1, 2000, for nonpayment of attorney registration fees.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

A. Failure to Cooperate

1. On March 13, 2000, the Director received a complaint stating that respondent had appeared in court on March 1, 2000, under the influence of alcohol. Respondent was on probation with regard to a 1998 conviction of refusal to test and was on pretrial release for a second offense. The probation and the pretrial release prohibited use of alcohol by respondent.

2. In the course of reviewing the complaint, the Director determined that respondent had been suspended for nonpayment of attorney registration fees as of January 1, 2000.

3. The Director's initial attempts to notify respondent of the complaint failed, as respondent was no longer at the address listed by attorney registration. After locating a correct address, on May 16, 2000, the Director notified respondent of the complaint and the suspension and requested he provide a response to the complaint, proof of payment of the attorney registration fees, and an affidavit concerning his practice of law since January 1, 2000. The documentation was to be submitted within 14 days. Respondent failed to respond.

4. On June 8, 2000, the Director again wrote to respondent requesting a response to the complaint and proof of payment of attorney registration fees. Respondent replied on June 16, 2000, stating he had dislocated a finger and would submit a response by June 23, 2000. Respondent did not do so.

5. On June 28, 2000, the Director notified respondent that he was obligated to provide the information previously identified.

6. On June 30, 2000, the Director received a response from respondent stating that he was unaware his license to practice law had been suspended, admitting that he had consumed alcohol the evening prior to the March 1, 2000, court appearance, and stating he had admitted himself into a healthcare facility for alcohol dependency.

7. On July 19, 2000, the Director requested from respondent various documents related to completion of his alcohol treatment program and the suspension of respondent's license. The Director specifically requested that respondent provide proof of payment of the licensing fees, letters sent to clients explaining respondent's suspension from the practice of law, and information regarding any clients respondent represented since January 1, 2000. The Director requested a response within 14 days. Respondent failed to respond.

8. On August 2, 2000, the Director wrote again to respondent requesting his response to the July 19, 2000, letter within 10 days. Respondent failed to respond.

9. Respondent's conduct in failing to cooperate with the Director's investigation violated Rule 8.1(a)(3), Minnesota Rules of Professional Conduct (MRPC), Rule 25, RLPR, and the Minnesota Supreme Court's holding in *In re Cartwright*, 282 N.W.2d 548 (Minn. 1979).

## SECOND COUNT

### B. Unauthorized Practice of Law

10. In the course of reviewing the complaint, it came to the Director's attention that respondent had been suspended on January 1, 2000, for nonpayment of attorney registration fees.

11. Respondent represented a defendant in a criminal matter in Olmsted County on March 1, 2000.

12. On May 16, 2000, the Director wrote to respondent requesting he provide proof of payment of the attorney registration fees within 14 days. Respondent failed to respond.

13. On June 30, 2000, respondent replied stating he had been unaware that his license had been suspended.

14. Respondent's representation of a client after suspension of his attorney's license for nonpayment of attorney registration fees violated Rule 5.5(a), MRPC.

## THIRD COUNT

### C. Violation of Court Orders

15. Respondent was placed on probation until July 13, 2000, for refusing to test. On February 9, 2000, respondent was charged with violating his probation and with domestic assault. In a pretrial release order dated February 9, 2000, respondent was ordered not to use alcohol.

16. On March 1, 2000, an Olmsted County judge requested respondent take a breathalyzer test. That test revealed a blood alcohol concentration of .025. Respondent has admitted to having consumed alcohol, in violation of the court's orders.

17. Respondent's conduct in consuming alcohol, in violation of his criminal probation and pretrial release orders violated Rule 3.4(c), MRPC.

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: October 20, 2000.



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