

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against PATRICK SCOTT DINNEEN,  
a Minnesota Attorney,  
Registration No. 293775.  
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**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 Silver Bay, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

On May 6, 2003, respondent was issued an amended admonition for reciting criminal allegations and making threats of criminal prosecution while attempting to collect a fee in violation of Rule 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

## FIRST COUNT

1. In January 2010 plaintiffs/siblings Gerald Parent and Edith Collins commenced a partition of real estate action. Plaintiffs were represented by attorney Matthew H. Beaumier.

2. Defendants Alta McQuatters and Albert Parent are plaintiffs' siblings. Respondent began representing the defendants in approximately May 2012.

3. Several days prior to May 5, 2012, plaintiff Gerald Parent contacted respondent by phone. During the conversation, Gerald Parent informed respondent of his displeasure with Beaumier as his counsel and asked respondent what he needed to do to retain a new attorney. Recognizing that Gerald Parent was an adverse party, respondent terminated the conversation. On May 5, 2012, respondent spoke with plaintiff Gerald Parent, both by phone and also briefly in person.

4. By letter dated May 9, 2012, respondent provided Beaumier with a notice of substitution of counsel indicating he had been retained by the defendants.

5. Respondent acknowledged in his May 9, 2012, letter that Gerald Parent was a named plaintiff in the case and stated that Gerald Parent had contacted him and wished to join his clients, the defendants, in the action. Respondent further stated that the case caption would need to be amended to allow that action to take place and to allow respondent to represent Gerald Parent. Although Beaumier was still the attorney of record for Gerald Parent, respondent requested in his letter that all communication pertaining to defendants and plaintiff Gerald Parent be directed to respondent.

6. On June 25, 2012, Beaumier and respondent spoke by phone. During the course of the conversation, respondent stated he had been in communication with Gerald Parent and that he believed there was a conflict pertaining to his potential representation of Gerald Parent. Respondent denied representing Gerald Parent at that time.

7. On June 26, 2012, respondent filed with the court a substitution of counsel on behalf of only defendants Alta McQuatters and Albert Parent.

8. Also on June 26, 2012, respondent filed with the court a notice of motion and motion on behalf of defendants Alta McQuatters and Albert Parent, *and on behalf of plaintiff Gerald Parent*. The motion filing included the signed affidavit of defendant Alta McQuatters, the unsigned affidavit of defendant Albert Parent and the unsigned affidavit of plaintiff Gerald Parent. Respondent drafted all three affidavits.

9. At the time respondent filed the motion on behalf of the defendants and plaintiff Gerald Parent, respondent had not filed a certificate of representation on behalf of Gerald Parent. Rather, Beaumier was still listed as Gerald Parent's counsel of record and continued to represent him until October 16, 2012.

10. In his June 26, 2012, filing cover letter (copied to Beaumier), respondent stated to the court that the unsigned affidavit of plaintiff Gerald Parent was "out for signature" and would be filed upon its return to respondent. This statement was false. Respondent had not spoken with Gerald Parent about the information contained in Gerald Parent's unsigned affidavit, which respondent nonetheless filed with the court.

11. In a July 12, 2012, email to Beaumier, respondent stated that the information included in Gerald Parent's unsigned affidavit came from notes taken during a meeting with defendant Alta McQuatters and from information provided by non-party members of the Parent/McQuatters family. Respondent also stated in the email that he did not have contact with Gerald Parent during the course of preparing the affidavit, that he did not have communication with Gerald Parent about the contents of the affidavit, that he did not send the affidavit to Gerald Parent, and that he did not have a mailing address for Gerald Parent.

12. On July 24, 2012, Beaumier served and filed an amended notice of motion and motion<sup>1</sup> requesting, in part, that respondent be disqualified from representing any party in the case for allegedly violating the MRPC by attempting to represent parties with directly adverse interests in the same proceeding, thereby creating a nonconsentable conflict of interest.

13. On August 20, 2012, the court filed an order and memorandum finding, in part, that respondent had violated Rule 1.7 (conflict of interest: current clients), MRPC. The court's order also disqualified respondent from representing Beaumier's client, plaintiff Gerald Parent (who was and remained a plaintiff in the action), disqualified him as counsel for his own clients (the defendants in the matter) and required him to pay sanctions for attorney's fees to Beaumier's office in the amount of \$2,578.

14. On September 21, 2012, defendant Alta McQuatters filed and served a motion to amend findings asserting, in part, that sanctions were not warranted and that Beaumier should be required to repay to respondent the court-ordered sanction of \$2,578.

15. On or about October 16, 2012, Beaumier withdrew from representing plaintiff Gerald Parent.

16. On November 19, 2012, the court issued an order and memorandum finding, in part, that respondent remained disqualified from representing any party in the matter and upholding the award of attorney's fees.

17. On or about December 20, 2012, respondent paid \$2,578 to Beaumier's office.

18. Respondent's representation of a client directly adverse to another client in the same proceeding and that required the court to expend resources hearing and

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<sup>1</sup> On or about July 1, 2012, Beaumier had filed a motion for contempt alleging defendant Alta McQuatters had failed to comply with a judgment entered pursuant to the parties' settlement agreement.

considering various motions related to respondent's conduct violated Rules 1.7(a)(1) and 8.4(d), MRPC.

19. Respondent's conduct in knowingly filing an unsigned affidavit with the court that did not contain facts obtained from the witness to whom they had been attributed and making a false statement of fact to the court violated Rules 3.3(a)(1) and (a)(3), and 8.4(c) and (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: March 6, 2014.



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