

FILE NO. A14-0143

STATE OF MINNESOTA

IN SUPREME COURT

-----  
In Re Petition for Disciplinary Action  
against WILLIAM L. FRENCH,  
a Minnesota Attorney,  
Registration No. 131945.  
-----

SECOND SUPPLEMENTARY  
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 supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a January 16, 2014, petition for disciplinary action ("PDA") and an April 1, 2014, supplementary petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

THIRD COUNT

Unreasonable Fees

28. The allegations of the Director's January 16, 2014, PDA are herein incorporated by reference.

29. On June 20, 2014, respondent served upon both Twaiten and J.B. and M.B. notices of attorney's liens.

### Twaiten Lien

30. Respondent used the caption of the Murphy and related litigation matters on the notice of attorney's lien he served upon Twaiten. In that notice of attorney's lien, respondent stated that he is entitled to \$500 "in any money or property involved or affected by the above-captioned matters." Respondent further stated that this amount consists of \$295.25 for attorney fees and \$204.75 for litigation expenses "incurred in the above-captioned matters."

31. In fact, as is more fully alleged in the Director's January 16, 2014, PDA, respondent informed Twaiten in a letter dated September 12, 2007, that if he had paid to respondent \$5,000 "any further time and expenses incurred in these matters will be charged to your share of any recovery in the case of Twaiten v. Bonner, et al." Twaiten paid the \$5,000 fee to respondent. Respondent subsequently discontinued representation of Twaiten in the Twaiten v. Bonner, et al. matter and there was no recovery in that matter.<sup>1</sup> Respondent later agreed to handle an appeal on Twaiten's behalf, requesting only that Twaiten pay him a \$1,200 cost advance. Twaiten paid the requested \$1,200 cost advance to respondent. Therefore, respondent is not entitled to any additional fees or costs from Twaiten for his representation in the Murphy and related matters. See PDA ¶¶ 2, 3, 4 and 5.

32. Prior to service of the notice of attorney's lien, and since at least January 2011, respondent has not provided Twaiten with any billing invoices or otherwise made any attempt to collect the amount he is now claiming in his notice of attorney's lien.

### J.B. and M.B. Lien

33. Respondent used the caption of the M.B. and J.B. easement matter on the notice of attorney's lien he served upon M.B. and J.B. In that notice of attorney's lien, respondent stated that he is entitled to \$800 "in any money or property involved or

---

<sup>1</sup> Respondent never commenced a lawsuit against Bonner on Twaiten's behalf and that matter is unrelated to the Murphy and related matters referenced here and in the PDA.

affected by the above-captioned matters." Respondent further stated that this amount "is for attorney fees and litigation expenses incurred in the above-captioned matter."

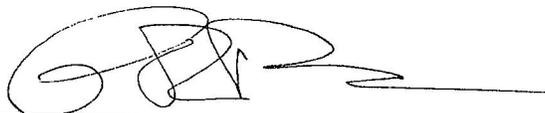
34. In fact, as is more fully alleged in the Director's January 16, 2014, PDA, respondent informed J.B. and M.B. in a letter dated December 2, 2008, that he was "willing to handle an appeal at no additional cost for attorney fees provided that the outstanding bill plus \$1,100 (for expenses) is paid on or before an appeal is undertaken." (Emphasis added.) By February 16, 2009, J.B. and M.B. had paid in full their outstanding bill and the \$1,100 appellate cost advance requested by respondent. Therefore, respondent is not entitled to any additional fees or costs from M.B. and J.B. for his representation in their easement matter. See PDA ¶¶ 13 and 14.

35. Prior to service of the notice of attorney's lien, and since at least July 2009, respondent has not provided M.B. and J.B. with any billing invoices or otherwise made any attempt to collect the amount he is now claiming in his notice of attorney's lien.

36. Respondent's conduct violated Rules 1.5(a), 3.1 and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

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: JUNE 26, 2014.



for 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

  
SIAMA Y. CHAUDHARY  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 350291

This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR,  
by the undersigned.

Dated: June 26, 2014.

  
STACY L. VINBERG  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD