**FILE NO. C7-02-439**

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action
against MICHAEL J. HOOVER,
an Attorney at Law of the
State of Minnesota.

**SUPPLEMENTARY PETITION FOR DISCIPLINARY ACTION**

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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 February 22, 2002, 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

Improper Fee Agreements

14. During the period from at least December 1999 through at least January 2001, respondent accepted fee retainers and/or advances from several clients. Respondent deposited these retainers/advances into his trust account and immediately disbursed them in their entirety to himself or to creditors on his own behalf, before his billing statements indicated he had earned them.

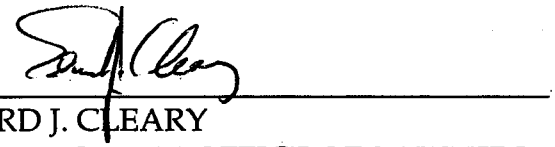
15. Although with respect to each of these fee retainers/advances both respondent and the client understood that the retainer/advance was non-refundable

and that respondent would not be holding it in trust, respondent failed to prepare and execute written retainer agreements to that effect.

16. Respondent's failure to prepare and execute written retainer agreements providing that the fee retainers and advances he received were non-refundable and would not be held in trust, violated Lawyers Professional Responsibility Board Opinion No. 15 and the Minnesota Supreme Court's holding in *In re Lochow*, 469 N.W.2d 91 (Minn. 1991).

WHEREFORE, the Director respectfully prays for an order of this Court imposing 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 9, 2002.



EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
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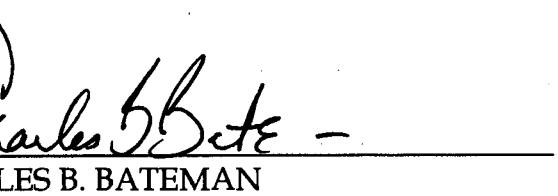
This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR, by the undersigned.

Dated: 4/17/02, 2002.



CHARLES B. BATEMAN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD