FILE NO. A15-0246

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against JORDAN EDWARD GALL, a Minnesota Attorney, Registration No. 0391744.	**AMENDED PETITION FOR REVOCATION OF PROBATION AND FOR FURTHER DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rule 12(a), Rules on Lawyers Professional Responsibility, and pursuant to this Court's May 16, 2013, order in the matter.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on March 14, 2011. Respondent currently practices law in Brainerd, Minnesota.

INTRODUCTION

On March 1, 2011, respondent accepted and agreed to a Consent Agreement for Conditional Admission (consent agreement) with the Minnesota State Board of Law Examiners (BLE). *Attached hereto as Exhibit 1.* Respondent was conditionally admitted to the practice of law in Minnesota on March 14, 2011, subject to compliance with the consent agreement, which required, among other things, that he comply with the conditions of his criminal probation stemming from a May 28, 2010, guilty plea to fourth degree driving while intoxicated (DWI). The terms of respondent's two-year criminal probation included that he not have any driver's license violations. The consent agreement required that respondent notify BLE within 72 hours of any violation of his criminal probation, that a violation of his criminal probation was

considered a violation of the terms of his conditional admittance, and that any violation of the consent agreement could constitute a violation of Rule 8.4, Minnesota Rules of Professional Conduct (MRPC), thus resulting in a referral to the Director to seek further discipline.

After executing the consent agreement, respondent was cited for, but failed to report, 11 separate traffic violations to the BLE as required by the consent agreement, including multiple citations for driving after suspension. Respondent also made several false reports to the BLE regarding his compliance with the conditions of his criminal probation, and falsely certified that he remained law abiding despite his 11 arrests for various traffic violations.

On January 4, 2013, respondent was found to have violated the terms of his criminal probation and was sentenced therefore.[1] As a result of his violation of the terms of his criminal probation and the consent agreement, the Director issued a petition for disciplinary action, dated April 11, 2013, alleging respondent committed professional misconduct warranting public discipline, namely, failing to comply with the terms of his conditional admission consent agreement and making false statements to the BLE in quarterly self-monitoring reports that falsely stated he had been law abiding and in compliance with the terms of his criminal probation. *Attached hereto as Exhibit* 2.

On May 16, 2013, the Court issued an order publicly reprimanding and placing respondent on two years' probation subject to the following terms and conditions:

a. Respondent shall cooperate fully with the Director in its efforts to monitor compliance with his probation and promptly respond to the Director's correspondence by the due date. Respondent shall provide the Director with a current mailing address and shall immediately notify the Director of any change

[1] Respondent was sentenced to 30 days in the Hennepin County Workhouse – Adult Corrections, with credit for two days' time served and eligible for electronic home monitoring.

of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation;

b. Respondent shall abide by the MRPC;

c. Respondent shall maintain total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing the prescription;

d. Respondent shall, at his own expense, no more than four times per month, submit to random urinalysis for drug screening at a facility approved by the Director and shall direct the drug screening facility to provide the results of all urinalysis testing to the Director. If, after one year, all such tests have been negative, then the frequency of the random tests may be reduced. Respondent shall cooperate with the phone-in program established by the Director for the random test. Any failure to phone in in accordance with the random test program shall be considered the same a receipt of a positive test result. Any positive test result will be grounds for revoking this probation; and

e. Respondent shall abide by all laws. Respondent shall, within 72 hours of the occurrence, report to the Director if he is issued a citation for, charged with, arrested for, pleads guilty to, agrees to dismissal of charges after a period of time, or is convicted of any violation of the law, including traffic offenses. Upon request, respondent will provide the Director with any authorization required in order to obtain a copy of his driving record.

Attached hereto as Exhibit 3.

Respondent has committed the following unprofessional conduct warranting revocation of probation and further public discipline:

FIRST COUNT

Failure to Comply with the Terms of Probation

1. In a May 22, 2013, letter to respondent, the Director confirmed the probation conditions set out in the Court's May 16, 2013, order. Those conditions included, among other things, that respondent cooperate with the Director in its efforts to monitor compliance with his probation, maintain total abstinence from alcohol and other mood-altering chemicals (with the exception of medication prescribed by a physician), participate in and cooperate with the Director's random urinalysis (UA) testing program, abide by all laws and report to the Director within 72 hours of the occurrence if he was issued a citation for, charged with, arrested for, pled guilty to, agreed to dismissal of charges after a period of time, or was convicted of any violation of the law, including traffic offenses.

2. As set out in greater detail below, respondent has failed, on multiple occasions, to comply with the conditions of probation.

Failure to Cooperate with the Director's Random UA Program and to Maintain Total Abstinence from Alcohol.

3. Under the terms of the Director's random UA program, respondent is required to call the Director each Monday, Wednesday and Friday between the hours of 8:30 a.m. and 3:00 p.m. to determine whether he needed to appear for testing at a testing facility previously approved by the Director. If instructed to appear for testing, respondent is required to appear for testing that same calendar day.

4. Pursuant to the Court's May 16, 2013, order, any failure to phone in in accordance with the Director's random UA program shall be considered the same as receipt of a positive test result and any positive test result is grounds for revocation of respondent's probation.

5. Respondent began participation in the Director's random UA program on June 3, 2013. Respondent thereafter failed to call in as required on the following dates:

- June 14, 2013;
- July 10, 2013;
- July 24, 2013;
- August 5, 2013;
- August 14, 2013;
- August 16, 2013;
- September 6, 2013;
- September 30, 2013;
- October 4, 2013;
- December 27, 2013;
- December 30, 2013;
- January 10, 2014;
- January 15, 2014;
- January 29, 2014;
- April 14, 2014;
- July 23, 2014;
- October 1, 2014;
- October 10, 2014; and
- October 15, 2014.

6. Pursuant to the terms of the Court's order, respondent's failure to make direct contact with the Director on the above dates shall each be considered the same as receipt of a positive test result.

7. Respondent also failed to appear for testing on the following dates as instructed by the Director: On February 12, 2014, the Director instructed respondent to appear for testing. To date, the Director has not received a test result for February 12, 2014. Therefore, the Director reasonably concludes that respondent failed to appear for testing as instructed on February 12, 2014. Pursuant to the terms of the Court's order, the Director considers respondent's failure to appear for testing on February 12, 2014, the same as a positive test result.

8. On May 23, 2014, the Director instructed respondent to appear for testing. Respondent failed to appear for testing on May 23, 2014. Instead, respondent appeared for UA testing on May 24, 2014, at 12:25 a.m. Since respondent failed to appear for testing on May 23, 2014, the Director considers May 23, 2014, the same as a positive test result.

9. During the early morning of June 20, 2014, respondent was arrested and charged with, among other things, trespassing in a cemetery in Hibbing, Minnesota. *See* ¶ 18 below. The arresting officer observed a moderate odor of alcohol on respondent's breath, along with other indications of impairment. After initially refusing all tests, respondent consented to a urine test for alcohol. Respondent's urine alcohol concentration upon testing was 0.051 at 4:15 a.m. Respondent later consented to a breath test which produced a sample with an alcohol concentration of .02 at 4:32 a.m.

10. On June 25, 2014, the Director instructed respondent to appear for testing. Respondent failed to appear for testing on June 25, 2014, as instructed. Instead, respondent appeared for UA testing on June 26, 2014, at 12:25 a.m. Respondent's test result from June 26, 2014, was positive for alcohol. Since respondent failed to appear for testing on June 25, 2014, the Director considers June 25, 2014, the same as a positive test result.

11. On August 25, 2014, respondent met with the Director. *See* ¶ 51 below. During the meeting, respondent admitted that on June 25, 2014, and on at least one or two other occasions, he met with clients in bars and consumed alcohol.

Failure to Abide by All Laws and to Timely Report All Violations of the Law to the Director.

12. The Court's May 16, 2013, order provides that respondent shall "abide by all laws" and "within 72 hours of the occurrence, report to the Director if he is issued a citation for . . . or is convicted of any violation of the law, including traffic offenses." Respondent failed to notify the Director as follows:

13. On October 21, 2013, respondent was issued a parking citation in Anoka, Minnesota. Respondent failed to appear or pay the fine in lieu of appearing to contest the October 21, 2013, citation. The district court imposed a $42 fine. Respondent thereafter failed to pay the fine. On April 7, 2014, the district court referred the matter to a collection agency. On December 3, 2013, respondent pled guilty to and was convicted of a petty misdemeanor. Respondent has, to date, failed to report his receipt of and conviction for his October 21, 2013, parking violation to the Director.

14. On Sunday, March 9, 2014, at 12:44 a.m., respondent was stopped in Breezy Point, Minnesota, for failing to light his vehicle license plate. The police officer determined that respondent was driving on a license which limited his driving to between 11:00 a.m. and 9:00 p.m. on Saturdays but gave no limit for Sunday driving and that respondent did not have his driver's license in his possession. The officer issued respondent a citation for violating his limited license and failing to have his driver's license in his possession.

15. On April 21, 2014, respondent failed to appear to contest the March 9, 2014, citation or pay the fine in lieu of appearing and the court suspended respondent's driver's license. Respondent requested a hearing. On June 16, 2014, respondent failed to appear for the hearing and the court requested a warrant. On July 28, 2014, respondent pled guilty to and was convicted of a misdemeanor for violating his limited driver's license. Respondent paid the $185 fine and his driver's license was reinstated.

16. By letter dated March 12, 2014, postmarked March 17, 2014, and received by the Director on March 19, 2014, respondent informed the Director of the March 9, 2014, citation. Since respondent's March 12, 2014, letter was not mailed until March 17, 2014, respondent's report of his March 9, 2014, citation to the Director was untimely.

17. On June 19, 2014, respondent was stopped in Cass County, Minnesota, for an illegal pass on the right. The officer issued respondent a citation for driving after

suspension.[2] On August 4, 2014, respondent failed to appear to contest the citation or pay the fine in lieu of appearing and the court again suspended respondent driver's license. On August 24, 2014, respondent pled guilty to and was convicted of driving after suspension (a petty misdemeanor), paid the $285 fine imposed and his driver's license was reinstated.

18. On June 20, 2014, at approximately 2:43 a.m., respondent was arrested in Hibbing, Minnesota, for trespassing in a cemetery, fleeing a police officer, obstructing legal process, driving after suspension, and carrying a pistol while under the influence of alcohol. *See* ¶ 9 above. On August 12, 2014, the court issued a notice of hearing for September 2, 2014. When respondent failed to appear on September 2, 2014, the court issued a warrant for respondent. On October 20, 2014, the court issued a second notice of hearing for October 27, 2014. Respondent failed to appear on October 27, 2014. The court issued a third notice of hearing for arraignment on November 3, 2014. As of the date of this petition, this matter remains open.

19. By letter dated June 22, 2014, and received by the Director by facsimile on June 23, 2014, at 5:53 a.m., respondent reported to and provided the Director with a copy of his June 19, 2014, citation. Since respondent's June 22, 2014, letter was not transmitted to the Director until June 23, 2014, and within the 72-hour (three-day) reporting period, respondent's report to the Director regarding the June 19, 2014, citation was untimely and a violation of the Court's order.

20. Respondent has not, to date, reported his June 20, 2014, arrest to the Director.

21. On July 1, 2014, police responded to a report of a suspicious male outside respondent's condominium in Plymouth, Minnesota. Respondent refused to identify himself and was arrested for obstructing the legal process. On July 17, 2014, the court

---

[2] *See* ¶ 15 above for terms of respondent's limited use license.

held a hearing in the matter. When respondent failed to appear, the court issued a warrant. On July 24, 2014, the warrant was "cleared." On August 28, 2014, the court held a second hearing. Respondent again failed to appear and the court issued a second warrant. Thereafter, the Crystal Police cleared the warrant, respondent retained counsel and the court scheduled arraignment for November 7, 2014. As of the date of this petition, this matter remains unresolved.

22. On July 7, 2014, when calling the Director in compliance with the Director's random UA program, respondent informed the Director about his July 1, 2014, arrest. Since the time period between July 1 and July 7, 2014, is greater than 72 hours (three days), respondent's report to the Director about the July 1, 2014, arrest was untimely and a violation of the Court's order. During the July 7, 2014, telephone conversation, the Director requested that respondent provide a written report regarding the July 1, 2014, incident. To date, respondent has failed to provide a written report regarding the July 7, 2014, arrest as requested.

23. On July 24, 2014, respondent was cited for speeding and driving after suspension in Fish Lake, Minnesota. On August 25, 2014, respondent pled guilty to speeding and driving after suspension (petty misdemeanors) and paid the $341.50 fine imposed.

24. On Monday, July 28, 2014, respondent called the Director in compliance with the Director's random UA program and stated that he had received a traffic citation in Chisago County on July 24, 2014. Respondent stated that he would provide a letter confirming his report. In a July 30, 2014, telephone conversation with the Director's Office, respondent again stated that he would provide a written report concerning the July 24, 2014, citation. Since respondent's July 28, 2014, oral report to the Director was not received within the 72-hour (3-day) reporting period, respondent's report to the Director regarding the July 24, 2014, traffic citation was untimely and a

violation of the Court's order. Respondent has, to date, failed to provide a written report to the Director regarding his July 24, 2014, citation.

25. On October 6, 2014, at 11:31 p.m., respondent was issued a citation in Hennepin County, Minnesota, for driving after suspension and without proof of insurance in Plymouth, Minnesota.

26. On October 9, 2014, at 11:34, p.m., respondent was issued a citation for driving after suspension in Crystal, Minnesota.

27. By facsimile sent to the Director on October 13, 2014, at 10:11 a.m., respondent provided copies of his October 6 and October 9, 2014, citations as "Notice of Traffic Citation." Since the time period between October 6 and October 13, 2014, is greater than 72 hours (three days), respondent's October 13, 2014, report to the Director regarding the October 6, 2014, traffic citation is untimely.

28. Since the time period between October 9 and October 13, 2014, is greater than 72 hours (three days), respondent's October 13, 2014, report to the Director regarding the October 9, 2014, citation is untimely.

Failure to Cooperate with the Director's Efforts to Monitor Probation.

29. Pursuant to the Court's May 16, 2013, order, respondent "shall cooperate fully with the Director in its efforts to monitor compliance with his probation and promptly respond to the Director's correspondence by the due date." Respondent has failed to cooperate with the Director's requests for information as follows:

30. When respondent failed to call in as required on June 14, 2013, *see* ¶ 5 above, the Director orally requested on June 17, 2013, that respondent provide a written explanation for his failure to call. Respondent agreed to do so, but failed thereafter to provide a letter of explanation.

31. When respondent failed to call in as required on July 10, 2013, *see* ¶ 5 above, the Director orally requested on July 12, 2013, that respondent provide a written

explanation for his failure to call. Respondent agreed to do so, but failed to provide a letter of explanation.

32. Respondent's July 21, 2013, random UA test result was positive for amphetamines. Respondent has a valid prescription for daily medication for attention deficit hyperactivity disorder (ADHD).

33. By letter dated July 23, 2013, the Director notified that respondent needed to contact his testing facility regarding his prescription medication so the testing facility would issue corrected test results in the future. The Director also requested respondent to provide his explanation for his failure to call in July 10, 2013. Respondent failed to consistently follow up with his testing facility to correct test results found to be positive for amphetamine due to his ADHD medication and failed to provide the requested explanation.

34. After respondent failed to call in as required on July 24, August 5, August 14, and August 16, 2013, *see* ¶ 5 above, the Director orally requested that respondent provide his explanation for his failures to call in as required.

35. By letter dated August 23, 2013, the Director informed respondent that no explanations for his failures to call in had been received; that respondent's random UA test results continued to be positive for amphetamines; and requested that respondent appear at the Director's Office to discuss "the future of [his] probation."

36. In a letter dated August 31, 2013, and received by the Director by facsimile on September 3, 2013, respondent, among other things, explained that his failure to call in as required was due to "time constraints," that he had taken "immediate remedial measures to mitigate impact of the breach," that he had hired part-time support staff, and that he had contacted his testing facility regarding his prescription medication use.

37. When respondent failed to call in as required on September 6, 2013, *see* ¶ 5 above, the Director orally requested on September 9, 2013, that respondent provide a

written explanation for his failure to call. Respondent agreed to provide a letter explaining his failure to call in on September 6, 2013, but failed to do so.

38. When respondent failed to call in as required on October 4, 2013, *see* ¶ 5 above, the Director orally requested on October 7, 2013, that respondent provide a written explanation for his failure to call. Respondent agreed to do so, but failed to provide the requested written explanation.

39. On October 9, 2013, respondent appeared for a meeting with the Director. Respondent acknowledged failing to call in as required, asserted that his failures were due to placing clients first and assured the Director of his commitment to successfully complete probation.

40. Respondent failed to call in on December 27 and 30, 2013 (*see* ¶ 5 above). In a January 3, 2014, telephone conversation, the Director requested that respondent provide a written explanation for his failures to call. Respondent failed to submit a written explanation.

41. In a January 15, 2014, letter, the Director requested that respondent identify within ten days the facility where he tested on October 23, December 2, and December 4, 2013, because while respondent had called in, the Director had not received test results for those dates. Respondent failed to timely submit the requested information. When the Director received test results for October 23, December 2, and December 4, 2013, the Director determined the testing facilities respondent used on October 23, December 2 and December 4, 2013, were not, as required under the terms of the Director's random UA program, previously approved by the Director.

42. As stated above in ¶ 5, respondent failed to call in January 10, 15, and 29, 2014. In a February 7, 2014, telephone conversation, the Director requested that respondent submit a written explanation for his failures to call as required. Respondent failed to do so.

43. On March 13, 2014, the Director wrote to respondent regarding his continuing failure to cooperate with the requirements of his probation. The Director requested that respondent submit, as previously requested, his written explanation for failing to call in on December 27 and 30, 2013, and January 10, 15, and 29, 2014; to follow up with his testing facilities to correct tests reporting amphetamines; informed respondent that his use of unapproved testing facilities was a violation of the Director's random UA protocol; addressed respondent's repeated failure to call in as required; and requested that respondent appear at the Director's Office on March 27, 2014, to discuss the future of his probation.

44. By letter dated March 12, 2014, and received by the Director on March 19, 2014, respondent provided "a comprehensive update regarding the status of [his] probation to date." Respondent, among other things, acknowledged his use of unapproved testing facilities, his failure to call in as required, provided an untimely report regarding the March 9, 2014, citation, *see* ¶ 16 above, and outlined various changes to his practice aimed at improving his compliance with probation.

45. On March 27, 2014, respondent met with the Director. The Director explained that respondent's continuing failure to comply with his probation was unacceptable and if respondent's noncompliance continued, the Director had no choice but to move for revocation of respondent's probation. Respondent again acknowledged his failure to cooperate with the requirements of his probation, explained his efforts to better comply and requested that the Director allow probation to continue.

46. On April 16, 2014, after respondent failed to call in as required on April 14, 2014, *see* ¶ 5 above, the Director requested that respondent provide a letter explaining his failure to call. Respondent failed to provide the requested written explanation.

47. In a June 2, 2014, telephone conversation with the Director, respondent, among other things, agreed to provide a written letter explaining the missing May 23,

2014, test results. *See*¶ 8 above. In a letter dated June 22, 2014, respondent explained, among other things, his failure to appear for testing on May 23, 2014, and why he tested on May 24, 2014.

48. As stated in ¶ 10 above, respondent tested positive for alcohol on June 26, 2014. On July 2, 2014, the Director wrote to respondent requesting his immediate written explanation for his failure to maintain total abstinence from alcohol. Respondent failed to provide the requested written explanation.

49. During the July 7, 2014, telephone conversation with the Director regarding his July 1, 2014, arrest, the Director requested that respondent provide a written report regarding the July 1, 2014, incident. *See* ¶ 21 above. To date, respondent has failed to respond to the Director's request for a written explanation of the July 1, 2014, incident. *See* ¶ 22.

50. In a July 31, 2014, letter, the Director requested that respondent appear for a meeting on August 15, 2014, at 10:00 a.m. Respondent failed to appear.

51. By letter dated August 18, 2014, the Director informed respondent that he failed to appear for the August 15, 2014, meeting, that the Director had opened a disciplinary file for the purpose of revoking respondent's public probation and to seek further public discipline. Respondent subsequently met with the Director on August 25, 2014.

52. Respondent's conduct violated Rules 3.4(c), 8.1(b) and 8.4(c) and (d), MRPC, and the Court's May 16, 2013, order.

SECOND COUNT

Client Neglect, Non-Communication and Related Misconduct

Savage Lofts Owners Association Matter.

55. On August 17, 2012, Savage Lofts Owners Association (the association) retained the law firm of Gall & Siders to handle collection work on behalf of the

association. At the time, respondent was a partner in Gall & Siders. Respondent handled the collection matters for the association.

56. Gall & Siders later became Covenant Law Group when Sean Siders left the firm and another attorney, Michael Redden, replaced him in or around September 2012. Redden left Covenant Law Group, P.A. sometime in October 2013. Respondent continued to use the name Covenant Law Group, P.A. despite the fact that he was working as a solo practitioner and the use of the word "law group" was misleading in that it implied more than one attorney was associated with the firm.

57. Beginning in October 2013, the association had to make repeated requests for updates before respondent answered, which constituted an unreasonable delay.

58. Toward the end of 2013, the association had one last meeting with respondent about his lack of communication. When there was no improvement, the association retained new counsel, Nancy Polomis and Phaedra Howard at Hellmuth & Johnson, to take over the collection matters in March 2014. The association requested that respondent forward all client files to Hellmuth & Johnson, which respondent did.

59. Hellmuth & Johnson forwarded several substitution of counsel forms to respondent and requested that he execute them so that the legal matters could proceed timely. Respondent executed the substitution of counsel forms but was unreasonably delayed in doing so.

Mayflower Properties Matter.

60. Mayflower Properties manages several storage facilities in Minnesota, including a storage facility known as Gopher Mini Storage, LLC. In July 2013, Mayflower Properties retained respondent to handle collection work involving tenants who vacated their storage units with a balance due on their accounts. Respondent handled these collection matters on a contingency basis.

61. In January 2014, respondent filed a conciliation court claim against BWL seeking judgment in the amount of $1,560.39, which was comprised of $965 in principle

for unpaid storage fees, $47.27 in pre-judgment interest, $468.12 in attorney's fees and $80 for the filing fee.

62. A hearing was scheduled for 9:00 a.m. on February 24, 2014, but respondent failed to appear and judgment was entered in favor of the defendant that same day. On March 16, 2014, respondent filed an affidavit claiming that he was weather delayed and requested that the order for judgment be vacated, which the conciliation court did by order dated March 17, 2014. The hearing was rescheduled to April 17, 2014, and continued again to May 8, 2014, at BWL's request.

63. By email dated April 21, 2014, respondent informed Mayflower Properties that the hearing had been continued to May.

64. On May 8, 2014, a hearing occurred. The next day the conciliation court entered judgment in favor of BWL in the amount of $1,270. The conciliation court found that respondent did not have a basis in law or within the parties' contract to request attorney's fees and denied his request. Respondent did not inform Mayflower Properties that judgment had been entered against them.

65. On September 15, 2014, the district court administrator sent Mayflower Properties a notice of entry and docketing of the May 9, 2014, judgment. On September 16, 2014, the district court administrator sent Mayflower Properties an order for disclosure. When Mayflower Properties received these documents, it was the first time that they learned that judgment had been entered against them in the BWL matter. Mayflower Properties then contacted the court administrator to obtain a copy of the May 9, 2014, order for judgment and learned that their time to appeal the judgment had expired. Mayflower Property subsequently satisfied the judgment on October 9, 2014.

66. By letter email and letters dated September 25, 2014, Mayflower Property terminated the representation with respondent due to his non-communication. Mayflower requested that respondent return their collection files by October 3, 2014.

Respondent did not respond until October 8, 2014, when he stated that he would return the client files.

67. When respondent failed to do so, Mayflower Properties again contacted him and requested that he do so by October 13, 2014, or else they would be forced to file an ethics complaint. Respondent failed to respond and Mayflower Properties filed a complaint with the Director on October 21, 2014. Respondent returned Mayflower Properties' client files on or about October 23, 2014.

68. Respondent also represented Mayflower Properties on another collection matter involving a debtor, MMS. On December 29, 2013, respondent filed a statement of claim and summons with the conciliation court seeking to collect $3,283.96 in unpaid storage facility fees, $490.16 in prejudgment interest, $1,651.77 in attorney's fees and $80 for the filing fee.

69. On February 3, 2014, a notice of hearing for March 20, 2014, was mailed to Mayflower Properties and respondent as counsel. On March 10, 2014, respondent filed an affidavit of service claiming that a process server, who was a member of respondent's family, had served the notice of hearing and statement of claim and summons on MMS on March 10, 2014.

70. On May 28, 2014, the conciliation court entered an order for judgment dismissing Mayflower Properties' claim against MMS with prejudice. The conciliation court found that respondent had failed to serve MMS ten days prior to the hearing date of March 20, 2014, since he had served MMS after 5:00 p.m. on March 10, 2014.

71. The conciliation court also found that respondent appeared an hour and fifteen minutes late for the court appearance and the hearing proceeded without him. The conciliation court noted that respondent's excuse for being late appeared not credible and that respondent had failed to appear for another hearing on behalf of Gopher Mini Storage in February 2014. *See* ¶ 62 above.

73. Respondent's conduct violated Rules 1.1, 1.3, 1.4, 1.16(d), and 8.4(d), MRPC, and the Court's May 16, 2013, order.

COUNT THREE

Non-Cooperation with the Director's Investigation of Disciplinary Complaints

74. On March 24, 2014, Gail Wright, on behalf of Savage Lofts Owners Association, filed an ethics complaint against respondent. On April 3, 2014, the Director sent respondent a notice of investigation. Respondent's response was due within 14 days from the date of the notice. Since the complainant was a client, respondent was further required to provide a copy of his written response to Wright under Rule 20(a)(5), RLPR. Respondent failed to respond.

75. On July 31, 2014, the Director sent respondent a letter directing him to provide a written response to Wright's ethics complaint by no later than August 12, 2014. Respondent was also to attend a meeting on August 15, 2014. Respondent failed to submit a response to Wright's complaint or attend the meeting. *See* ¶ 50 above.

76. On August 18, 2014, the Director sent respondent a notice of investigation relating to his non-cooperation with the terms of his public probation. Upon receipt of the notice of investigation, respondent contacted the Director and agreed to meet with the Director on August 25, 2014. Respondent was instructed to bring a written response to the Wright complaint to that meeting, but failed to do so. *See* ¶ 51 above.

77. Respondent's conducted violated Rules 3.4(c), 8.1(b) and 8.4(d), MRPC, and the Court's May 16, 2013, order.

WHEREFORE, the Director respectfully prays for an order of this Court revoking respondent's probation, suspending respondent's license to practice law 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: May 14, 2015.

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 0148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and

CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 0303422