

FILE NO. A08-843

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JUDETH A. CHRISTIANSON,
a Minnesota Attorney,
Registration No. 201583.

**AMENDED AND
SUPPLEMENTARY PETITION
FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) 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 October 27, 1989. Respondent is not currently authorized to practice law. Respondent has been on continuing legal education restricted status since July 31, 2006, and has been fee-suspended since January 1, 2007.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

On March 23, 2006, the Director issued an admonition to respondent for failing to act with reasonable diligence and failing to communicate with a client in violation of Rules 1.3 and 1.4(a), Minnesota Rules of Professional Conduct (MRPC). Although not charged at the time, a pattern of failing to return a client's original documents was alleged in that matter.

FIRST COUNT

Lavoie Matter

1. On April 12, 2001, complainant Charles Lavoie was served with a summons and complaint in a civil lawsuit. Lavoie met with respondent regarding representation in that matter. Respondent agreed to represent Lavoie for \$100 per hour. Respondent agreed to advise Lavoie whether, in response to the civil suit, he could transfer real property to another person to deter a third party from encumbering the property. Respondent only agreed to represent Lavoie in negotiations regarding the matter, not to represent him at trial. Respondent contacted plaintiff's counsel and attempted to negotiate a settlement, but the plaintiff rejected the settlement offer.

2. On May 3, 2001, the plaintiff filed the lawsuit. In what respondent said was an effort to protect Lavoie's home from a judgment lien, respondent asked Lavoie to provide her with the property abstract to his home. Lavoie promptly delivered the abstract to respondent.

3. After receiving the abstract, respondent did not communicate with Lavoie. Lavoie began making unannounced visits to respondent's office.

4. No answer to plaintiff's complaint was ever filed and on August 23, 2001, the plaintiff filed a motion for a default judgment against Lavoie. Neither respondent nor Lavoie were served with the default motion.

5. On October 4, 2001, the court heard plaintiff's motion for default judgment and on October 12, 2001, the court ruled in the plaintiff's favor.

6. In January 2002, Lavoie received notice that a default judgment of \$30,000 had been entered against him. Lavoie made many calls to respondent to ask about the judgment. Respondent either failed to return Lavoie's calls, or when respondent did speak to Lavoie, respondent told Lavoie she had been unable to make contact with the judge.

7. By March 2002 Lavoie retained new counsel. Lavoie's new attorney was able to have the default judgment vacated and on August 1, 2002, obtained a dismissal of the case with prejudice.

8. After the case was dismissed, Lavoie began calling respondent again requesting that his abstract be returned. Lavoie's new attorney also wrote to respondent asking her to return Lavoie's abstract. Lavoie's calls and his attorney's letter went unanswered.

9. On occasion Lavoie was able to find respondent at her office. Respondent told Lavoie that she could not find his abstract but that she would replace it. However, respondent never did. Respondent eventually vacated her office, and Lavoie was unable to contact her.

10. Respondent did not return Lavoie's original abstract and did not provide him with a replacement abstract.

11. Respondent's failure to communicate with her client violated Rule 1.3, MRPC.

12. Respondent's failure to return Lavoie's abstract to him violated Rule 1.15(c)(4), MRPC.

SECOND COUNT

Lunde Matter

13. On November 3, 2004, Violet Lunde's son, Bruce Hildahl, was arrested. Hildahl was initially represented by a public defender. However, Hildahl then contacted respondent to represent him. On June 7, 2005, Lunde paid respondent a \$5,000 retainer. Respondent told Lunde and Hildahl that her fees were \$125 per hour for her work on the file and \$75 per hour for time spent driving. Respondent stated that \$5,000 would be sufficient to pay respondent's fees through a jury trial. Hildahl chose

to have respondent represent him for a flat fee of \$5,000, but neither Lunde nor Hildahl signed a retainer agreement.

14. In August 2005, respondent attended a settlement conference and a plea hearing. On October 31, 2005, Hildahl was sentenced in accordance with his plea. After sentencing, respondent told Lunde that she would return the balance of the unused retainer.

15. When respondent failed to return any portion of the funds, Lunde began calling respondent. Respondent told Lunde that Hildahl needed to personally request the funds. Hildahl then wrote to respondent requesting that she disburse the remaining funds to his mother. However, respondent never returned any of the funds and failed to provide an explanation for any fees that she may have earned. Respondent believed that since the fee agreement had been for a flat fee, all of the fees were earned.

16. Respondent's failure to clearly communicate in a writing signed by Hildahl that her fee was a nonrefundable fee for a specific service was a violation of Rule 1.5(b), MRPC.

THIRD COUNT

Unauthorized Practice of Law

17. In 2006, respondent was employed as a public defender for the Fifth Judicial District. On July 31, 2006, respondent was placed on involuntary restricted status for failure to comply with her continuing legal education requirements. Between August 3, 2006, through August 14, 2006, respondent appeared in court representing clients on at least six occasions. All of those appearances were while respondent was on CLE restricted status.

18. Although respondent had attended more than 45 hours of continuing legal education programs by her reporting deadline of June 30, 2006, she had not

completed the two-credit hours of bias training necessary to meet her reporting requirement.

19. Respondent's conduct in practicing law while on CLE restricted status violated Rule 5.5(b)(2), MRPC.

FOURTH COUNT

Nelson Matter

20. Around June of 2006, Ken Nelson retained respondent to assist him with his divorce. On June 30, 2006, Nelson paid respondent \$200 toward the representation. On July 21, 2006, Nelson paid respondent an additional \$290. Both checks were deposited in respondent's trust account.

21. Respondent agreed to prepare a marital termination agreement (MTA) for Nelson. Respondent prepared a draft MTA and provided it to Nelson. Respondent did not, however, complete the representation. Eventually, respondent stopped communicating with Nelson.

22. On January 3, 2008, Nelson obtained a default judgment against respondent for \$650, the \$590 he had paid to her plus fees of \$60. Nelson subsequently filed an ethics complaint against respondent with the Director's Office.

23. On February 23, 2009, respondent paid Nelson \$650.

24. Respondent's failure to communicate with Nelson or to complete her representation of him violated Rules 1.4 and 1.3, MRPC.

FIFTH COUNT

Non-Cooperation with the Director's Office

25. On July 3, 2006, the Director sent respondent a notice of investigation concerning the Charles Lavoie complaint. The notice of investigation directed respondent to provide the District Ethics Committee (DEC) investigator with an answer to the complaint within 14 days. Respondent did not reply.

26. On August 28, 2006, the DEC investigator wrote respondent and asked that she provide a written answer to the complaint by September 15, 2006. Respondent did not reply.

27. On September 21, 2006, the DEC investigator again wrote to respondent and asked for an answer by October 10, 2006. The investigator reminded respondent of her obligation to cooperate with the investigation. Respondent did not reply.

28. On September 25, 2006, the Director sent respondent a notice of investigation concerning the unauthorized practice of law matter. The notice of investigation directed respondent to provide the DEC investigator with an answer to the complaint within 14 days. Respondent did not reply.

29. On October 4, 2006, the DEC investigator wrote to respondent and asked for an answer to the complaint by October 18, 2006. Respondent did not reply.

30. On October 20, 2006, the DEC investigator again wrote to respondent and asked for an answer by November 1, 2006. The investigator reminded respondent of her obligation to cooperate with the investigation. Respondent did not reply.

31. On December 27, 2006, the Director telephoned respondent and learned her telephone number was no longer in service. On January 12, 2007, the Director wrote to respondent stating that her telephone was not in service and scheduling a meeting to take place on January 25, 2007. The letter instructed respondent to call the Director's Office if she was unable to attend the meeting. Respondent failed to appear at the meeting and did not contact the Director's Office. The Director's letter was not returned by the U.S. Postal Service as undeliverable.

32. On September 13, 2007, the Director sent a notice of investigation in the Lunde matter. The notice of investigation directed respondent to provide an answer to the complaint to the Director within 14 days. On September 19, 2007, the notice of

investigation was returned to the Director's Office by the U.S. Postal Service as undeliverable and unable to be forwarded.

33. On November 13, 2007, the Director had respondent personally served by the Lyon County Sheriff's Office with the notices of investigation and the complaints regarding Lavoie, Lunde and the unauthorized practice of law. Respondent never replied to the notices of investigation.

34. On March 17, 2008, the Director mailed to respondent notice of investigation in the Kenneth Nelson complaint. Respondent failed to reply.

35. On April 28, 2008, the Director again wrote to respondent concerning the notice of investigation. Respondent was reminded of her obligation to reply.

36. On July 30, 2008 (through her attorney), respondent replied to the Nelson complaint.

37. Respondent's failure to cooperate with the investigation of these matters violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

SIXTH COUNT

Failure to Attend Pre-Hearing Meeting

38. On March 19, 2008, respondent was personally served with the charges of unprofessional conduct, notice of pre-hearing meeting, and notice of Panel assignment, requiring her attendance at the pre-hearing meeting on April 1, 2008. Respondent did not attend the pre-hearing meeting, nor did she contact the Director's Office concerning her inability to attend.

39. Respondent's failure to attend the pre-hearing meeting violated Rules 8.1(a)(3) and 8.4(d), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise 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: August 3, 2009.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

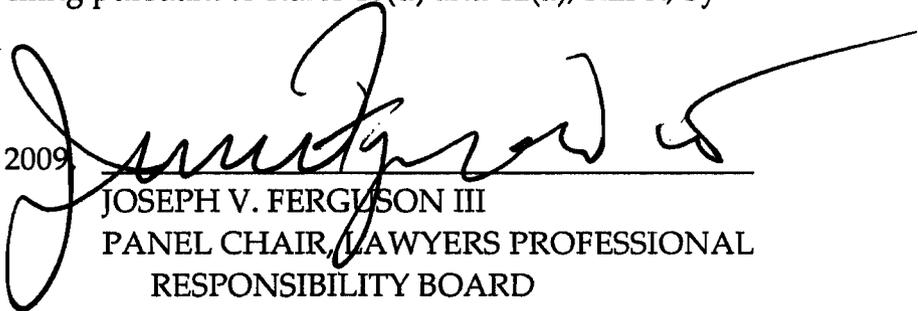
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



CRAIG D. KLAUSING
SENIOR ASSISTANT DIRECTOR
Attorney No. 202873

This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: 4 AUGUST, 2009 

JOSEPH V. FERGUSON III
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD