

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ERIC DAVID BULL,
a Minnesota Attorney,
Registration No. 0276017.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

At the direction of a Lawyers Professional Responsibility Board Panel, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 24, 1997. Respondent was suspended on January 1, 2014, for nonpayment of attorney registration fees.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

On October 5, 2010, the Minnesota Supreme Court issued an order publicly reprimanding respondent and placing him on two years' probation for representing multiple clients before a tribunal while suspended for failure to complete continuing legal education credits, without informing his clients, the court, or opposing counsel that he was ineligible to practice law, in violation of Rules 5.5(a) and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

FIRST COUNT

Unauthorized Practice of Law

1. As of January 1, 2014, respondent was suspended from the practice of law for failure to pay his lawyer registration fee. On February 21, 2014, the Minnesota Supreme Court issued an order placing respondent on involuntary restricted status pursuant to Rule 12, Rules of the Minnesota State Board of Continuing Legal Education, for failing to complete required continuing legal education (CLE) courses. A lawyer on restricted status may not engage in the practice of law or represent any person or entity in any legal matter or proceeding within the State of Minnesota other than himself.

2. On March 4, 2015, respondent contacted the Minnesota Board of Continuing Legal Education (BCLE) inquiring how to reinstate his attorney license. That same day, BCLE responded to respondent indicating he needed to submit verification of 63.25 hours of continuing legal education hours, submit an affidavit and pay a \$250 transfer fee. Respondent has not been reinstated to practice law.

Grzesiak Representation

3. On January 16, 2015, Marlan Proctor III (Proctor) filed a conciliation court action against Funporium, LLC (Funporium) and other defendants, including Marie-Helene B. Grzesiak. On or about March 5, 2015, respondent spoke with Proctor indicating he represented Funporium. Respondent followed-up his telephone conversation with Proctor by email reiterating he represented Funporium and that he would draft a confession of judgment for Proctor's consideration per their telephone conversation. Respondent was identified on the March 5, 2015, email as "Eric D. Bull, Attorney" and included a confidentiality notice.

4. On March 6, 2015, respondent emailed Proctor and attached a draft confession of judgment for Proctor's consideration. Respondent stated Funporium would agree to forward any funds it received until the debt was satisfied. Respondent

also requested that if Proctor chose not to accept the confession of judgment to advise him as he was going to request a continuance of the April 6, 2015, conciliation court hearing. The March 6, 2015, email identified respondent as "Eric D. Bull, Attorney" and included a confidentiality notice.

5. The conciliation court matter was scheduled for hearing on April 6, 2015. Neither respondent nor Grzesiak appeared at the hearing. On April 6, 2015, the court issued a default judgment against Grzesiak.

6. On April 24, 2015, Grzesiak filed an affidavit and order vacating order for judgment and granting new trial pursuant to Minn. R. Gen. Practice 520(a). Grzesiak stated in her affidavit that on April 2, 2015, she learned respondent was suspended from the practice of law. Grzesiak's affidavit stated she intended to personally appear at the hearing but was unable to do so due to a family emergency. The hearing was subsequently rescheduled.

Youngs Representation

7. In November 2013, Steven Luman Youngs (Youngs) retained respondent to represent him on charges of driving while intoxicated, *Youngs v. Commissioner of Public Safety* (court file no. 70-CV-14-255), and a correlating implied consent matter DWI matters, *State of Minnesota v. Youngs* (court file no. 70-CR-13-21784).

8. On December 19, 2013, respondent filed an implied consent petition/petition for judicial review on behalf of Youngs. Thereafter, respondent did not withdraw from representation or otherwise inform Youngs that he could no longer continue to represent him due to his January 1, 2014, suspension from the practice of law due to his failure to pay his lawyer registration fee and the February 21, 2014, Supreme Court order placing him on involuntary restricted status.

9. On January 6, 2014, a notice of hearing was sent to respondent and the Attorney General's office notifying them of that a hearing had been scheduled for

February 6, 2014, on the petition respondent had filed in Youngs' implied consent matter.

10. On January 30, 2014, Kristi Neilsen, Assistant Attorney General (AGA), filed a notice of motion and motion, memorandum of counsel for respondent, proposed order and affidavit of service by U. S. Mail requesting that the court to dismiss the petition for judicial review on the grounds the court lacked jurisdiction to hear the matter, because the petition failed to comply with statutory requirements as it was not filed within 30 days after the date on which the petitioner received notice of revocation, as required by Minn. Stat. § 169A.53, subdiv. 2(a) (2012).

11. Respondent did not advise Youngs of the attorney general's notice of motion and motion to dismiss the petition due to his failure to timely file it. Specifically, Youngs received the notice of revocation on November 16, 2013, and respondent filed the implied consent petition/petition for judicial review on December 19, 2013, the 33rd day after receipt of the notice and order of revocation. The implied consent petition/petition for judicial review was thus untimely filed.

12. On February 6, 2014, a hearing was held on the implied consent petition. Respondent was present at the hearing. At respondent's request, assistant attorney general Adam Kujawa agreed to continue the hearing to March 13, 2014, in order to conduct additional discovery. At no time did respondent inform the court or the attorney general's office that he was not authorized to practice law due to his failure to pay his lawyer registration fee.

13. On February 6, 2014, a notice of hearing was sent to respondent and the attorney general notifying them of the March 13, 2014, hearing date.

14. On March 13, 2014, respondent and Youngs failed to appear for the implied consent hearing. Subsequently, the court issued an order dismissing the petition with prejudice on the grounds that respondent's petition was filed late and

Youngs and respondent failed to appear for the hearing. A notice of filing order was sent to respondent.

15. On November 18, 2013, respondent filed a certificate of appearance in the criminal DWI proceedings, *State of Minnesota v. Youngs* (court file no. 70-CR-13-21784) matter.

16. On November 25, 2013, a driving while intoxicated amended summons and complaint was issued against Youngs. Youngs was summoned to appear on January 6, 2014.

17. As of January 1, 2014, respondent was suspended from the practice of law for failure to pay lawyer registration fees and as of February 21, 2014, the Minnesota Supreme Court issued an order placing respondent on involuntary restricted status pursuant to Rule 12, Rules of the Minnesota State Board of Continuing Legal Education. Respondent failed to advise Youngs, opposing counsel or the court that he could not continue the representation due to the suspension and involuntary restricted status and respondent continued to appear at hearings as set forth below.

18. On January 6, 2014, Youngs made his first appearance before the court without representation and was ordered to appear for a February 6, 2014, omnibus hearing. Respondent represented Youngs at the February 6, 2014, uncontested omnibus hearing.

19. On February 6, 2014, the court issued a notice of hearing to respondent advising him of the April 16, 2014, contested omnibus hearing. Respondent appeared on behalf of Youngs at the hearing. Youngs pled guilty to a felony DWI after consulting with respondent. Specifically, respondent fully discussed the charge(s), his constitutional rights and the plea petition with Youngs prior to his entering a plea.

20. Respondent's conduct violated Rules 1.3, 1.4, 3.4(c), 5.5(a), and 8.4(d), MRPC, and the Supreme Court's February 21, 2014, order.

SECOND COUNT

Noncooperation

21. On April 24, 2015, the Director mailed a notice of investigation and a copy of the complaint of Kari Valley to respondent. The notice of investigation requested that respondent respond to the notice within 14 days pursuant to Rule 25, Rules on Lawyers Professional Responsibility (RLPR), and Rule 8.1(b), MRPC. The notice of investigation was mailed to respondent's business address and was not returned by the United States Postal Service.

22. Respondent failed to timely respond to the complaint. On May 26, 2015, the DEC investigator spoke with respondent and advised him of the pending complaint. Respondent indicated to the investigator that he rarely checks his mail at that address and was unaware of the complaint. Respondent requested and was granted an extension to provide his written response by June 1, 2015. Respondent failed to provide his response.

23. On August 28, 2015, the Director wrote to respondent requesting a written response to the complaint and to address his failure to cooperate with the DEC investigator's request for a written response within nine business days. Respondent failed to respond.

24. On October 22, 2015, the Director wrote to respondent again requesting his written response to the Valley complaint and to address his failure to cooperate with the DEC investigator's request for a written response within nine business days. Respondent failed to respond.

25. On November 4, 2015, the Director wrote to respondent regarding his representation of Steven Luman Youngs. The Director requested respondent's written response within nine days. Respondent failed to respond.

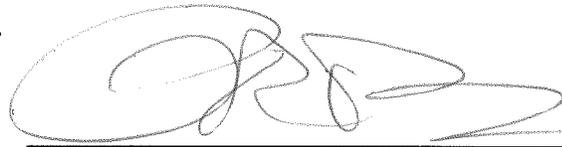
26. On November 6, 2015, the Director wrote to respondent requesting his written response to the Valley complaint and additional information and documentation regarding the Youngs matters. Respondent failed to respond.

27. On December 1, 2015, the Director served charges of unprofessional conduct upon respondent. Respondent was advised that pursuant to Rule 9(a)(1), RLPR, he must serve on the Panel Chair and the Director an answer to the charges within 14 days. Respondent failed to serve his answer to the charges of unprofessional conduct upon the Panel Chair of the Director.

28. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

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: JANUARY 8, 2016.



PATRICK R. BURNS
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