

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against HEIDI H. CRISSEY,
an Attorney at Law of the
State of Minnesota.

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. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 11, 1984. Respondent currently lives in Stillwater, Minnesota, and is not engaged in any law-related activities.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

1991 - Admonition. Respondent's history of prior discipline is a private Panel admonition in 1991 for engaging in inappropriate conduct with a client inmate in violation of prison rules and Rule 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

FIRST COUNT

A. James Schneider Matter

1. On September 16, 1997, James Schneider retained respondent to represent him in a post-conviction matter in federal court. Schneider paid respondent \$3,000 in a

flat fee. Respondent does not have a written retainer agreement regarding the flat fee retainer.

2. Respondent agreed to review the transcripts of Schneider's case and proceed after Schneider's parole supervision was transferred to Minnesota from Wisconsin.

3. Respondent was diagnosed with, and underwent surgery for, cancer in February 1998. She did not inform Schneider of her medical condition or the fact that she was unable to work on his matter at that time.

4. Respondent's parole was transferred to Minnesota in September or October 1998. Respondent did not file Schneider's appeal at that time.

5. Respondent received additional treatment for her health problems and recuperated through the spring of 1999.

6. During the representation, Schneider made numerous inquiries regarding the status of the matter and respondent's progress on his behalf. Despite these inquiries, respondent failed to keep Schneider adequately informed as to his legal matter and the fact that her health problems were keeping her from diligently pursuing the matter.

7. On June 18, 1999, Schneider retrieved his file, including transcripts and case information, from respondent. The condition of the file materials when retrieved from respondent's possession indicated that respondent had done no work on Schneider's behalf. Respondent did not file or draft an appeal on Schneider's behalf.

8. Respondent has indicated a willingness to refund the fees paid by Schneider "minus a token amount" for time she allegedly spent on collateral matters but alleges that financial difficulties prohibit her from doing so at this time.

9. In a December 11, 1999, letter to the Director's Office, respondent admitted that she withheld certain documents from Schneider when returning the file

to him. Respondent later characterized the documents withheld as "personal notes and jottings" in a January 6, 2000, letter to the Director's Office.

10. Respondent's conduct in the James Schneider matter violated Rules 1.3, 1.4, 1.5(a), 1.15(c)(3) and 1.16(d), MRPC, and Lawyers Professional Responsibility Board (LPRB) Opinions 13 and 15.

SECOND COUNT

B. Non-Cooperation

11. On December 17, 1999, the Director's Office requested additional information and documents from respondent regarding the pending complaint. The Director's Office requested, *inter alia*, copies of the file materials withheld from Schneider when respondent returned the file to him. Respondent replied to the request, but failed to provide copies of the requested materials.

12. By letter dated January 21, 2000, the Director's Office again requested copies of the materials which respondent failed to provide to Schneider with the rest of his file. Respondent's response was due not later than January 31, 2000. Respondent failed to respond.

13. By certified letter dated March 2, 2000, the Director's Office again requested copies of the materials requested earlier. Respondent signed for the certified letter, but failed to respond.

14. On June 28, 2000, the Director's Office again sent a certified letter to respondent scheduling a meeting for July 14, 2000. Respondent contacted the Director's Office and rescheduled the meeting for July 17, 2000. Respondent did attend the meeting.

15. After the meeting, the Director sent respondent a written request for information and asked for a response within 30 days. Respondent's response was received on August 17, 2000. In her response, respondent indicated that she intended to draft an affidavit to request a transfer to retired status. On August 23, 2000, the

Director's Office sent respondent a letter asking for her written confirmation of her intent to petition for a transfer to retired status. The letter requested a written response not later than September 1, 2000. No response was received.

16. On September 11, 2000, the Director's Office sent respondent a letter notifying her of a meeting on Tuesday, September 19, 2000. Respondent neither responded to the letter nor attended the meeting.

17. Respondent attended the pre-hearing meeting on this matter on December 22, 2000, but did not bring any documents or information with her to the pre-hearing. Respondent agreed to provide additional information regarding her financial situation and the pending complaint. Following the pre-hearing, by letter dated May 9, 2001, the Director requested the information and documents from respondent and scheduled a meeting for May 23, 2001. Respondent failed to attend the meeting or to respond. On June 5, 2001, the Director again requested information regarding the pending complaint, this time by certified and regular mail, and scheduled another meeting for June 25, 2001. Respondent signed for the certified letter but again failed to attend or to respond.

18. On July 16, 2001, the Director again sent correspondence by certified and regular mail advising respondent that if no cooperation were obtained, the Director would schedule the Panel hearing in August on either the 9th, 29th or 30th. Respondent signed for the certified letter but failed to respond. On July 17, 2001, the Director sent respondent via certified and regular mail a pre-hearing statement, requested that respondent execute the statement within a week, and advised that the Panel hearing would be held on August 9, 29th or 30th, 2001. Respondent signed for the certified letter but failed to respond. On July 24, 2001, the Director again requested the pre-hearing statement via regular and certified mail. Respondent signed for the certified letter but failed to respond.

19. Respondent's conduct in the non-cooperation matter violated Rule 8.1(a)(3), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court publicly reprimanding 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 1, 2001.

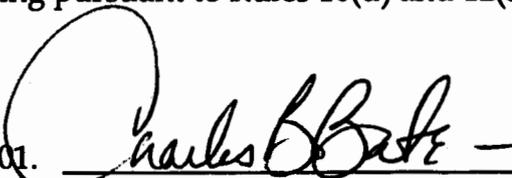

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and


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

Dated: 8/8/01, 2001.


CHARLES B. BATEMAN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD