

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against CHARLES W. DUFRESNE,
an Attorney at Law of the
State of Minnesota.

**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 September 29, 1978. Respondent currently resides in Golden Valley, Minnesota. As set forth more fully below, since January 1, 1986, respondent has been suspended from the practice of law for non-payment of his attorney registration fee.

Respondent has committed the following unprofessional conduct warranting public discipline:

COUNT ONE

Unauthorized Practice of Law

1. Respondent did not pay his annual registration fee due each January 1, from 1986 through 2001. Rule 3, Rules on Registration of Attorneys, provides in pertinent part, "Upon failure to pay such fee, the right to practice law in this state shall be automatically suspended, and no individual shall be authorized to practice law in this state or to any manner hold himself out as qualified or authorized to practice law while in default in the payment of such registration fee." Accordingly, respondent has been suspended continuously from January 1, 1986, to the present.

2. Respondent states that between 1986 and March 31, 1999, he acted as an officer of a real estate company and did not engage in the practice of law.

3. Beginning on April 1, 1999, respondent was engaged full time in the practice of law as an employee of a Minneapolis law firm. Respondent represented multiple clients, including the clients referenced in Counts Two, Three and Four, below.

4. On or about January 23, 2001, respondent informed the managing partner of the law firm of the following matters. On or about the same day, respondent informed the Director that he wished to report his misconduct. Respondent's employment with the law firm terminated later in January 2001.

5. Respondent states that he has not been engaged in the practice of law since his employment with the law firm terminated.

6. Respondent's practice of law from April 1999 through January 2001 while suspended for non-payment of the attorney registration fee violated Rule 5.5(a), Minnesota Rules of Professional Conduct (MRPC).

COUNT TWO

Misrepresentation and Neglect - Strom and Nipper Matter

7. In September 1999 Renee Strom and Katie Nipper retained respondent to represent them in a dispute they had with their landlord.

8. Respondent last worked on the matter on or about October 25, 1999. Respondent failed thereafter to take any action on the matter.

9. Between November 1999 and January 2001 respondent made the following statements to Strom and Nipper about the status of the matter:

- Respondent had commenced an action in conciliation court on their behalf.
- Respondent prevailed in conciliation court.
- The landlord requested a trial *de novo* in district court.
- A judge was assigned to the case.
- A hearing was scheduled for early 2001.

Each of these statements was false. There was no litigation in this matter.

10. Respondent's conduct violated Rules 1.3, 1.4(a), 4.1, and 8.4(c), MRPC.

COUNT THREE

Misrepresentation and Neglect - King Matter

11. On or about August 1, 2000, Paula King and Steven Mangold retained respondent. King and Mangold had claims against the seller of a home they purchased, the seller's real estate agent, the agent's employer, and the builder. King and Mangold's claims arose out of water infiltration into the walls of their home. King and Mangold repeatedly informed respondent that they wanted the matter handled in a most expeditious manner.

12. Between September 18, 2000, and January 2001, respondent made the following statements to King and Mangold about the status of the matter:

- Respondent had commenced an action on their behalf.
- A litigation schedule had been established, which included dates for discovery.
- The real estate agent and the agent's employer were bringing a motion to enforce an arbitration clause and had requested that discovery be stopped until before the motion was heard.
- Respondent was attempting to arrange a meeting with counsel and the assigned judge to accelerate the hearing on this motion and to establish a court-ordered discovery schedule which would ensure trial by May 1, 2001.

Each of these statements was false. There was no litigation in this matter.

13. Respondent's conduct violated Rules 1.3, 1.4(a), 4.1, and 8.4(c), MRPC.

COUNT FOUR

Misrepresentation and Neglect - Lund Matter

14. On or about August 4, 2000, Alan and Marlagean Lund retained respondent. The Lunds wished to foreclose a mortgage they held against their former son-in-law.

15. Respondent last worked on the matter on October 6, 2000. Respondent failed thereafter to take any action on the matter.

16. In early November 2000 respondent told the Lunds that he had given their former son-in-law a required statutory notice. This statement was false. There was no such notice given in this matter.

17. Respondent's conduct violated Rules 1.3, 1.4(a), 4.1, and 8.4(c), MRPC.

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: October 24, 2001.



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