

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against BRADLEY ALLAN LAMB,  
a Minnesota Attorney,  
Registration No. 391955.  
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**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 (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on July 21, 2011. Respondent's Minnesota law license is currently suspended for nonpayment of mandatory fees.

Respondent was admitted to practice law in Wisconsin on September 29, 2009. Respondent's Wisconsin law license is currently suspended for nonpayment of mandatory fees and for failing to comply with continuing legal education reporting requirements. Respondent currently practices law in Hudson, Wisconsin.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Immigration Matter

1. Ger Vang and her husband, C.V., retained respondent to assist C.V. with an immigration application.<sup>1</sup> The parties met on April 27, 2013, at which time

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<sup>1</sup> Prior to entering into the retainer agreement, respondent communicated with Vang and C.V. on several occasions—by phone on March 20, March 22, March 30, April 3, and April 17, 2013; by text message on April 22, 2013; and by email on April 1 and April 12, 2013.

respondent and C.V. entered into a retainer agreement, pursuant to which respondent agreed to undertake the representation for a cash retainer fee of \$2,500, which Vang and C.V. paid in full on April 27, 2013.<sup>2</sup>

2. By email to respondent dated May 13, 2013, Vang inquired as to the status of C.V.'s immigration application. Respondent did not respond to Vang's email.

3. By text messages on May 22, 2013 (12:06 p.m. and 5:38 p.m.), Vang noted respondent's failure to reply to her previous communication and again inquired as to the status of C.V.'s immigration application.

4. By email dated May 23, 2013, respondent stated that C.V.'s application was complete and that he was working on finalizing a related supporting brief.<sup>3</sup> Respondent also requested that Vang provide various documents in support of the application.

5. During the period May 28, 2013 – June 7, 2013, Vang and respondent exchanged email communications regarding C.V.'s criminal history and various documents to be provided by Vang.

6. By email dated June 12, 2013, respondent informed Vang that C.V. could not apply for citizenship due to a specific arrest on his record. Respondent stated that C.V. could attempt to apply for green card renewal and that respondent would fill out the green card renewal application for Vang and C.V. Respondent also stated he would have the waiver application and brief he previously prepared ready for production in the event it was requested during the green card renewal process.

7. By return email dated June 12, 2013, Vang expressed concerns about the green card renewal process, asked respondent what action she and C.V. should take, and inquired as to the "worst case scenarios."

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<sup>2</sup> The retainer agreement is erroneously dated April 26, 2013. The parties met on April 27, 2013, at which time the retainer agreement was executed.

<sup>3</sup> C.V.'s immigration application is also referred to by respondent as a "waiver," or "waiver application."

8. By email dated June 20, 2013, respondent stated that he could not make any guarantees with regard to the outcome and that C.V. may be able to renew his green card because he was not convicted of the crime he had been arrested for.

9. By text message on July 30, 2013, Vang again expressed concerns about the green card renewal process, stated that C.V. wished to hold off on the process until next year, and asked respondent if he thought that would be a problem. Respondent did not respond to Vang's text message.

10. During the period June 21, 2013 – October 21, 2013, respondent did not communicate with Vang or C.V. and took no action on C.V.'s behalf.

11. By email dated October 21, 2013, Vang terminated the representation, requested a refund of the retainer fee, and requested that respondent return to Vang the information she and C.V. had provided to him. Respondent did not respond to Vang's email, failed to produce C.V.'s file, and failed to refund any portion of Vang and C.V.'s retainer fee.

12. By text message dated October 31, 2013, Vang noted respondent's failure to reply to her October 21, 2013, email and again requested that respondent return C.V.'s file. Respondent did not respond to Vang's text message and failed to produce C.V.'s file.

13. Respondent has failed to refund any portion of Vang and C.V.'s retainer fee and has failed to provide Vang with a billing statement during the course of the representation.

14. Respondent's conduct in failing to respond to communications from Vang and C.V., and failing to take action on behalf of Vang and C.V., violated Rules 1.3 and 1.4, Minnesota Rules of Professional Conduct (MRPC).

15. Respondent's failure to provide Vang and C.V. with an accounting or billing statement related to their advance payment of fees/expenses, violated Rule 1.15(c)(3), MRPC.

16. Respondent's conduct in failing to return Vang and C.V.'s file and failing to refund any unearned portion of their retainer fee, violated Rules 1.15(c)(4) and 1.16(d), MRPC.

## SECOND COUNT

### Practice with Restricted License

17. Respondent began representing C.V. on or about April 27, 2013.

18. On August 13, 2013, Vang submitted to the Director's Office a written complaint regarding respondent. During the course of reviewing the August 13, 2013, complaint, the Director's Office became aware that as of June 12, 2012, respondent's Wisconsin law license had been suspended for failing to comply with continuing legal education reporting requirements, and that respondent's Minnesota law license had been suspended for nonpayment of lawyer registration fees as of July 1, 2012.<sup>4</sup>

19. Respondent did not, at any time, disclose to Vang or C.V. the fact that respondent's license to practice law in Minnesota and Wisconsin had been suspended.

20. Respondent's Minnesota and Wisconsin law licenses remained suspended for the duration of his representation of C.V., and have not been reinstated.

21. Respondent's conduct in failing to communicate the suspension of his Minnesota law license to Vang and C.V. prior to and during the course of an ongoing legal matter violated Rule 1.4, MRPC.

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<sup>4</sup> Effective October 31, 2012, respondent's Wisconsin law license was further suspended for nonpayment of attorney registration fees and failure to execute a Trust Account Certificate.

### THIRD COUNT

#### Failure to Cooperate with Director's Investigation

22. On August 26, 2013, the Director's Office mailed to respondent a notice of investigation in this matter, along with a copy of the complaint submitted by Vang. The notice requested respondent to provide his complete written response to the matter within 14 days of the notice. The notice was mailed to respondent's address of record in the Minnesota Lawyer Registration System: 808 Carmichael Road, PMB 212, Hudson, WI 54016. The Director's August 26 mailing was not returned. Respondent did not respond, and did not contact the Director's Office to request an extension.

23. On October 24, 2013, the Director wrote to respondent reminding him of his obligation to submit a written response to the complaint, informing respondent that failure to cooperate with a disciplinary investigation could be independent grounds for discipline, and requesting a written response by November 7, 2013. This letter was also mailed to respondent's address of record in the Minnesota Lawyer Registration System. The Director's October 24 letter was not returned. Respondent did not respond, and failed to contact the Director's Office to request an extension of time in which to respond.

24. On November 19, 2013, the Director again wrote to respondent reminding him of his obligation to comply with reasonable requests for information, informing respondent that failure to cooperate with a disciplinary investigation could be independent grounds for discipline, and requesting a written response by December 3, 2013. This letter was also mailed to respondent's address of record in the Minnesota Lawyer Registration System. The Director's November 19 letter was not returned. Respondent did not respond, and failed to contact the Director's Office to request an extension of time in which to respond.

25. Having received no response, the Director independently obtained the following mailing address for respondent: 601 Cherry Circle North, Hudson, WI 54016.

26. On November 21, 2013, the Director mailed to respondent a letter, along with copies of the notice of investigation, the complaint, and the Director's October 24, 2013, and November 19, 2013, letters. The Director's November 21 letter reminded respondent of his obligation to comply with reasonable requests for information, informed respondent that failure to cooperate with a disciplinary investigation could be independent grounds for discipline, and requested a written response by December 3, 2013. This letter was mailed to respondent at the address located by the Director's Office: 601 Cherry Circle North, Hudson, WI 54016. The Director's November 21 letter was not returned. Respondent did not respond, and failed to contact the Director's Office to request an extension of time in which to respond.

27. On February 3, 2014, the Director served upon respondent by U.S. mail the February 3, 2014, charges of unprofessional conduct, notice of panel procedures and notice of panel assignment. The charges of unprofessional conduct, notice of panel procedures and notice of panel assignment were mailed to respondent's last known address: 808 Carmichael Road, PMB 212, Hudson, WI 54016. The February 3, 2014, mailing was returned to this Office as undeliverable on February 12, 2014.

28. On February 13, 2014, the Director served upon respondent by U.S. mail the charges of unprofessional conduct, notice of panel procedures and notice of panel assignment. The charges of unprofessional conduct, notice of panel procedures and notice of panel assignment were served upon respondent at the following address: 601 Cherry Circle North, Hudson, WI 54016. The February 13, 2014, mailing was not returned. Respondent did not respond, and failed to contact the Director's Office to request and extension of time in which to respond.

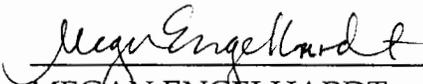
29. Respondent's conduct in failing to cooperate in the Director's investigation of the complaint against him violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

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.

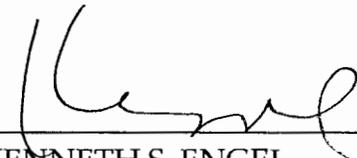
Dated: March 4, 2014.

  
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MARTIN A. COLE  
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PROFESSIONAL RESPONSIBILITY  
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and

  
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MEGAN ENGELHARDT  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 329642

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

Dated: March 6, 2014.   
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KENNETH S. ENGEL  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD