FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against GILDA MARLENE CLARK, a Minnesota Attorney, Registration No. 293544.	**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 Long Prairie, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Jelinski Matter

1. Respondent represented Leonard Jelinski in his appeal to the Court of Appeals in *American Bank of the North v. Leonard Jelinski*. Jelinski was appealing an adverse district court determination in a replevin action. The issue was Jelinski's interest, if any, in certain personal property.

2. Respondent attached to her reply brief a one-page document which she identified in the Appendix Index as "Copy of Exhibit A from Bankruptcy Court File."

3. Minn. R. Civ. App. P. 110.01 provides that the record on appeal consists only of the papers filed in the district court and the exhibits and transcripts of the proceedings. This document was not part of the district court file and not part of the record on appeal. The Court of Appeals granted the opposing party's motion to strike.

4. Additionally, respondent's statement that this document was from the bankruptcy court file was false. The document was not part of that file.

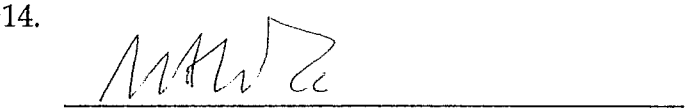
5. After the Court of Appeals issued its decision, Jelinski brought a legal malpractice action against the lawyer who represented him during the district court proceedings of that matter.

6. Respondent provided an affidavit in support of Jelinski's claim. In that affidavit respondent stated "that there was a bankruptcy court decision that determined that Plaintiff [Jelinski] owned" the property at issue in the replevin action. Respondent also referenced the "previous decision made by the bankruptcy court . . . ." Respondent's statements were false. There was no prior bankruptcy court decision which determined that Jelinski owned the property at issue.

7. Respondent's conduct in making misrepresentations to tribunals and in violating a Rule of Civil Appellate Procedure violated Rules 3.4(c), and 8.4(c) and (d), 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: April 21, 2014.



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