

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against SETH PATRICK HARTIGAN,
a Minnesota Attorney,
Registration No. 29889X.

**APPLICATION FOR ORDER OF
SUSPENSION PURSUANT TO
RULE 12(c), RULES ON LAWYERS
PROFESSIONAL RESPONSIBILITY**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility hereby applies, pursuant to Rule 12(c)(1), Rules on Lawyers Professional Responsibility, for an order suspending Seth Patrick Hartigan, hereinafter respondent, from the practice of law and informing respondent that if he fails to appear in this matter within one year after the suspension order is filed, the allegations of the petition for reciprocal discipline shall be deemed admitted. This application is based upon the attached affidavit of Jenny Boushley and the allegations of the petition for reciprocal discipline filed in this matter.

Dated: June 30, 2005.



KENNETH L. JORGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

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**AFFIDAVIT OF
JENNY BOUSHLEY**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

JENNY BOUSHLEY, after first being duly sworn, states as follows:

1. I am a paralegal employed in the Office of Lawyers Professional Responsibility.
2. I was assigned to assist in the investigation of a disciplinary matter involving Seth Patrick Hartigan, hereinafter respondent.
3. This affidavit is offered in support of the Director's application for an order, pursuant to Rule 12(c)(1), Rules on Lawyers Professional Responsibility (RLPR), suspending respondent from the practice of law and informing respondent that if he fails to appear in this matter within one year after the order is filed, the allegations of the petition for disciplinary action shall be deemed admitted.
4. On January 19, 2005, respondent's Wisconsin law license was suspended for a period of six months (Exhibit 1). Respondent's Wisconsin suspension was based on his acceptance of a laptop computer as payment for legal fees and retaining it and using it for personal benefit without notifying his employer, misrepresentations to the Wisconsin Office of Lawyer Regulation (OLR), failure to appear in court on behalf of

two clients, failure to provide notice of withdrawal, failing to communicate with and pursue client matters, failing to protect client interests, making false representations to a tribunal, and failure to return client property.

5. On January 24, 2005, the Director's Office received a complaint from litigation counsel for the OLR enclosing a copy of the Wisconsin suspension order (Exhibit 1).

6. On January 26, 2005, the Director sent a notice of investigation to respondent's last known address, i.e., P.O. Box 24792, Minneapolis, MN 55424 (Exhibit 2). The OLR provided this address when they filed their complaint.

7. On February 17, 2005, the January 26 notice of investigation was returned to the Director by the post office as "box closed, unable to forward, return to sender" (Exhibit 3).

8. On February 18, 2005, I conducted an internet search in an attempt to obtain a valid address for respondent. I was unsuccessful in my attempt.

9. Also on February 18, 2005, I spoke with William Weigel, litigation counsel at the OLR. He stated he would have respondent's file pulled and speak with the person who prosecuted the case on behalf of the OLR.

10. On February 22, 2005, a representative from the OLR contacted me and provided an email address and cellular phone number that were both used to communicate with respondent during the Wisconsin disciplinary proceeding.

11. On March 9 and 14, 2005, the Director left voicemail messages at the telephone number provided by the OLR. On March 15, 2005, the Director received a return call from a man who was not respondent. He stated that the telephone company assigned that number to him a couple months ago, and that he has received several calls for respondent at that number. He states he does not know respondent.

12. On April 13, 2005, the Director emailed respondent at the email address provided by the OLR (Exhibit 4). The Director received notice from the mail server that

same day that the email message had failed to reach respondent, due to "mailbox disc quota exceeded" (Exhibit 5).

13. Rule 12(c)(1), RLPR, provides:

Suspension. If the respondent cannot be found in the state, the Director shall mail a copy of the petition to the respondent's last known address and file an affidavit of mailing with this Court. Thereafter the Director may apply to this Court for an order suspending the respondent from the practice of law. A copy of the order, when made and filed, shall be mailed to each district court judge of this state. Within one year after the order is filed, the respondent may move this Court for a vacation of the order of suspension and for leave to answer the petition for disciplinary action.

14. Based upon the above information, it appears that respondent cannot be found in this state or in Wisconsin, where he was last known to have lived and practiced.

FURTHER AFFIANT SAYETH NOT.


JENNY BOUSHLEY

SIGNED AND SWORN to before
me on June 30, 2005.

by Jenny Boushley.


Notary Public

