

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against ALFRED AARON GRIFFIN,  
a Minnesota Attorney,  
Registration No. 254150.  
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**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 May 5, 1995. Respondent practices law in Eden Prairie, Minnesota. Respondent is presently current in paying the registration fee required by the Minnesota Supreme Court and is in compliance with his continuing legal education requirements under the Rules of the Minnesota State Board of Continuing Legal Education (RMSBCLE).

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline is as follows:

- A. On September 6, 2001, respondent was issued an admonition for failing to timely complete a response to a complaint of unprofessional conduct filed against him, failing to attend meetings with the District Ethics Committee (DEC) investigator regarding that complaint, and failing to reply to

requests for information from the DEC investigator. Respondent's conduct was in violation of Rule 8.1(a)(3), Minnesota Rules of Professional Conduct (MRPC), and Rule 25, Rules on Lawyers Professional Responsibility (RLPR).

- B. On August 13, 2003, respondent was issued an admonition for failing to act with reasonable diligence in the handling of a marital dissolution matter for a client, failing to keep the client reasonably informed, and failing to fully cooperate with a disciplinary investigation. Respondent's conduct was in violation of Rules 1.3, 1.4(a), and 8.1(a)(3), MRPC, and Rule 25, RLPR.
- C. On October 18, 2007, respondent was placed on private supervised probation for a period of two years for failing to cooperate with the DEC investigator and the Director in their efforts to investigate a complaint. Respondent's conduct was in violation of Rule 8.1(b), MRPC, and Rule 25, RLPR.

#### FIRST COUNT

##### Unauthorized Practice of Law

1. By order of the Minnesota Supreme Court, dated January 20, 2011, respondent was placed on involuntary restricted status due to his failure to comply with Rule 9, RMSBCLE, with which all licensed Minnesota attorneys are required to comply. Following respondent's placement on involuntary restricted status, respondent continued to provide legal representation to clients. As of the date of the issuance of the charges of unprofessional conduct—February 6, 2012— respondent had not been reinstated to active status.

2. On April 1, 2011, respondent was automatically suspended from the practice of law for nonpayment of his lawyer registration fee. Respondent provided to Lawyer Registration his registration fee on or about July 25, 2011. Between April 1,

2011, and July 25, 2011, while suspended for nonpayment of his lawyer registration fee, respondent continued to provide legal representation to clients.

3. Respondent engaged in the unauthorized practice of law in several client matters:

**T.J.H. Matter – 2011**

4. Respondent represented defendant T.J.H. in case numbers 27-CR-10-4xxx, 27-CR-10-10xxx and 27-CR-10-31xxx.

5. On March 25, 2011, respondent appeared on T.J.H.'s behalf as defense counsel at T.J.H.'s sentencing hearing.

**D.L.B. Matter**

6. Respondent represented defendant D.L.B. in case numbers 27-CR-09-54xxx, 27-CR-09-57xxx, and 27-CR-10-32xxx.

7. On February 22, 2011, respondent appeared on D.L.B.'s behalf in court for scheduled hearings.

8. On July 11, 2011, respondent appeared in court on behalf of D.L.B. for D.L.B.'s scheduled trial. Upon appearing on that date, respondent asked whether the prosecutor in the matter would be agreeable to a continuance. The prosecutor declined to agree to a continuance, at which time respondent informed the prosecutor that respondent was having problems with documentation of his continuing legal education (CLE) attendance and was suspended from the practice of law. Respondent subsequently conveyed to the court, in chambers, the same information. The court continued D.L.B.'s trial until July 18, 2011.

9. By July 18, 2011, respondent had not yet resolved his restricted status; the court then scheduled D.L.B.'s jury trial for August 16, 2011, to provide D.L.B. the opportunity to secure new counsel.

**R.S.D. Matter**

10. Respondent represented defendant R.S.D. in case number 02-CR-10-7xxx.

11. On February 7, 2011, respondent requested a continuance of R.S.D.'s scheduled pre-trial hearing. The court granted the continuance and a plea hearing was scheduled for April 20, 2011.

12. On April 20, 2011, respondent appeared in court with R.S.D. for R.S.D.'s plea hearing. On this date, respondent informed the prosecutor and the court, off the record, that issues had arisen with respect to his CLE credit requirements and that he believed his license had been suspended.

13. On May 23, 2011, respondent appeared in court with R.S.D. and represented R.S.D. with respect to a submission of a guilty plea.

**D.A.S. Matter**

14. Respondent represented defendant D.A.S. in case number 27-CR-10-31xxx.

15. On February 15, 2011, respondent appeared in court with D.A.S. for a settlement conference.

**J.J.S. Matter**

16. Respondent represented defendant J.J.S. in case number 27-CR-10-56xxx.

17. On April 27, 2011, respondent appeared in court with J.J.S. for a settlement conference and represented J.J.S. with respect to a submission of a guilty plea that same day.

18. At the April 27, 2011, hearing, respondent confirmed, on the record, that J.J.S. and respondent had communicated regarding the legal matter and the merits of a plea agreement over approximately the preceding four months.

**E.C.G. Matter**

19. On July 29, 2011, respondent filed a certificate of representation with the Scott County District Court attesting to his representation of the defendant in the matter of *State of Minnesota v. [E.C.G.]*, case number 70-CR-11-11xxx.

**T.J.H. Matter – 2011-2012**

20. Respondent represented defendant T.J.H. in case number 71-CR-11-1xxx.

21. On August 31, 2011, respondent appeared in Sherburne County District Court on behalf of T.J.H. for T.J.H.'s first appearance, at which time respondent was provided certain notices and discovery materials relevant to T.J.H.'s legal matter.

22. Respondent attended on T.J.H.'s behalf an October 5, 2011, court hearing. At that hearing, the prosecutor in the matter brought to the attention of the presiding court the fact that respondent was on involuntary restricted status for failure to satisfy his CLE requirements and objected to respondent's appearance on T.J.H.'s behalf. In response, the court declined to permit respondent to appear on behalf of T.J.H. at the hearing and rescheduled the hearing for January 4, 2012.

23. On several occasions between October 5, 2011, and January 4, 2012, the prosecutor attempted to contact respondent to determine the status of his license to practice law. The prosecutor did so in an attempt to determine whether it was necessary to transport T.J.H. from the Stillwater Correctional Facility to court for T.J.H.'s next scheduled appearance due to the expense and potential danger inherent in doing so. Respondent did not return the prosecutor's communications.

24. Respondent appeared on behalf of T.J.H. at the January 4, 2012, hearing. As respondent was still on involuntary restricted status, the prosecutor again objected to respondent's appearance. In response, the court rescheduled T.J.H.'s hearing for February 15, 2012.

25. T.J.H. is presently represented by alternative counsel in case number 71-CR-11-1xxx.

26. Respondent's conduct in engaging in the practice of law by appearing in court on behalf of, or otherwise representing, clients T.J.H., D.L.B., R.S.D., D.A.S., J.J.S., and E.C.G. while on involuntary restricted status for noncompliance with CLE requirements violated Rule 12(B), RMSBCLE, and Rules 5.5(a) and 8.4(d), MRPC.

27. Respondent's conduct in engaging in the practice of law by appearing in court on behalf of clients R.S.D., D.L.B., and J.J.S. while suspended for nonpayment of his lawyer registration fee violated Rule 2(H), Rules of the Supreme Court on Lawyer Registration (RSCLR), and Rule 5.5(a), MRPC.

SECOND COUNT

Non-Cooperation

28. As noted above, by order of the Minnesota Supreme Court, dated January 20, 2011, respondent was placed on involuntary restricted status due to his failure to comply with Rule 9, RMSBCLE, with which all licensed Minnesota attorneys are required to comply.

29. On August 12, 2011, the Director sent to respondent a letter requesting proof of his compliance with all CLE requirements for reinstatement. The letter further requested respondent to provide an affidavit concerning his practice of law since January 20, 2011. The Director's letter was sent to the following address, which respondent maintained with Lawyer Registration:

1730 Plymouth Road, Suite 101  
Minnetonka, MN 55305

The Director requested respondent to respond by August 26, 2011. On August 19, 2011, the Director's letter was returned as undeliverable.

30. On August 12, 2011, a document bearing respondent's name and the heading "Minnesota CLE Credit Memorandum" was hand-delivered to the Director's Office. There was no indication on or accompanying the document regarding who delivered the document, the document's intended purpose, or the document's significance.

31. On August 16, 2011, the Director sent to respondent a letter offering respondent the opportunity to explain the significance of the submitted CLE Credit Memorandum. On August 23, 2011, the Director's letter was returned as undeliverable.

32. On August 22, 2011, the Director sent to respondent copies of the Director's prior letters of August 12 and 16, 2011, to the following address located by the Director through an internet search:

7864 Bailey Drive  
Eden Prairie, MN 55347

In the transmittal letter accompanying the August 22, 2011, mailing, the Director reminded respondent of his obligation under Rule 2(G), RSCLR, to immediately notify Lawyer Registration of any change of address and requested that respondent do so at that time. The Director requested respondent to respond to the August 22, 2011, letter by September 5, 2011. Respondent failed to respond to the Director's August 22, 2011, letter nor did he subsequently notify Lawyer Registration of a change of address.

33. On September 12, 2011, the Director sent to respondent at the Bailey Drive address a letter requesting a response to that which was contained with and within the Director's August 22, 2011, letter. The Director requested respondent to respond by September 19, 2011. Respondent failed to respond.

34. On September 27, 2011, the Director mailed notice of investigation to respondent at the Bailey Drive address. In addition to the same requests made of respondent in the above letters, the notice further requested respondent to explain his failure to respond directly to the Director's prior communications. The notice requested respondent to respond by October 11, 2011. Respondent failed to respond.

35. On October 20, 2011, the Director sent a letter to respondent at the Bailey Drive address requesting a response to that which was contained within the September 27, 2011, notice of investigation. The Director requested respondent to respond by October 31, 2011. Respondent failed to respond.

36. On February 6, 2012, the charges of unprofessional conduct in this matter were mailed to respondent at his last known address. Pursuant to Rule 9(a)(1), RLPR,

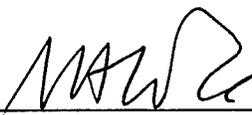
respondent's answer to the charges of unprofessional conduct were due to the Director and Panel Chair by February 23, 2012.

37. As of February 23, 2012, the Director had not received respondent's answer to the February 6, 2012, charges of unprofessional conduct.

38. Respondent's conduct, prior to February 23, 2012, in failing to respond in any direct or substantive manner to communications from the Director, failing to respond to the September 27, 2011, notice of investigation, and failing to respond to the February 6, 2012, charges of unprofessional conduct violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise appropriate discipline, awarding costs 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, 2012.

  
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and

  
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