

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JOHN PETER DEHEN,
a Minnesota Attorney,
Registration No. 189546.

**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 May 12, 1988. Respondent currently practices law in New Brighton, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

The Pampered Chef Matter

1. Respondent represented Candyce and Richard Petron in a personal injury/products liability suit against The Pampered Chef and Global Contracting Manufacturing, LLC. The suit was venued in federal district court.

2. As part of the discovery process in that suit the parties negotiated and submitted to the court a Stipulation and Protective Order Re Information Produced By The Pampered Chef, LTD., and Global Contracting Manufacturing, LLC.

3. On October 30, 2003, Magistrate Judge Boylan signed an order pursuant to the stipulation of the parties. That order adopted the terms of the stipulation, which provided, in pertinent part:

The Requested Information shall not be used for any purpose other than for use in the litigation of this case, and the parties to the above-captioned action and their counsel, shall not give, show or otherwise divulge The Requested Information, or the contents or substance thereof, or any copies, prints, negatives, listings or summaries thereof, to any person or other entity except their employees, experts or consultants employed and retained by them in connection with this specific action.

* * *

It is specifically understood The Requested Information marked "CONFIDENTIAL" is not to be used to contact or communicate with present or past persons identified as having claims or suits absent a court order.

4. On November 26, 2003, respondent brought a motion to compel discovery and for an order declaring null and void the October 30, 2003, confidentiality order.

5. On December 23, 2003, Judge Boylan issued an order directing The Pampered Chef to comply with discovery. In that order, Judge Boylan ruled, in part:

Plaintiffs' Motion for an Order declaring the October 30, 2003, Confidentiality Order null and void is **denied**. Further, any documents produced shall be used exclusively for this litigation. They shall not be disseminated or disclosed to third parties except as authorized by the Court.

6. Pursuant to the October 30 and December 23, 2003, orders, the defendants in the Petron matter provided respondent with information requested by respondent. That information included incident reports including the identities of over 100 persons who had been injured by knives manufactured for and distributed by The Pampered Chef.

7. On or about February 11, 2004, respondent wrote to persons identified in the incident reports. In his letters he asked that those persons call his office so that he could obtain information from them for use in the Petron litigation. The letters went on to state:

In proceeding with the lawsuit, we alarmingly learned, through access to The Pampered Chef incident report records forwarded to The Pampered Chef customer service by injured persons like yourself, that since early 2000, there were numerous (well over 100) other incidents of knife/case failures resulting in injuries to innocent persons such as yourself.

* * *

A second reason for this contact is that we are looking to represent the group of injured persons. If you were injured in any respect, you are entitled to receive compensation for your injuries that would include compensation for any medical bills, time off work, and any pain, suffering or disfigurement.

* * *

If you are interested in pursuing either by settlement or lawsuit against The Pampered Chef and the Manufacturer, please sign the enclosed **CONTRACT OF RETAINER** form and return it to us A.S.A.P.

(Emphasis in original.) These letters did not include the word "advertisement" as required by Rule 7.2(f), Minnesota Rules of Professional Conduct (MRPC).

8. Respondent's written solicitation of professional employment directed to the persons identified in the injury reports provided by The Pampered Chef violated the terms of Judge Boylan's October 30 and December 23, 2003, orders.

9. Respondent's disclosure in his solicitation letters that "there were numerous (well over 100) other incidents of knife/case failures resulting in injuries to innocent persons such as yourself" violated the terms of Judge Boylan's October 30, 2003, order.

10. Respondent's conduct in violating Judge Boylan's October 30 and December 23, 2003, orders, and in failing to include the word "advertisement" clearly and conspicuously at the beginning of his written solicitations to persons injured by The Pampered Chef products violated Rules 3.4(c), 7.2(f), and 8.4(d), MRPC.

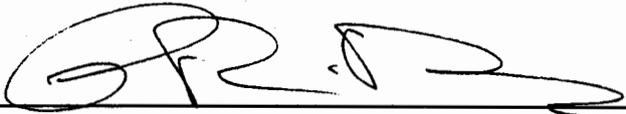
WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: April 3, 2006.



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