

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against FRANCIS E. GIBERSON,
a Minnesota Attorney,
Registration No. 34514.

**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 petition upon the parties' agreement pursuant to Rules 10(a) 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 October 1, 1976. Respondent is currently suspended from the practice of law.

Disciplinary History

On July 30, 1998, respondent was indefinitely suspended from the practice of law for failure to pay child support and spousal maintenance, and for his failure to cooperate with the Director's Office. *In re Giberson*, 581 N.W.2d 351 (Minn. 1998). Prior to that, respondent had been placed on private probation for the unauthorized practice of law while on CLE restricted status and for continuing to hold himself out as authorized to practice law while suspended for nonpayment of the annual attorney registration fee.

Respondent has committed the following unprofessional conduct warranting public discipline:

1. On October 7, 1991, the Fourth Judicial District Court ordered respondent to make child support payments in the amount of \$1,200 per month. Respondent failed to comply with the court's order and, as of July 2003, his outstanding balance was approximately \$108,800. Law enforcement efforts to collect respondent's child support arrearages were unsuccessful.

2. In 1997 respondent moved to Las Vegas, Nevada, where he lived and worked under the assumed name of Charles F. Walsh III. Since respondent's suspension in 1998, he continued to willfully evade efforts by child support authorities to enforce court-ordered support obligations.

3. On February 24, 2003, the North Las Vegas police detained respondent for driving a vehicle with expired license plates. During his traffic stop, respondent was found to possess a false Nevada identification card in the name of Charles F. Walsh III. Respondent told the officer that he used the false identification card for work to avoid paying his child support obligation.

4. In September 2003 the U.S. Department of Health and Human Services was notified that the North Las Vegas police had arrested respondent for possession of false identification. On September 11, 2003, federal investigators went to Nevada and executed a search warrant at respondent's home. Respondent was arrested and taken into custody.

5. During the execution of the search warrant, agents discovered a personal computer and printer. Next to the printer agents discovered a sheet of Nevada identification cards displaying respondent's photograph, but listing the name of Charles Francis Walsh III.

6. A further search of the area surrounding the computer revealed sheets of Social Security Administration identification cards in the name of Charles Francis Walsh III, as well as a birth certificate of the same name. In addition, numerous other documents were found that appeared to be false state and federal identification for other individuals.

7. The U.S. Marshal's Office assumed custody of respondent pursuant to a bench warrant issued by Magistrate Judge J. Earl Cudd. Respondent was first transported to Minnesota and on July 9, 2004, he pled guilty to one felony count of willfully failing to pay child support in an amount greater than \$10,000 in violation of Title 18, U.S.C. § 228(a)(3) and (c)(2).

8. On August 2, 2004, respondent appeared at a removal and detention hearing. At the hearing respondent testified that to obtain employment he produced false identification cards, including a false social security card, with a number different than his own. Respondent testified that he fabricated two birth certificates and other identification documents using his computer.

9. Respondent testified that for approximately four to five years he was employed using the name of Charles F. Walsh III. Respondent's apartment was leased and bank accounts were opened using the Walsh name.

10. On August 12, 2004, the court sentenced respondent to one year imprisonment with time served and one year supervised release. The court required restitution in the amount of \$108,800.

11. The judge determined that respondent was a flight risk and ordered that he be detained. Respondent was then remanded to the U.S. Marshal Service for transport to Nevada on pending charges in that jurisdiction.

12. On January 26, 2007, respondent was committed to the custody of the United States Bureau of Prisons.

13. Respondent's conduct and criminal conviction for engaging in activities to avoid paying child support obligations and avoid detection violated Rule 8.4(b), (c) and (d), Minnesota Rules of Professional Conduct.

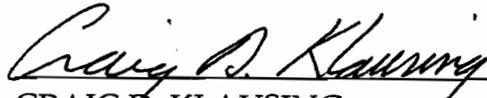
WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent, or for such other, further or different relief as may be just and proper.

Dated: June 6, 2007.



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