

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against THOMAS G. HARRIGAN,
a Minnesota Attorney,
Registration No. 132378.

**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 March 12, 2013, 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

Additional Misappropriation – Stamos Matter

22. In approximately April 2011, respondent received a redemption check from Vanguard in the amount of \$6,938.29. This check was for the proceeds of an investment or retirement account belonging to Rita Kotrba. The check was payable to "THOMAS G. HARRIGAN ADM EST RITA KOTRBA." Respondent did not inform Ludmila Stamos that he had received this check.

23. On April 5, 2011, respondent deposited the Vanguard check into his trust account.

24. By at least December 2011, respondent had paid the entire balance of the Vanguard funds to himself. Respondent had no entitlement to the funds, did not inform Stamos that he was paying the funds to himself, did not receive Stamos' permission to pay the funds to himself and did not provide to Stamos an accounting of the funds. Respondent's actions constituted misappropriation of Stamos' funds.

25. Respondent's conduct violated Rules 1.4(a)(3), 1.15(a), 1.15(c)(3), and 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

FOURTH COUNT

Misappropriation – Natasha Willhite Matter

26. Respondent represented Natasha Willhite in a personal injury matter arising from a 2008 automobile accident.

27. In or about April 2010, respondent received \$72,000 in settlement of Willhite's personal injury claim. These funds were paid by Wisconsin Mutual, the insurer of the other driver involved in Willhite's accident. On April 26, 2010, respondent deposited this check into his trust account.

28. On April 30, 2010, respondent disbursed \$24,000 of the Willhite settlement funds to himself in payment of his fee.

29. Respondent told Willhite that he would hold the remaining settlement funds in his trust account as he negotiated with Willhite's medical providers.

30. On June 4, 2010, respondent disbursed \$24,000 of the Willhite settlement funds to Willhite. At that time, respondent stated to Willhite that he was continuing to negotiate with Willhite's medical providers, but that those negotiations were taking longer than he anticipated. Respondent later told Willhite that her insurance company was trying to recover some of the settlement funds paid by Wisconsin Mutual.

31. On September 27, 2010, respondent issued a trust account check for \$439.20 to Metropolitan Anesthesiologists on Willhite's behalf, leaving a balance of \$23,560.80 in Willhite settlement funds in his trust account.

32. By no later than December 2011, respondent had paid to himself the entire remaining balance of Willhite's settlement funds. Respondent had no entitlement to the funds, did not inform Willhite that he was paying the funds to himself, did not receive Willhite's permission to pay the funds to himself and did not provide to Willhite an accounting of the funds. Respondent's actions constituted misappropriation of Willhite's funds.

33. Beginning in or about November 2012, Willhite began trying to contact respondent regarding the balance of her settlement funds. Respondent failed to respond to Willhite's requests for information.

34. Respondent's conduct violated Rules 1.4(a)(3) and (4), 1.15(a), 1.15(c)(3), and 8.4(c) and (d), MRPC.

FIFTH COUNT

Additional Failure to Cooperate

35. On March 8, 2013, the Director mailed to respondent notice of investigation of Willhite's complaint. The notice requested respondent to provide his complete written response to the complaint within 14 days of the date of the notice. Respondent failed to respond.

36. By letter dated March 25, 2013, the Director advised respondent that the Director had received no response from respondent and requested respondent to provide at this time the complete written response requested in the notice. Respondent failed to respond.

37. To date, respondent has provided no response to Willhite's complaint.

38. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent 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: April 3, 2013.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
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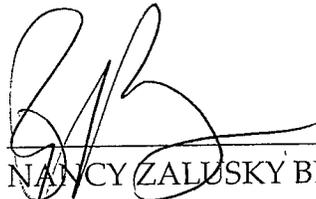
and



TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

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

Dated: 4-8-13, 2013.



NANCY ZALUSKY BERG
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD