

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against DANIEL FRANCIS JAMBOR,
an Attorney at Law of the
State of Minnesota.

**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 petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 23, 1992. Respondent currently practices law in Blaine, Minnesota.

DISCIPLINARY HISTORY

A. On September 18, 1995, respondent was placed on private probation for two years. Respondent's discipline was based on his failure to deposit into a trust account funds intended to be held for use as litigation expenses, failure to provide the client with requested accountings of funds, failure to maintain appropriate books and records relating to his trust account, failure to respond to requests for information made during the course of a disciplinary investigation and failure to attend a pre-hearing meeting.

B. On February 20, 1997, respondent received an admonition for failing to pay a law-related debt or to pay the judgment entered on that debt.

COUNT ONE
Martin Matter

1. Deborah and Edward Martin were wife and husband. Edward was the sole shareholder of Monarch Holdings, which owned property in Florida. After Edward died, Deborah wanted to sell the property. Deborah retained Florida counsel to handle the transaction. On or about January 1, 1998, Deborah retained respondent to assist her in providing Florida counsel with the legal documentation necessary to complete the transfer.

2. Respondent sent a variety of documents to Florida counsel on June 1, 1998.

3. Beginning on June 4, 1998, on multiple occasions Florida counsel requested respondent to provide specified additional information.

4. Respondent thereafter told Florida counsel and Myer Leonard, a friend of Deborah's who was assisting her, that respondent had sent the additional requested information to Florida counsel. These statements were false.

5. On October 30, 1998, respondent's employment with the law firm at which he worked terminated.

6. Another lawyer in the law firm, J.S., reviewed the file. The file contained a memorandum from respondent to J.S. which stated the matter was completed. J.S. received a phone call from Leonard requesting copies of the material respondent had told Leonard had been forwarded to Florida counsel. Respondent told J.S. that the material had been sent. This statement was false, and no such documents existed. After J.S. could not find copies of the documents in the file, respondent told J.S. that respondent had them with him and "was just going to send it." Respondent failed to do so. J.S. again contacted respondent, who again promised to send the requested material. Respondent failed to do so.

7. Respondent's conduct violated Rules 1.3, 4.1, and 8.4(c), Minnesota Rules of Professional Conduct (MRPC).

COUNT TWO
Hansen Matter

8. On July 1, 1998, Robert B. Hansen retained respondent to handle the closing of a real estate transaction scheduled to occur when Hansen would be out of the state. Respondent informed Hansen that attorneys' fees likely would be between \$300 and \$500. There was no written retainer agreement.

9. Respondent handled the closing. Respondent withheld \$1,000 from the closing proceeds to apply toward his bill. Hansen had not authorized respondent to do so. Respondent claimed to have incurred fees totaling almost \$900.

10. In late July 1998 Hansen retained respondent to represent him in a lawsuit against a Mr. Taylor. Hansen thereafter made multiple calls to respondent inquiring about the status of the matter. Respondent failed to return the calls.

11. Complainant was unable to speak with respondent until mid-October. At that time respondent stated that he was working on the file, had sent a letter to the opposing party, and then discovered that respondent's law firm had a conflict of interest and could not represent Hansen any further. Respondent's statement that he had written to the opposing party was false.

12. By letter dated November 25, 1998, respondent stated to complainant that the firm had a conflict of interest and could not represent complainant and that complainant should ignore the bill the firm had already been sent for the matter.

13. Respondent's conduct violated Rules 1.3, 1.4, 1.15(b), 4.1, and 8.4(c), MRPC.

COUNT THREE
Pattern of Non-Cooperation

14. On December 7, 1998, the Director mailed to respondent notice of investigation of Hansen's complaint. The notice requested respondent to provide his complete written response within 14 days of the notice. Respondent failed to provide his response until January 7, 1999.

15. On December 28, 1998, the Director mailed to respondent notice of investigation of a complaint Leonard filed on behalf of Deborah Martin. The notice requested respondent to provide his complete written response within 14 days of the notice. Respondent failed to respond.

16. By letter dated January 12, 1999, the assigned district ethics committee (DEC) investigator requested respondent to provide his response. Respondent failed to respond.

17. On February 9, 1999, the investigator contacted respondent and spoke with him by telephone. During that conversation, respondent stated that he had prepared a written response to the Leonard complaint and would send it to the investigator shortly. Respondent failed to do so.

18. By letter dated March 15, 1999, the Director sent to respondent copies of the DEC investigator's reports regarding the Hansen and Leonard matters and requested respondent no later than March 29, 1999, to provide (1) any response he wished to provide to those reports and (2) his response to the Leonard complaint.

19. On March 17, 1999, respondent telephoned the Director's Office and left a message that the DEC investigator's reports were not enclosed with the Director's March 15 letter.

20. By letter dated March 18, 1999, the Director sent to respondent copies of the DEC investigator's reports regarding the Hansen and Leonard matters.

21. By letter dated April 6, 1999, the Director informed respondent that the Director had received none of the information or documents requested in the Director's March 15 letter and requested respondent to provide the information and documents requested in that letter. Respondent failed to respond.

22. By letter dated April 15, 1999, the Director informed respondent that the Director had received none of the information or documents requested in the Director's

March 15 letter and requested respondent to provide the information and documents requested in that letter. Respondent failed to respond.

23. Respondent's failure to cooperate in the investigation of the Hansen and Leonard complaints, coupled with respondent's disciplinary history for failure to cooperate, constitutes a pattern of misconduct.

24. Respondent's pattern of non-cooperation violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

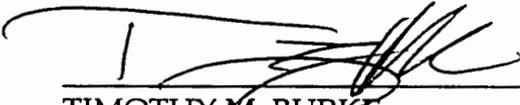
WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: June 30, 1999.



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