FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against THERESA A. FREEMAN, a Minnesota Attorney, Registration No. 150848.	**PETITION FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

At the direction of a Lawyers Professional Responsibility Board Panel, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 21, 1983. Respondent currently practices law in Edina, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

COUNT I

Lack of Diligence, Failure to Communicate, Failure to Return Client Property, Misrepresentations to Client and Director

Trudy McCoy Matter

1. On September 29, 2008, Trudy McCoy retained respondent to represent her in a Chapter 7 bankruptcy. McCoy paid respondent $1,199, including $850 in attorney's fees, $299 to file the petition and $50 for estimated costs.

2. From October 2008 through May 2009, McCoy gathered information required on respondent's worksheets and letters.

3. McCoy had difficulty reaching respondent. McCoy called respondent multiple times to learn the status on her bankruptcy petition. Although McCoy left messages, respondent failed to return her calls.

4. When McCoy was able to talk directly to respondent, respondent told her that she had someone else's file on her desk and was unable to answer McCoy's questions. McCoy continued to send respondent her pay stubs and updated bills, but did not receive any status reports from respondent as requested.

5. On October 9, 2009, respondent called McCoy and told McCoy that she would be looking at McCoy's file the next Monday.

6. On November 18, 2009, McCoy met with respondent to review her bankruptcy petition. McCoy found information that she had provided to respondent in May 2009, but was not entered onto her petition. McCoy also saw that the petition had only been updated once in the six months she had waited.

7. On November 23, 2009, McCoy filed a complaint against respondent.

8. On December 17, 2009, respondent filed McCoy's bankruptcy with final discharge of the debtor taking place on March 23, 2010.

Sandra and William Barnes Matter

9. On September 3, 2009, Sandra and William Barnes retained respondent to represent them in a Chapter 13 bankruptcy matter. The Barneses paid respondent $2,499, including $2,150 in attorney's fees, $274 to file the petition and $75 for estimated costs. On December 2, 2009, the Barneses provided respondent with documents as requested.

10. On January 27, 2010, respondent's office wrote Sandra stating that respondent had been trying to reach her, but had been unable to do so. Respondent's letter confused Sandra in that she had not received any letters; there was no indication on her voice mail of a message from respondent; and neither she nor her husband had received any email messages. On January 29, 2010, Sandra called respondent's office.

11. On or about February 3, 2010, Sandra received a second letter from respondent stating she had tried to contact Sandra, but had been unable to do so.

12. On February 16, 2010, Sandra provided respondent with copies of her and her husband's 2009 tax returns and updated paystubs. In her cover letter, Sandra stated she had not received any letters, telephone calls or email messages from respondent and that Sandra was baffled "as [to] when and how you were trying to get in touch with us." Although provided to respondent earlier, Sandra gave respondent telephone numbers, including work, home and cell phones, together with email addresses, at which either Sandra or William could be reached.

13. On March 18, 2010, Sandra wrote to respondent, providing her with bank statements and paystubs. Sandra stated she had not heard from respondent since February and asked respondent to provide her with the status of the bankruptcy matter.

14. On April 9, 2010, Sandra again wrote to respondent, providing updated information and stating that she had tried to reach respondent by telephone and letter and had not had any contact with respondent. Sandra asked respondent to respond to her request for information within one week. Respondent did not do so.

15. On April 23, 2010, Sandra called respondent and left a voicemail message. Sandra called again on May 3, 2010, and was then able to reach respondent. Sandra voiced her frustration with the pace the bankruptcy was taking and the lack of response by respondent to Sandra's inquiries. Respondent stated she would get back to Sandra by the end of the week, but failed to do so.

16. On May 7 and 21, 2010, Sandra wrote letters to respondent. Enclosed with those letters were updated financial documents such as bank statements and paystubs. In addition, Sandra informed respondent of collection activity commenced on two of her accounts. Respondent did not contact Sandra.

17. Sandra called respondent on June 3, 2010, and again left a message. Having received no communication from respondent, on June 15, 2010, the Barneses filed a complaint with the Director's Office.

18. On August 13, 2010, respondent wrote to Sandra stating respondent did not have all the information needed to complete the petition and that she was at a standstill. Respondent failed to identify what information was needed; rather, in generic terms, respondent requested that Sandra provide "any remaining information."

19. On August 17, 2010, Sandra wrote to respondent and listed the dates she provided documents to respondent and noted respondent's failure to communicate with her. In addition, Sandra informed respondent that a creditor had filed a debt collection summons and complaint. Sandra wrote, "[P]lease advise what specific information you are lacking in order to file the petition." (Emphasis in original.) In the alternative, Sandra requested the return of her retainer funds, together with all documents previously provided to respondent. Respondent failed to respond.

20. On September 7, 2010, Sandra wrote to respondent's partner, Fred Neff, requesting return of the retainer, all documents that had been provided and a copy of any billing or time records concerning work performed on their file. In addition, Sandra requested the name of respondent's malpractice provider. Respondent failed to respond.

21. On October 22, 2010, City County Federal Credit Union served a notice of garnishment upon Sandra. Sandra contacted the attorneys who performed the service of notice and was told the law firm had not been informed of her bankruptcy. On October 25, 2010, Sandra wrote to respondent regarding the collection activity and asked respondent to "[p]lease advise [me] when you contact them as we do not want any type of garnishment upon any of our bank accounts . . . ." Respondent failed to do so.

22. On November 5, 2010, Sandra wrote respondent, providing respondent with updated information and asking respondent to "[p]lease advise **as soon as possible** if you have contacted the Como Law Firm concerning the lawsuit that they have commenced and the proposed garnishment of our bank accounts." (Emphasis in original.) Sandra left telephone messages for respondent on November 9 and

November 15, 2010, to learn if respondent had been in contact with the Como Law Firm. Respondent did not respond.

23. On November 19, 2010, Sandra wrote to respondent, provided her with updated information and asked respondent for a status update on whether respondent had contacted the credit union. Sandra stated in her letter that she had not heard from respondent and asked respondent to contact her as soon as possible.

24. On December 3, 2010, US Bank wrote to the Barneses and informed them that a garnishment citation had been served upon them. The levy was in the amount of $3,072.72. Sandra called the credit union's attorney who stated he had not heard from respondent.

25. On December 6, 2010, Sandra spoke to respondent. On December 14, 2010, respondent filed a partial petition and the credit union's levy was lifted. Because of the delays, and at an additional cost, the Barneses had to re-certify the bankruptcy counseling requirements. A completed Chapter 13 bankruptcy petition was filed on January 10, 2011, and a meeting of creditors took place on January 11, 2011.

26. On January 24, 2011, respondent wrote to the Director and supplemented her answer to the Barneses' complaint. Respondent stated that following her receipt of the notice of intent to levy, she "again" notified the Como Law Firm, this time in writing. Although respondent later provided the Director with a copy of a letter purportedly sent to the Como Law Firm, dated October 30, 2010, Sandra did not receive a copy of this letter, and Como Law Firm affirmatively stated to Sandra that respondent had not contacted them. Respondent did not tell Sandra she had been in contact with the Como Law Firm despite Sandra asking, on multiple occasions, that she be informed once contact had been made.

Susan Cooper (formerly White) Matter

27. On November 18, 2009, Susan (White) Cooper retained respondent to represent her in a Chapter 7 bankruptcy matter. Cooper paid respondent $1,724, including $1,350 in attorney's fees, $299 to file the petition and $75 for estimated costs.

28. Respondent gave Cooper worksheets to complete and return, which Cooper did.

29. Cooper called respondent's office in mid-December 2009. Shortly thereafter, Cooper received a letter from respondent stating respondent had tried unsuccessfully to reach Cooper. This statement was not true. Cooper has voice mail and Caller ID. Neither device indicated respondent had called Cooper. Cooper called respondent's office and was told by staff that the letter was a form letter sent to clients when they call the office.

30. Cooper delivered documents to respondent's office on December 22, 2009, and March 15, 2010. On April 5, 2010, Cooper received a notice of foreclosure on her mortgage. Cooper sent the notice to respondent, but did not hear back from her.

31. On June 27, 2010, Cooper wrote to respondent and stated she had not heard from respondent in two months. Cooper requested written confirmation on the status of her bankruptcy petition. Cooper requested respondent to provide her with an anticipated date by which her bankruptcy would be filed. In the alternative, Cooper asked for a full refund within seven days. Respondent failed to respond to any of Cooper's requests.

32. Also on June 27, 2010, Cooper filed a complaint with the Director's Office.

33. Having heard nothing in three months, on August 2, 2010, Cooper formally terminated respondent's services. Cooper retained a new attorney, who on September 16, 2010, filed Cooper's bankruptcy petition.

34. On October 15, 2010, respondent provided the Director with an answer to Cooper's complaint. Respondent falsely stated in her answer that she had given Cooper a full refund of her retainer.

35. On January 24, 2011, respondent provided a copy of Cooper's billing invoice to the Director. On the billing invoice respondent again made reference to having fully refunded Cooper's retainer. On February 19, 2011, Cooper wrote to the Director and stated she had not received a full refund from respondent's office.

36. On March 7, 2011, the Director wrote to respondent and asked respondent to provide the Director with a copy of the refund check she purportedly sent to Cooper, or, in the alternative, to provide the Director with a copy of the firm's checkbook register and account reconciliation that showed the check had been disbursed, but not cashed.

37. On March 21, 2011, respondent provided the Director with her response to the March 7, 2011, request for information, which included a copy of an undated letter she sent to Cooper. Respondent's letter to the Director, and the undated letter, both stated that respondent was enclosing a check in the amount of $374 as a refund for unused bankruptcy filing fee and costs. This amount was not a full refund. Cooper paid respondent $1,724.

38. On April 11, 2011, Cooper provided the Director with a copy of respondent's undated letter and refund check. On April 14, 2011, respondent wrote to the Director and falsely stated that Cooper's funds were deposited into her firm's trust account.

Shannon McGowan (formerly Johnson) Matter

39. On September 16, 2009, Shannon (Johnson) McGowan and her then husband Eric retained respondent to represent them in a Chapter 13 bankruptcy matter. McGowan paid respondent $2,199, including $1,850 in attorney's fees, $274 to file the petition and $75 for estimated costs. In March 2010, McGowan instructed respondent to file the petition in her name alone and signed a new retainer agreement in her name only.

40. Respondent and McGowan discussed the possibility of McGowan filing a Chapter 7 bankruptcy. McGowan requested respondent perform a "means test" to determine if a Chapter 7 filing was possible. Respondent advised McGowan that she did not qualify. Nonetheless, McGowan had a second attorney perform a means test which indicated that McGowan did qualify for a Chapter 7 bankruptcy.

41. McGowan called respondent to request a refund so that she could go forward with a Chapter 7 bankruptcy with the other attorney. Respondent did not return McGowan's telephone call. McGowan called respondent on July 6 and July 9, 2010, and was unable to speak with respondent. However, McGowan successfully contacted respondent on July 13, 2010. Respondent told McGowan she would refund McGowan $349 held for filing fees and estimated costs, but that respondent needed more time to determine what portion of the attorney's fees would be refunded.

42. McGowan called respondent on July 20, 2010, and on July 22, 2010, McGowan stopped by respondent's office, but respondent was unavailable. McGowan scheduled a telephone conference with respondent to take place on July 23, 2010.

43. On July 23, 2010, respondent told McGowan she would refund to her $349 for the bankruptcy filing fee and estimated costs, plus $500 of the attorney's fees. McGowan requested documentation showing how respondent determined she had earned $1,350 in fees. McGowan also requested a copy of the means test respondent relied upon when advising McGowan she did not qualify for a Chapter 7 bankruptcy. Respondent stated the information would be available to McGowan in approximately a week and a half.

44. On August 17, 2010, McGowan spoke with respondent who stated she had not performed a means test and that she would refund McGowan the unused portion of her retainer the next day.

45. On August 19, 2010, respondent wrote to McGowan stating respondent had been trying contact McGowan, but had been unable to reach her. The letter asked McGowan to call respondent to discuss matters related to her bankruptcy. McGowan had terminated respondent's services two months earlier. There was no indication that respondent had tried to call McGowan and no messages were left on McGowan's answering machine.

46. On August 26, 2010, McGowan received a letter from respondent stating, "We certainly want to move the petition forward" and "At this time I am at a standstill

because we do not yet have all of the necessary information." Neither the August 19 nor the August 26, 2010, letters contained a refund check or information regarding how respondent had earned any of McGowan's retainer.

47. On September 6, 2010, McGowan wrote to respondent stating that McGowan had terminated respondent's services in June 2010 and was seeking a refund. McGowan asked respondent to quit sending her letters and to calculate a refund check based on what respondent had earned.

48. On September 19, 2010, McGowan's subsequent attorney filed McGowan's Chapter 7 petition.

49. By letter dated September 22, 2010, respondent sent McGowan a refund check in the amount of $349, representing the unused costs and expenses of the retainer. Respondent did not refund any attorney's fees, nor did respondent provide McGowan with an accounting of the time spent on the file.

50. Respondent stated in her September 22, 2010, letter that the enclosed check represented a replacement check. Respondent stated she sent a refund check to McGowan on August 18, 2010, even though on August 19, 2010, respondent wrote to McGowan stating respondent had been trying to contact her, and on August 26, 2010, respondent wrote to McGowan stating respondent was trying to move McGowan's bankruptcy forward and needed more information. Although McGowan received letters from respondent dated August 19 and August 26, 2010, neither letter enclosed a refund check, nor do respondent's letters reference a refund check being enclosed.

51. On March 7, 2011, the Director requested that respondent provide the Director and McGowan with an invoice. On March 21, 2011, respondent provided the Director with a response and an invoice regarding time spent on McGowan's bankruptcy petition. The invoice referenced an August 16, 2010, letter purportedly refunding McGowan $349. Respondent charged McGowan $75 for drafting the purported refund letter.

Shalon Supalla Matter

52. On August 17, 2009, Shalon Supalla retained respondent to represent her in a Chapter 13 bankruptcy matter. By August 28, 2009, Supalla paid respondent $1,999, including $1,650 for attorney's fees, $274 to file the petition and $75 for estimated costs.

53. Supalla gathered documents to complete her bankruptcy. In October 2009, Supalla and respondent met to go over the information.

54. Beginning in February 2010, respondent became inaccessible to Supalla. Supalla called respondent on multiple occasions from February through July 2010, including five consecutive days in July 2010. Respondent did not return her calls. On July 28, 2010, Supalla filed a complaint with the Director's Office.

55. On August 2, 2010, Supalla spoke with respondent and on August 4, 2010, Supalla provided respondent with additional up-to-date documents, including new income, asset and credit information. Supalla did not hear from respondent. On November 3, 2010, Supalla wrote to respondent, terminated her services and requested a full refund.

56. In response to the Director's investigation, respondent provided an invoice itemizing work she performed on Supalla's file. Supalla terminated respondent's services and requested a refund of her retainer on November 3, 2010. Nonetheless, respondent charged Supalla $75 for a November 6, 2010, letter identified on the invoice as: "Letter to client re: please set up appointment." Supalla denies receiving a letter from respondent in November 2010.

57. On March 7, 2011, the Director wrote to respondent and instructed her to return any unearned or unused funds belonging to Supalla. In response to the Director's investigation, respondent sent Supalla a refund check in the amount of $349.

Gayle Sajewicz Matter

58. On June 25, 2010, Gayle Sajewicz retained respondent to represent her in an uncontested marital dissolution matter. Sajewicz paid respondent $2,000, of which

$550 was for estimated costs. Sajewicz's retainer called for periodic billings to be issued.

59. In August 2010, Sajewicz wrote to respondent and provided her with financial documents and discussed taking her maiden name back. Sajewicz called respondent on August 9, 2010. On August 11, 2010, respondent wrote to Sajewicz stating respondent had recently tried to communicate with Sajewicz, but had been unable to reach her. The letter requested Sajewicz to call respondent. Sajewicz had not received any telephone calls, voice mail messages or other communication from respondent. Sajewicz called respondent on August 13, 2010. Sajewicz learned the letter was a form letter, sent to clients when they call the office.

60. On December 28, 2010, Sajewicz called respondent to determine the status of her dissolution matter. Sajewicz addressed her concern that respondent was not returning opposing counsel's calls. Respondent stated that it was opposing counsel who was not returning respondent's calls.

61. On January 3, 2011, respondent sent Sajewicz another form letter stating respondent had tried to communicate with Sajewicz, but had been unable to do so. Again, Sajewicz had not received any telephone calls, voice mail messages or other communication from respondent.

62. On January 4, 2011, Sajewicz learned respondent had failed to communicate with opposing counsel since October 2010. She then filed a complaint against respondent with the Director's Office.

63. On January 24, 2011, Sajewicz terminated respondent's services and requested a copy of her file and a refund of her retainer.

64. On February 25, 2011, respondent faxed to the Director her answer to the Sajewicz complaint. Respondent's answer included an undated letter purportedly written to Sajewicz. Respondent's letter gives the false impression that respondent sent the letter and enclosed itemized billing statement to Sajewicz. However, Sajewicz did

not receive respondent's letter or the itemized billing until the Director provided those documents to her on March 1, 2011.

65. Respondent's February 25, 2011, response to the Director on Sajewicz's complaint included an itemized billing statement that showed respondent owing Sajewicz $412.50.

66. On April 14, 2011, respondent wrote to the Director and falsely stated she had refunded Sajewicz $412.50. Sajewicz has not received a copy of her file or a refund from respondent.

67. Between June 25, 2010, and January 24, 2011, Sajewicz initiated eleven of the twelve telephone calls with respondent. Throughout the term of respondent's representation, Sajewicz received no billing invoices. The only correspondence Sajewicz received from respondent was two form letters falsely stating respondent had been trying to reach Sajewicz.

Terrance and Patricia Randolph Matter

68. Terrance and Patricia Randolph retained respondent on December 23, 2008, to represent them with regard to a Chapter 7 bankruptcy. The Randolphs paid respondent $1,599, including $1,250 for attorney's fees, $299 to file the bankruptcy petition and $50 in estimated costs.

69. Respondent provided the Randolphs with multi-paged financial worksheets and forms to complete. Respondent advised the Randolphs to file their 2008 tax returns as soon as possible. Terrance Randolph provided respondent with the requested documentation and filed his taxes shortly thereafter.

70. In July 2010, Terrance called respondent's office to terminate her services and requested a refund of their retainer. On July 30, 2010, respondent wrote to the Randolphs stating she had been trying to communicate with them, but had been unable to do so. The Randolphs have Caller ID on their telephone which did not indicate respondent tried to call them.

71. Over two and one half years, the Randolphs continuously updated respondent on their financial situation. When they met with respondent their financial documents had become obsolete and respondent required the Randolphs to update their information. During their meetings, respondent was not prepared and frequently went over the same information they had addressed the meeting before.

72. The Randolphs took a required bankruptcy credit counseling class. Due to respondent's inaction, the Randolphs' certification lapsed and they had to pay a second time and retake the test. Due to respondent's failure to file the Randolphs' petition for bankruptcy, Terrance's social security checks were garnished.

73. Due to respondent's failure to complete the bankruptcy petition, the Randolphs were required to provide her with tax returns for each of the three years she held their file. The Randolphs had to obtain their credit scores from each of the three credit reporting agencies for each of the three years respondent represented them. For thirty months the Randolphs gathered and updated their bank statement and pay stub submissions.

74. On June 2, 2011, Patricia Randolph requested that respondent update the Randolphs on the progress of their bankruptcy. Respondent failed to respond.

75. On August 16, 2011, the Randolphs sent a registered letter to respondent terminating her services and requesting a refund. On or about September 16, 2011, the Randolphs received a check from respondent in the amount of $449.

76. After depositing the check, Terrance tried to access the funds through his ATM card. Terrance's request was denied. After attempting a second time to access the funds, Terrance pulled up his bank accounting information online and learned respondent's check had been returned for insufficient funds. In addition, the bank charged Terrance a $4 service fee. A negative balance in Terrance's account was created when the bank returned respondent's check.

77. Terrance called respondent who first stated Terrance would get a replacement check the next week. Terrance insisted he be paid sooner. Respondent provided him with a cashiers' check.

78. Respondent's pattern of failing to act with reasonable diligence in completing bankruptcy petitions violated Rule 1.3, Minnesota Rules of Professional Conduct (MRPC).

79. Respondent's pattern of failing to return client calls, failing to inform her clients about the status of their bankruptcies and failing to respond to reasonable requests for information, including an accounting of how the client funds were disbursed, violated Rule 1.4, MRPC.

80. Respondent's pattern of failing to return client files violated Rule 1.16(d), MRPC.

81. Respondent's pattern of making misrepresentations to her clients violated Rule 8.4(c), MRPC.

82. Respondent's pattern of making misrepresentations to the Director violated Rules 8.1(a) and 8.4(c), MRPC, and Rule 25, RLPR.

COUNT II

Failure to Return Unused or Unearned Portions of Client Funds and Failure to Return Disputed Funds to the Trust Account Until the Disputes Could be Resolved

Susan Cooper (formerly White) Matter

83. In November 2009, Cooper paid respondent a total of $1,724. The funds paid by Cooper represented $1,350 for non-refundable attorney's fees, $299 to file her bankruptcy petition and $75 for estimated costs.

84. On December 1, 2009, respondent purportedly deposited Cooper's money into her trust account. The next day, respondent removed $1,350 for attorney's fees and the entire $75 for estimated costs, leaving $299 of Cooper's funds in respondent's trust account.

85. On March 21, 2011, respondent provided the Director with a copy of an invoice regarding her work on Cooper's file. The invoice respondent provided does not indicate any costs incurred by respondent on Cooper's behalf.

86. Also on March 21, 2011, respondent disbursed to Cooper a check in the amount of $374. Respondent's cover letter stated that the funds represented Cooper's unused filing fee and costs.

87. Respondent's check was not disbursed from a trust account, but instead was disbursed from the firm's general business account.

Shannon McGowan Matter

88. McGowan paid respondent $2,199. The funds paid by McGowan represented $1,850 for non-refundable attorney's fees, $274 to file her bankruptcy petition and $75 for estimated costs.

89. By check dated September 22, 2010, respondent refunded McGowan $349. In the memo section of the check it is noted the refund represented unused costs.

90. Respondent's check was not disbursed from a trust account, but instead was disbursed from the firm's general business account.

Gayle Sajewicz Matter

91. On July 7, 2010, Gayle Sajewicz made a partial payment on her retainer in the amount of $900. On July 14, 2010, Sajewicz provided respondent with the remainder of $1,100, for a total retainer fee of $2,000. The terms of Sajewicz's retainer were based on an hourly fee.

92. On January 24, 2011, Sajewicz terminated respondent's representation and requested a full $2,000 refund. Pursuant to Rule 1.15(b), MRPC, when the attorney's right to receive trust account funds is disputed, those funds are to remain in, or be returned to, the attorney's trust account.

93. Upon investigation, on April 14, 2011, respondent told the Director that Sajewicz's funds had been inadvertently deposited into her business account. Meaning

that respondent inadvertently deposited both Sajewicz's July 7, 2010, payment of $900 and her July 14, 2010, payment of $1,100 into respondent's general business account.

94. In January 2011, when Sajewicz disputed respondent's right to the full amount of the retainer, respondent failed to correct her mistake by returning the funds to the trust account.

95. Respondent's accounting indicates she continues to hold $412.50 belonging to Sajewicz. There is no indication that those unearned funds have been placed in respondent's trust account.

Terrance and Patricia Randolph Matter

96. In or around January 2009, the Randolphs paid respondent a total of $1,599. The amount included $1,250 for non-refundable attorney's fees, $299 to file the Randolphs' petition for bankruptcy and $50 for estimated costs. In August 2011, the Randolphs terminated respondent's representation and requested a refund. On August 19, 2011, respondent disbursed to Terrance check no. 14219, in the amount of $449. Respondent's check was not disbursed from her trust account, but instead was disbursed from the firm's general business account.

97. On August 11, 2011, the Director requested respondent to provide her trust account books and records for the time period of June 2007 through July 2011. Respondent was to provide the books and records by August 23, 2011. Respondent failed to do so.

98. On August 24, 2011, the Director wrote to respondent and stated the books and records had not been received and requested respondent provide them by September 6, 2011. Respondent has not done so.

99. Respondent's pattern of failing to return unearned, or unused, portions of client funds violated Rules 1.15(c)(4), MRPC.

100. Respondent's pattern of failing to return disputed funds to her trust account until the dispute could be resolved violated Rule 1.15(b), MRPC.

COUNT III

Non-Cooperation

101. On December 2, 2009, the Director mailed a notice of investigation to respondent with regard to the McCoy matter. The Director's notice of investigation required respondent to answer the complaint within fourteen days. Respondent failed to do so. On March 1, 2010, the Director requested a response by March 15, 2010. Respondent provided a response dated March 15, 2010.

102. On March 26, 2010, the Director mailed a notice of investigation to respondent with regard to a complaint against respondent by Mark Nelson. The Director's notice of investigation required respondent to answer the complaint within fourteen days. Respondent failed to do so.

103. On April 23, 2010, the Director wrote to respondent and asked her to provide an answer to the Nelson complaint by May 7, 2010. Respondent failed to do so.

104. On June 21, 2010, the Director mailed a notice of investigation to respondent with regard to the Barnes matter. Respondent failed to respond within the fourteen days provided by the notice.

105. On June 30, 2010, the Director wrote to respondent and asked her to provide an answer to the Nelson complaint by July 14, 2010. Respondent failed to do so.

106. On July 6, 2010, the Director mailed a notice of investigation to respondent with regard to the Cooper (formerly White) matter. Respondent failed to respond within the fourteen days provided by the notice.

107. On July 16, 2010, the Director wrote to respondent and asked her to provide an answer to the Barnes and Nelson complaints by August 2, 2010.

108. On July 27, 2010, the Director wrote to respondent and asked her to provide an answer to the Cooper complaint by August 10, 2010.

109. On August 2, 2010, respondent called the Director's Office and requested an extension to answer the Barnes, Cooper and Nelson complaints.

110. On August 9, 2010, the Director granted respondent an extension to answer the Barnes, Cooper and Nelson complaints by August 16, 2010. The Director further requested that respondent schedule a meeting with the Director in early September 2010. Respondent failed to provide the Director with answers to the complaints and failed to schedule a meeting.

111. On August 16, 2010, the Director mailed a notice of investigation to respondent with regard to the Supalla matter. Respondent failed to respond within the fourteen days provided by the notice.

112. On September 8, 2010, the Director wrote to respondent and stated that respondent had not provided a response to the Barnes, Cooper, Nelson or Supalla complaints. The Director stated respondent needed to respond in writing to the complaints by September 22, 2010.

113. On September 13, 2010, the Director mailed a notice of investigation to respondent with regard to the McGowan (formally Johnson) matter. On September 23, 2010, respondent called and requested an extension to answer the complaints of Barnes, Cooper, Nelson, Supalla and McGowan. Respondent also stated she would be unable to attend a previously scheduled meeting, to be held on September 27, 2010.

114. The Director wrote to respondent and stated that she needed to respond to the outstanding complaints by October 15, 2010, and that there would be no further extensions given.

115. On October 15, 2010, respondent provided the Director with answers to the Nelson, Barnes, Cooper, and Supalla complaints. Respondent did not provide an answer to the McGowan complaint.

116. Respondent met with an Assistant Director on October 19, 2010. At that meeting respondent agreed to provide the Director with an answer to the McGowan complaint, together with client invoices pertaining to work performed on the McCoy, Nelson, Barnes, Cooper, Supalla and McGowan complaints by November 3, 2010. Respondent failed to do so.

117. On November 5, 2010, the Director wrote to respondent regarding her failure to comply with the Director's request for information. The Director stated respondent was to provide the information by November 19, 2010. Respondent failed to do so.

118. The Director called respondent's office on November 24, 2010, and December 1, 2010. Respondent failed to return the Director's calls and failed to provide the information requested.

119. On December 7, 2010, the Director wrote to respondent requesting an answer to the McGowan complaint, together with copies of client invoices, to be provided by December 21, 2010. Respondent failed to do so.

120. At the end of December 2010, respondent called the Director and requested an extension. The Director granted an extension until January 5, 2011.

121. On January 13, 2011, the Director mailed a notice of investigation to respondent with regard to the Sajewicz matter. The Director spoke to respondent and gave her an extension until January 24, 2011, to provide the Director with an answer to the McGowan and Sajewicz complaints, supplemental answers to the Barnes and Supalla complaints, and to provide client invoices for McCoy, Barnes, Cooper, Nelson, Supalla, McGowan and Sajewicz.

122. On January 24, 2011, respondent sent to the Director the requested information, but failed to provide an answer or invoice for Sajewicz. On February 25, 2011, respondent provided the Director with an answer to the Sajewicz complaint.

123. On March 7, 2011, the Director wrote to respondent and itemized specific requests for information. The Director requested the information be provided by March 21, 2011. Respondent did so.

124. On March 31, 2011, the Director wrote to respondent with regard to some deficiencies found in respondent's March 21, 2011, response and requested additional information for clarification. The Director requested a response by April 14, 2011. Respondent did so.

125. On April 1, 2011, the Director mailed a notice of investigation to respondent with regard to a complaint filed by Tanya Enfield. Respondent failed to answer within the fourteen days provided by the notice.

126. On May 5, 2011, the Director wrote to respondent and requested an answer on the Enfield complaint by May 20, 2011. Respondent did so.

127. On June 7, 2011, the Director mailed a notice of investigation to respondent with regard to a complaint filed by Jeffrey Fredrickson. Respondent failed to answer within the fourteen days provided by the notice.

128. On July 11, 2011, the Director wrote to respondent stating respondent's answer to the Fredrickson complaint had not been received and requested a response by July 25, 2011.

129. On July 20, 2011, the Director mailed a notice of investigation to respondent with regard the Terrance and Patricia Randolph complaint. Respondent failed to respond within the fourteen days provided by the notice.

130. On August 8, 2011, the Director wrote to respondent and stated the Director had not received a response to either the Fredrickson or the Randolph complaints. The Director stated an answer to the Fredrickson complaint was due immediately and an answer to the Randolph complaint was due by August 22, 2011. Respondent failed to respond.

131. On August 11, 2011, the Director wrote to respondent and requested she provide specific trust account books for the period of June 2007 through July 2011. The Director requested the trust account books and records be provided by August 23, 2011. Respondent failed to do so.

132. On August 24, 2011, the Director wrote to respondent and stated he had not received the requested trust account books and records. The Director requested the materials be provided by September 6, 2011. Respondent has failed to do so.

133. On August 29, 2011, the Director mailed a notice of investigation to respondent with regard to a complaint filed by Hoang Thuy Tran. Respondent failed to respond within the fourteen days provided by the notice.

134. On September 7, 2011, the Director wrote to respondent and stated her answers to the Fredrickson and Randolph complaints were due immediately. Respondent failed to reply.

135. On September 12, 2011, the Director mailed a notice of investigation to respondent with regard to a complaint filed by Deborah Asplund. Respondent failed to respond within fourteen days provided by the notice.

136. On September 14, 2011, the Director wrote to respondent stating respondent's answer to the Tran complaint had not been received. The Director requested respondent to respond by September 28, 2011. Respondent failed to do so.

137. On September 21, 2011, the Director wrote to respondent stating respondent's answer to the Fredrickson and Randolph complaints had not been received. The Director stated the answers to those complaints were due immediately. Respondent has failed to reply.

138. On September 29, 2011, the Director mailed a notice of investigation to respondent with regard to a complaint filed by Brenda Wilson. Respondent failed to respond within fourteen days.

139. On October 4, 2011, the Director wrote to respondent stating respondent's answer to the Tran complaint had not been received. The Director stated respondent's answer was due immediately. Respondent failed to reply.

140. On October 13, 2011, the Director wrote to respondent stating respondent's answer to Deborah Asplund's complaint had not been received. The Director requested respondent answer by October 27, 2011.

141. On October 13, 2011, the Director also wrote to respondent stating respondent's answer to Wilson's complaint had not been received. The Director requested respondent answer by October 27, 2011.

142. Respondent failed to answer either the Asplund or the Wilson complaints. On October 27, 2011, the Director wrote to respondent requesting she answer the Asplund and the Wilson complaints by November 11, 2011.

143. Respondent failed to answer the Asplund or Wilson complaints by November 11, 2011. On November 28, 2011, the Director wrote to respondent stating the Director had not received respondent's answer in either the Asplund or Wilson matters. The Director stated respondent's answers to those complaints were due immediately. Respondent has failed to answer.

144. Respondent's pattern of failing to cooperate with the Director's investigation violated Rule 8.1(b), MRPC, and Rule 25, 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: March 15, 2012.

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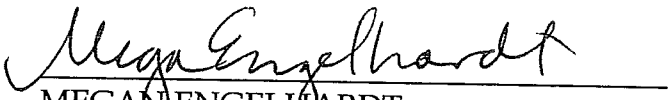
and



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