

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against MICHAEL FRANTS,
a Minnesota Attorney,
Registration No. 334066.

**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. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on April 30, 2004. Respondent currently practices law in Minneapolis, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Misappropriation, Failure to Maintain Trust Account Books and Records,
Failure to Cooperate

1. On or about July 16, 2008, the Director mailed to respondent notice of investigation of a complaint filed by Brian D. Stofferahn. The complaint alleged that in November 2006 respondent had received \$10,000 on behalf of his client Nina Gumeniuc, but had failed to remit Gumeniuc's portion of the proceeds to her.

2. On or about July 22, 2006, the Director mailed to respondent notice of investigation of a complaint filed by respondent's client Mohammed Duale. Duale's complaint alleged that respondent represented Duale in a personal injury matter; that

respondent had failed to respond to Duale's requests for a copy of the file; and that respondent had settled Duale's matter but that Duale had not received any money from the settlement.

3. Respondent thereafter retained counsel, who agreed with the Director that respondent would provide his complete written responses to the complaints, together with the documents requested in the notices of investigation, on or before August 29, 2008. On August 29, 2008, the Director received respondent's written response. That response, signed by counsel, acknowledged that respondent had misappropriated Ms. Gumeniuc's share of the settlement, more than \$6,000. Respondent denied, however, that he had handled Duale's funds inappropriately.

4. By letter dated September 3, 2008, the Director advised respondent (through counsel) that respondent had not provided all of the documents requested in the notices of investigation; requested respondent to provide those documents, together with other documents and information; and confirmed that respondent had agreed to meet at the Director's Office on September 15, 2008.

5. On September 15, respondent met with an Assistant Director. During that meeting, respondent stated that he had misappropriated funds from multiple clients in a total amount greater than \$10,000 and that multiple clients have not been repaid. Respondent acknowledged that he did not maintain all required trust account books and records. During that meeting respondent also agreed to provide certain documents, some of which were requested in the notices of investigation.

6. By letter dated September 16, 2008, the Director confirmed respondent's agreement, requested respondent to provide certain additional documents, and to provide these documents within two weeks of the date of that letter (i.e., by September 30, 2008). Respondent failed to do so.

7. On October 2, 2008, respondent requested an extension through the end of the following week (i.e., October 10, 2008) to provide the requested information and documents.

8. By letter to respondent's counsel dated October 2, 2008, the Director granted respondent's belated request for an extension.

9. By letter dated October 9, 2008, respondent provided some, but not all, of the requested documents, and stated that he anticipated providing the remaining documents within a few days. Respondent failed to do so.

10. By letter dated October 27, 2008, the Director reminded respondent (through counsel) that the Director had not received any documents after respondent's October 9 letter, and requested respondent to provide at that time the documents requested in the Director's September 16 letter which respondent had not yet provided. Respondent failed to respond.

11. By letter dated November 4, 2008, the Director reminded respondent (through counsel) that the Director had not received any documents after respondent's October 9 letter; requested respondent to provide at that time the documents requested in the Director's September 16 letter which respondent had not yet provided; reminded respondent that the allegations against him are serious and that the failure to cooperate, including the failure to provide requested documents, could constitute a separate ground for disciplinary action; and advised respondent that if the Director had not received all of the documents requested in that September 16 letter on or before November 11, 2008, the Director intended to then commence a formal disciplinary proceeding.

12. By letter dated November 11, 2008, respondent stated that he would deliver the requested documents no later than November 13, 2008. Respondent failed to do so.

13. As of the date of this petition, respondent has provided no requested documents to the Director since he provided his October 9 letter. Respondent has failed to provide all of the documents requested in the notices of investigation and in the September 16 letter. These documents include various trust account books and records.

14. Because respondent has not provided many of the requested documents, the Director has been unable to perform an audit of respondent's trust account to

determine the exact nature and extent of respondent's misconduct connected to his trust account.

15. Respondent's conduct in misappropriating client funds, failing to properly maintain all required trust account books and records and failing to cooperate with the Director's investigation violated Rules 1.15(a), 1.15(h) (as further interpreted by Appendix 1), 8.1(b) and 8.4(c), Minnesota Rules of Professional Conduct, and Rule 25, RLPR.

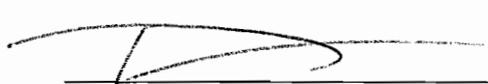
WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: Nov. 18, 2008.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

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

Dated: 12/1/08



LYNN J. HUMMEL
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD