

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against JAMES CARL DUCHON,
a Minnesota Attorney,
Registration No. 29925X.

**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 contained in the attached Stipulation for Probation (Exhibit I) pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on April 20, 2000. Respondent currently practices law in Edina, Minnesota.

INTRODUCTION

On February 8, 2012, respondent and the Director entered into a stipulation for private probation. Respondent's probation was based upon an admission that respondent violated Rules 1.2(c), 1.3, 1.4, 1.16(c), and 8.4(d), Minnesota Rules of Professional Conduct (MRPC), in that he failed to limit the scope of his representation, failed to obtain the client's informed consent regarding the limits of the representation, failed to respond to the client's request for information and the status of the representation, failed to proceed diligently with a matter, failed to properly withdraw from a representation, and failed to appear at a hearing.

Among the conditions of respondent's probation was that respondent would abide by the Minnesota Rules of Professional Conduct and commit no further unprofessional conduct, and that if, after giving respondent an opportunity to be heard, the Director concluded that respondent had not complied with the conditions of the probation, then the Director could file this petition without the necessity of Panel proceedings. Within the agreement, respondent specifically waived his right to consideration of such charges by the Panel or Panel Chair (Ex. 1 at ¶ 6).

Also among the conditions of respondent's probation were the following:

1. Pursuant to paragraph 5.c., respondent was required to provide the Director with the names of four attorneys willing to be nominated as respondent's probation supervisor.
2. Pursuant to paragraphs 5.c. and 5.d., respondent was required to submit an inventory of active client files to the Director, and continue doing so until a supervisor was appointed.
3. Pursuant to paragraph 5.e., respondent was to initiate or continue current treatment by a licensed consulting psychologist or other mental health professional acceptable to the Director. In order to allow the Director to verify respondent's compliance with this requirement, respondent was to provide the Director with signed medical authorizations containing the name, address and telephone number of his doctor, psychologist, counselor and/or other mental health professional.

The Director, after giving respondent an opportunity to be heard, has concluded that respondent has not complied with the conditions of the probation.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. Respondent failed to abide by the terms of paragraph 5.c. of his probation in that he did not provide the Director with the names of four attorneys willing to be nominated as his probation supervisor.

2. Respondent failed to abide by the terms of paragraphs 5.c. and 5.d. of his probation in that he failed to submit an inventory of active client files to the Director.

3. Respondent failed to abide by the terms of paragraph 5.e. of his probation, in that he failed to provide the Director with signed medical authorizations containing the name, address and telephone number of his doctor, psychologist, counselor and/or other mental health professional, so that his continuing treatment could be confirmed.

4. Respondent, by failing to comply with the conditions of a stipulated probation, engaged in conduct prejudicial to the administration of justice, in violation of Rule 8.4(d), MRPC.

SECOND COUNT

5. On February 16, 2012, the Director wrote to respondent outlining respondent's obligations under the terms of paragraph 5 of the stipulated probation, and requested the names of four attorneys willing to be supervisors, an active client inventory, and completed medical authorizations within two weeks. Respondent did not respond to the Director's February 16, 2012, letter, did not provide the requested information, and failed to contact the Director to request an extension of the time in which to respond.

6. On April 9, 2012, the Director again wrote to respondent regarding his obligations under the terms of the stipulated probation and requested a response within two weeks. A copy of the Director's February 16, 2012, letter was enclosed with the April 9, 2012, correspondence. Respondent did not respond to the Director's April 9, 2012, letter, did not provide the requested information, and failed to contact the Director to request an extension of the time in which to respond.

7. On May 9, 2012, the Director wrote to respondent regarding his failure to respond to the Director's February 16, 2012, and April 9, 2012, letters. The May 9, 2012, correspondence also notified respondent that he was to attend a meeting in the Director's Office on May 16, 2012, to discuss his failure to cooperate with the terms of the stipulated probation and to address why the Director should not, pursuant to paragraph 6 of the stipulation, file a petition for disciplinary action and revocation of respondent's probation. Respondent was also directed to bring the previously requested information to the May 16, 2012, meeting.

8. On May 14, 2012, the Director's Office left a voicemail message for respondent advising him that the May 16, 2012, meeting would be rescheduled by letter to a date sometime after June 1, 2012. On May 15, 2012, the Director sent a letter to respondent, again stating that the meeting would be rescheduled.

9. On June 4, 2012, the Director wrote to respondent advising him that the May 16, 2012, meeting had been rescheduled to June 19, 2012. Respondent was advised that the purpose of the meeting was to discuss respondent's failure to cooperate with the terms of the stipulation and to address why the Director should not, pursuant to paragraph 6 of the stipulation, file a petition for disciplinary action and revocation of respondent's probation. Respondent was again directed to bring the previously requested information to the June 19, 2012, meeting. Respondent did not attend the June 19, 2012, meeting and did not contact the Director to provide an explanation or request that the meeting be rescheduled.

10. On June 19, 2012, the Director confirmed respondent's address and phone number via respondent's Web site. That same day, the Director left a voicemail message for respondent requesting that he contact the Director immediately, advising him that further disciplinary proceedings may be initiated, and reminding him of the Director's previous attempts to obtain his cooperation with the terms of his probation. The Director also sent an email message to respondent, reminding him of his

obligations under the stipulated probation and asking respondent to contact the Director. Respondent did not contact the Director as requested.

11. On June 29, 2012, the Director issued a Notice of Investigation advising respondent of the Director's intent to investigate whether respondent was in compliance with the terms of his probation.

12. Respondent did not contact the Director with any questions regarding the Notice of Investigation, nor did he provide the information previously requested.

13. On July 19, 2012, the Director wrote to respondent reminding him of his obligation to comply with reasonable requests from the Director and requesting that, within two weeks, respondent furnish a written explanation covering the matter under consideration. Respondent did not respond to the Director's July 19, 2012, letter, did not provide the requested information, and failed to contact the Director to request an extension of time in which to respond.

14. On July 26, 2012, the Director left a voicemail message for respondent requesting a return call. Respondent did not contact the Director as requested.

15. On August 1, 2012, the Director again left a voicemail message for respondent, explaining the status of the matter and requesting a return call from respondent. Respondent did not contact the Director as requested.

16. On August 7, 2012, the Director wrote to respondent, reminding him of his obligations under the terms of his private probation, identifying in detail respondent's deficiencies along those lines, setting forth the Director's attempts to contact respondent, and directing respondent to submit a response within ten days. Respondent did not respond to the Director's August 7, 2012, letter, did not provide the requested information, and failed to contact the Director to request an extension of time in which to respond.

17. On August 17, 2012, the Director wrote to respondent again, reminding him of his obligation to cooperate with the Director's investigation, setting forth the

Director's attempts to contact respondent, and directing respondent to appear at a meeting in the Director's Office on August 30, 2012. Respondent did not attend the August 30, 2012, meeting and did not contact the Director to provide an explanation or request that the meeting be rescheduled.

18. Despite the requirements of his probation, and despite receiving no fewer than 12 communications from the Director requesting compliance, contact, and/or information, respondent has not communicated with the Director's Office since February 2, 2012.

19. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25(a), RLPR.

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.

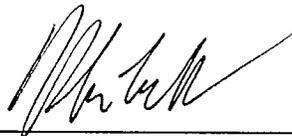
Dated: September 12, 2012.



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