

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ROXANNE R. HEINRICH,
a Minnesota Attorney,
Registration No. 171864.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) 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 January 10, 1986. Respondent currently practices law in Minnetonka, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. On July 7, 2005, an article appeared in the *St. Paul Pioneer Press* concerning an alleged swindle by Marlo Gray of Gerald Edstrom (Exhibit 1). According to the article, respondent represented Gray and had told Edstrom that she had observed bruises on Gray's arm as a result of Edstrom taking Gray by the arm and leading her off

his property. Respondent allegedly told Edstrom her client was going to charge him with assault, however, respondent offered to "handle" it if Edstrom paid her \$30,000.

2. Pursuant to Rule 8(a), RLPR, the Director sought and received the approval of the Executive Committee of the Lawyers Professional Responsibility Board to initiate an investigation into respondent's conduct. On July 29, 2005, the Director issued a notice of investigation (Exhibit 2). The notice required respondent provide a written response within 14 days.

3. On August 19, 2005, when respondent had not replied to the notice of investigation, the Director sent respondent a follow-up letter (Exhibit 3). In that letter, the Director informed respondent that the failure to cooperate with an investigation of the Director's Office could, independent of the underlying allegations of wrongdoing, constitute unprofessional conduct. Respondent did not reply.

4. On September 20, 2005, the Director sent another follow-up letter to respondent (Exhibit 4). In that letter, the Director indicated that he had learned that there was a criminal matter pending against respondent in Washington County based upon the same allegations that formed the basis for the Director's investigation. Respondent never replied.

5. In contacting the Washington County prosecutor's office, the Director was told that respondent's criminal case was scheduled for January 20, 2006. On January 26, 2006, the Director's Office contacted the Washington County attorney's office and was told that respondent had not appeared for a December 14, 2005, pre-hearing. As a result, the court issued a bench warrant for respondent's arrest and the January 20, 2006, trial was continued.

6. On February 2, 2006, the Director's Office again wrote to respondent (Exhibit 5). The Director relayed to respondent the information provided by the Washington County prosecutor's office and the Director indicated that respondent needed to provide a response to the initial notice of investigation.

7. The Director's February 2, 2006, letter was sent by both certified mail and regular mail. The letter sent by certified mail was returned by the post office with a notation that the letter was "unclaimed." Respondent received the letter sent by regular mail and subsequently contacted the Director's Office.

8. On February 23, 2006, respondent contacted the Director's Office and spoke with a Senior Assistant Director. Respondent said that she had been in the hospital with pneumonia, had not intentionally missed her court appearance, and had every intention of cooperating. Respondent also told the Senior Assistant Director that she was going to be getting a public defender.

9. Respondent and the Senior Assistant Director agreed that respondent could have a few more weeks within which to obtain a public defender and deal with the criminal matter. Respondent indicated that either she or her lawyer would then contact the Director's Office regarding the disciplinary proceeding. However, neither respondent nor an attorney representing her contacted the Director's Office as promised.

10. On June 7, 2006, the Director's Office wrote a follow-up letter to respondent (Exhibit 6). The Director indicated that respondent had not appeared in Washington County court and no public defender had made an appearance on her

behalf. Respondent was told that to avoid charges of unprofessional conduct, based upon respondent's failure to cooperate with the Director's investigation, respondent needed to respond to the notice of investigation within fourteen days.

11. On June 19, 2006, respondent wrote: "You keep telling me to cooperate with you. What does that mean? I cooperated with Washington County and they did not care if I showed up or not" (Exhibit 7). Respondent's letter does not address any of the issues contained in the Director's notice of investigation or any of his subsequent follow-up letters.

12. On June 21, 2006, the Director responded to respondent's letter (Exhibit 8). The Director further stated that respondent's failure to respond to the Director's July 29, 2005, notice of investigation by no later than 5:00 p.m. on June 28, 2006, would result in the Director issuing charges of unprofessional conduct.

13. On June 30, 2006, the Director served respondent by mail with charges of unprofessional conduct, notice of pre-hearing meeting and notice of panel assignment. The pre-hearing meeting was scheduled to take place on July 19, 2006. Respondent did not appear for the hearing, nor did she communicate to the Director's Office that she was unable to attend.

14. As of the date of this petition, respondent has not provided the Director with a response to the notice of investigation and has not made an appearance in the Washington County criminal matter. There is an active bench warrant for respondent's arrest.

15. Respondent's conduct in failing to cooperate with the Director's investigation violated Rule 8.1(b), Minnesota Rules of Professional Conduct (MRPC), and Rule 25, Rules on Lawyers Professional Responsibility.

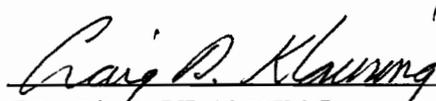
WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: July 25, 2006.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

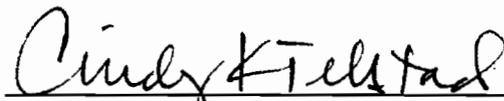
and



CRAIG D. KLAUSING
SENIOR ASSISTANT DIRECTOR
Attorney No. 202873

This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: August 8, 2006, 2006.



CINDY K. TELSTAD
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD