

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against VICKI LYNN FAGRE-STROETZ,
a Minnesota Attorney,
Registration No. 180701.

**AMENDED
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 amended 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 April 22, 1987. Respondent's last known address is Stacy, Minnesota. Respondent was suspended on April 1, 2004, for non-payment of attorney registration fees. It is unknown whether respondent is currently practicing law.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's disciplinary history, including admonitions, is as follows:

- a. On February 17, 1994, respondent was issued an admonition for non-communication with a client, failure to inform a client of her withdrawal from representation, and failure to perform further work on a client's case in violation of Rules 1.4 and 1.16(d), Minnesota Rules of Professional Conduct (MRPC), and Lawyers Professional Responsibility Board Opinion No. 4.

b. On September 21, 1998, respondent was issued an admonition for failure to promptly return client documents in violation of Rule 1.16(d), MRPC.

c. On January 14, 2000, respondent was placed on private probation for failure to diligently pursue a client matter, non-communication with a client, failure to attend a court hearing that resulted in the client's case being dismissed, and making misrepresentations to the client to cover up the dismissal in violation of Rules 1.3, 1.4 and 8.4(c), MRPC.

FIRST COUNT

Margaret Wierman Matter

1. In 2003 Margaret Wierman retained respondent to represent her in a dissolution matter. Respondent initially represented Wierman diligently and kept her informed on the status of her case.

2. In the summer of 2003, Wierman called respondent numerous times seeking an update on the status of the divorce. Respondent failed to respond. In August 2003 Wierman called respondent again and discovered that respondent's office phone had been disconnected.

3. In September 2003 Wierman learned from an acquaintance that respondent had shutdown her office and now practiced law out of her home at 10253 Arrowwood Drive, Eden Prairie, Minnesota. Respondent did not provide Wierman with notice of her change in address.

4. Wierman obtained respondent's home phone number and left a message on respondent's home voicemail. Respondent contacted Wierman several days later and arranged to meet with Wierman in early October 2003. During the meeting Wierman voiced her concerns with respondent's non-communication. Respondent stated that the problem would not occur again. Based upon respondent's assurances, Wierman agreed to continue the representation. Wierman also obtained respondent's cell phone number.

5. Over the next three weeks Wierman tried to contact respondent at her home and office and also called respondent's cell phone number. Wierman was unable to contact respondent, because respondent's office number was still disconnected and the voicemail boxes for her home and cell phone were full. On November 4, 2003, Wierman sent respondent a letter to her home address in Eden Prairie indicating her inability to reach respondent and requesting return of her client file. Respondent did not respond.

6. On November 7, 2003, Wierman filed a complaint with this Office. On November 21, 2003, a notice of investigation was mailed to respondent's office at Union Plaza, Suite 101, 333 Washington Avenue North, Minneapolis, MN 55401.

7. In mid-December 2003, Wierman contacted respondent and asked her to continue representing her in the divorce. Respondent told Wierman that she could not represent her because she had filed a complaint against her. Wierman told respondent that she would withdraw the complaint and respondent agreed to continue the representation.

8. In May 2004 Wierman's divorce was finalized. In June and July 2004 Wierman contacted respondent numerous times about several post-dissolution matters, including the division of retirement assets and tax filings that needed to be completed per the final judgment and decree. Wierman was once again unable to locate or contact respondent. Respondent's voicemail boxes for her cell and home phone numbers were again full and unable to take messages. Respondent did not respond to Wierman's correspondence.

9. Throughout August and September 2004, Wierman had no contact with respondent and has been unable to locate her despite numerous calls to her home, office and cell phone.

10. Respondent's conduct violated Rules 1.3 and 1.4, MRPC.

SECOND COUNT

Non-Cooperation

11. On December 12, 2003, the district ethics committee (DEC) investigator assigned to investigate Wierman's complaint sent respondent a letter stating that her written response to the notice of investigation was overdue. The letter was sent to respondent's office located at Union Plaza, Suite 101, 333 Washington Avenue North, Minneapolis, MN 55401.

12. On December 19, 2003, respondent faxed and mailed a letter to the DEC investigator stating that Wierman wanted to withdraw her complaint, and therefore, no response was necessary. Respondent's letterhead listed her office as still being located at Union Plaza on Washington Avenue. The DEC investigator called respondent that same day and left a message stating that Wierman was not permitted to withdraw her complaint and that respondent was still required to respond to the notice of investigation.

13. Respondent failed to provide a written response to the notice of investigation despite written requests by the DEC investigator on December 22, 2003, and January 6, 2004. Respondent also failed to appear at the hearing on Wierman's complaint before the investigative review committee (IRC) in the Fourth DEC on March 31, 2004.

14. On June 16, 2004, the Director sent respondent a letter to her office requesting a written response to the notice of investigation, an explanation for her non-cooperation, and a status update on Wierman's case. Respondent was directed to respond within seven business days. Respondent failed to respond.

15. On July 26, 2004, the Director sent respondent a second letter to her office requesting a response by no later than August 4, 2004. Respondent failed to respond.

16. On August 5, 2004, the Director attempted to contact respondent by phone at her office and home. The Director was unable to reach respondent or leave a voicemail message because the mailboxes for both numbers were full. That same day the Director sent respondent a letter to her home address in Eden Prairie scheduling a meeting for August 17, 2004. Respondent failed to attend or reschedule the meeting.

17. On September 8, 2004, the Director sent respondent a letter by regular and certified mail to her home in Eden Prairie requesting a response to the Director's letters and scheduling a meeting for September 21, 2004. On September 13, 2004, respondent signed a certified mail receipt for the letter. Respondent did not respond to the letter or attend the meeting.

18. Respondent's conduct violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

THIRD COUNT

Unauthorized Practice of Law

19. On April 1, 2004, respondent was suspended from the practice of law for failure to pay her attorney registration fee. Respondent practiced law during the time that she was fee suspended.

20. On September 7, 2004, respondent appeared on behalf of a client for a harassment hearing before Referee William H. Muske, Jr. in Ramsey County, St. Paul. The referee informed respondent that she was fee suspended and could not appear on behalf of her client. The matter was continued in order for respondent's client to obtain new counsel.

21. Despite being informed of her fee suspension by the court, respondent has not paid her attorney registration fee or responded to the Director's request for an affidavit concerning her practice of law since her fee suspension.

22. Respondent's conduct violated Rule 5.5, 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.

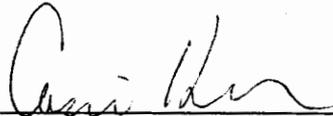
Dated: March 8, 2005.



KENNETH L. JORGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS
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and



CASSIE HANSON
ASSISTANT DIRECTOR
Attorney No. 303422

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

Dated: March 9, 2005.



PATRICK J. McGUIGAN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD