

FILED

June 2, 2016

**OFFICE OF
APPELLATE COURTS**

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against PAUL JODY EDLUND,
a Minnesota Attorney,
Registration No. 0336014.

**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 (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 11, 2004. Respondent's address on file with the Lawyer Registration Office is in Minneapolis, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Nguyen Matter

1. In 2012, Tony Nguyen retained respondent to represent Nguyen in a criminal tax matter. That matter was resolved pursuant to a plea agreement in March 2013. Nguyen was convicted of violating 26 U.S.C. § 7202 (willful failure to account for and pay withheld taxes). Nguyen's conviction arose out of his failure to pay employer withholding taxes.

2. Nguyen wanted to ensure that he paid employer withholding taxes properly. In 2012 Nguyen and respondent therefore entered into an arrangement whereby Nguyen gave to respondent funds which respondent was to hold in trust and deliver to Nguyen at his request to pay withholding taxes and, on occasion, other business expenses.

3. As of December 31, 2015, Nguyen had on deposit in respondent's trust account \$175,000.

4. On January 11, 2016, Nguyen attempted to contact respondent by telephone to make arrangements to get funds from the account to pay taxes. Although Nguyen left a message for respondent to return the call, respondent failed to do so.

5. Nguyen therefore made multiple calls to respondent. At times, respondent's business and cell phone voice mailboxes were full. On the occasions when they were not, Nguyen left a message for respondent to return the call. Respondent failed to do so.

6. Nguyen then contacted his tax attorney, Alan Delage, to obtain Delage's help in contacting respondent.

7. Between January 29 and February 4, 2016, Nguyen and Delage made multiple calls and sent multiple emails to respondent requesting communication from respondent. At times, respondent's business and cell phone voice mailboxes were full. On the occasions they were not, Nguyen or Delage left a message for respondent to return the call. Respondent failed to respond to Nguyen's and Delage's calls and emails.

8. On February 2, 2016, Nguyen and Delage went to respondent's office at 220 South Sixth Street, Suite 1225, Minneapolis, Minnesota. This was the address respondent had provided to Nguyen as respondent's office address and was the address respondent had listed on his website, LinkedIn page and Facebook page.

Respondent was not there, and Nguyen and Delage were informed that respondent no longer officed there.

9. Nguyen and Delage then made multiple calls to respondent, Delage sent an email to respondent at multiple email addresses, and Delage sent at least one text message to respondent. Respondent failed to reply to any of these communications until February 5, 2016.

10. On February 5, 2016, respondent sent a text message to Nguyen stating that he had been busy with a family matter and was available to meet on February 11, 2016. Nguyen replied on February 6, 2016, by text message offering to meet at respondent's office on February 11 at 1:00 p.m. Respondent replied that he was unavailable on February 11, could meet on February 12 and would call Nguyen that morning to arrange the meeting.

11. On February 12, 2016, respondent called Nguyen at approximately 10:20 a.m. and said he would meet at Nguyen's office approximately 30 minutes from then.

12. Respondent, Nguyen and Delage then met at respondent's office. During that meeting, Nguyen and Delage told respondent that they had been attempting to contact respondent because Nguyen needed his funds from respondent's trust account to pay his taxes. During the meeting, respondent agreed to provide by noon on February 16, 2016, an accounting of the funds Nguyen had deposited into trust with respondent and to deliver the full balance of Nguyen's funds on February 17.

13. Respondent failed thereafter to communicate with Nguyen or Delage, despite their multiple requests for communication. Respondent failed to provide an accounting and failed to deliver any of the funds to Delage or Nguyen.

14. Respondent misappropriated Nguyen's funds.

15. Respondent's conduct violated Rules 1.4(a)(4), 1.15(a) and (c)(4), and 8.4(c), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Failure to Cooperate

16. On February 17, 2016, the Director's Office mailed and emailed to respondent notice of investigation and Nguyen's complaint regarding the matter set forth above. The notice requested respondent to meet with an Assistant Director on February 25, 2016, and to bring to that meeting the information and documents requested in the notice of investigation.

17. Respondent failed to appear on February 25, failed to provide any of the requested information or documents, and failed to otherwise communicate with the Director's Office about this matter.

18. By letter dated February 25, 2016, and sent to respondent by U.S. mail and by email, the Director's Office noted to respondent that respondent failed to appear on February 25, failed to provide any of the requested information or documents and had failed to otherwise communicate with the Director's Office about this matter. That February 25 letter requested respondent to meet with an Assistant Director on March 2, 2016, and to bring to that meeting the information and documents requested in the notice of investigation.

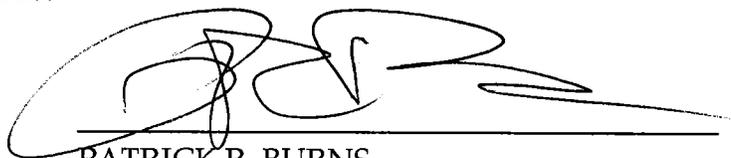
19. Respondent failed to appear on March 2, failed to provide any of the requested information and documents and failed to otherwise communicate with the Director's Office about this matter.

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

WHEREFORE, the Director respectfully prays for an order of this Court disbarring 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: MARCH 4, 2016.



PATRICK R. BURNS
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and



TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 019248x

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

Dated: March 10, 2016.



TIMOTHY CHURCHWELL
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD