FILE NO._____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against RONALD L. KOPESKA, 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. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on April 15, 1977. Respondent currently practices law in Minneapolis, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

On October 5, 1993, respondent received an admonition for failing to maintain proper trust account records and using his client trust account for non- client related matters in violation of Rules 1.15, Minnesota Rules of Professional Conduct (MRPC) and Lawyers Professional Responsibility Board (LPRB) Opinion No. 9.

FIRST COUNT

Misrepresentation to the Court Under Oath

1. Respondent represented Carapace Corp. and T. Source, Inc. and served as the corporate treasurer for each corporation. During 1998, Melvin and Maureen Jones

brought a civil action against Carapace and T. Source. Judge Peter Lindberg presided over the trial.

2. On the morning of March 21, 2000, respondent testified under oath as a witness for defendants Carapace and T Source. Respondent testified as follows:

COURT:	Who is T. Source?
RESPONDENT:	Just a Minnesota corporation.
COURT:	Who are the principals of T. Source?
RESPONDENT:	Rebecca Bullard and Dick Rivard.
COURT:	Speak up please.
RESPONDENT:	Rebecca Bullard, Dick Rivard.
COURT:	Who else?
RESPONDENT:	That's it. Just the two of them.
COURT:	How about Carapace, who are the principals there?
RESPONDENT:	Rebecca Bullard owns part of that, then I don't really remember off the top of my head if anybody else – I think she owns 100 percent of that one.
COURT:	Are you related to any of those people by blood or marriage?
RESPONDENT:	No.

3. Respondent's answer that he was not related to any of the owners of Carapace or T. Source was false. Rebecca Kopeska Bullard is respondent's sister.

4. Later in the trial, counsel for T. Source and Carapace pursued the court's line of questioning:

MR. SILINS:	Now, some of what was covered yesterday, Mr. Kopeska, in response to some of the inquiries that the Court had, is your work with these particular defendants a significant part of your practice?
RESPONDENT:	No, it's not.
MR. SILINS:	This is just one of many clients that you have?

RESPONDENT: One of many lenders or two of many lenders that I have.

MR. SILINS: Your personal interest in this matter, of course, is that of an attorney?

RESPONDENT: That's correct.

* * *

MR. SILINS: You have no interest as to whether these defendants succeed or fail on a particular project?

RESPONDENT: No economic interest, no.

* * *

MR. SILINS: Yesterday there was some question about the ownership of one of the corporations. I know the Court was interested in that. This is an exhibit which was not previously marked. I have here the tax return for – it's for 1120 for Carapace Corporation for 1997 and I would submit this. Just would you identify this as -- is that what that is?

* * *

MR. SILINS: This is being submitted just to reflect ownership of that particular defendant. And the owner of that corporation is a Ms. Bullard?

RESPONDENT: Rebecca Bullard.

5. After testimony in the trial ended, the court's law clerk, Eric Nelson, did some internet research to find the address of one of the defendant corporations in order to prepare the draft findings. In his search, Nelson found the name Rebecca Kopeska Bullard.

6. When Nelson brought this to Judge Lindberg's attention, Judge Lindberg directed Nelson to telephone Mr. Silins regarding the information. Mr. Silins told Nelson that he would contact respondent and call him back.

7. Mr. Silins called Nelson back in about two hours and informed Nelson that respondent had said that Rebecca Kopeska Bullard was a friend of his. Mr. Silins

asked Nelson how he retrieved the information and Nelson told him how he conducted the internet search.

8. When Nelson informed Judge Lindberg of the additional explanation, Judge Lindberg ordered Mr. Silins and respondent to appear for a hearing on March 23, 2000, at 2:00 p.m.

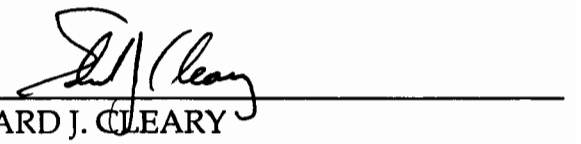
9. On March 23, 2000, when confronted by the court with his misrepresentation, respondent admitted he had lied under oath and apologized. The court sanctioned respondent $2,000 for contempt of court.

10. On March 27, 2000, respondent paid the sanction in full.

11. Respondent's conduct in falsely answering a direct question from the Court while under oath violated Rules 3.3(a)(1), 8.4(c) and 8.4(d), MRPC.

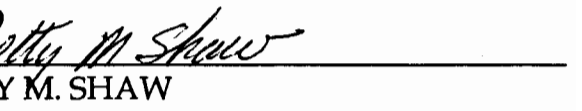
WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing other appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: July 31, 2001.



EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

and



BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR
Attorney No. 130904