

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

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against VANG PAO LEE,  
a Minnesota Attorney,  
Registration No. 308614.  
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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. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 11, 2001. Respondent currently practices law in St. Paul, Minnesota. Respondent has been suspended since July 1, 2006, for non-payment of his attorney registration fees.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

A. See Vang Thao Matter

1. Kee Moua (Moua) and Kai Lee (Lee) were injured in an automobile accident on December 27, 1998. Moua and Lee are Hmong and speak very limited English. Moua and Lee retained See Vang Thao to represent them in their claims against the driver, the owner of the car and the insurer, Liberty Mutual Insurance (Liberty Mutual). Thao negotiated a settlement amount of \$3,500 each for Moua and Lee plus out-of-pocket expenses of \$27.85.

2. In November 2002 Moua and Lee terminated Thao's services and retained respondent. On November 21, 2002, Thao forwarded Moua and Lee's personal injury files to respondent and notified both respondent and Liberty Mutual of an attorney's lien placed on each claim.

3. Liberty Mutual made several settlement offers between 2002 and 2004. Moua and Lee rejected the settlement proposals and on December 2, 2003, respondent made a counteroffer of \$6,000 each for Moua and Lee. Liberty Mutual rejected respondent's counteroffer. Nonetheless, throughout 2004 Liberty Mutual placed monthly telephone calls to respondent reiterating their settlement offer of \$3,500 for each claimant.

4. In early December 2004, just prior to the expiration of the statute of limitations, respondent unsuccessfully attempted to serve the at-fault driver and owner of the car with a lawsuit. The address respondent provided his process server came from a document which was almost six years old. Respondent did not discuss the expiration of the statute of limitations with his clients or tell them the settlement offer of \$3,500 each was still available.

5. Other than a failed attempt in approximately August 2004 to obtain a current address for the driver from the Department of Transportation, respondent made little effort to ensure respondent had the driver's or owner's current addresses. The statute of limitations expired without respondent obtaining proper service on the at-fault driver or the owner of the car.

6. In April 2005, after the statute of limitations had expired, respondent called Liberty Mutual asking about the status of the settlement.

7. Beginning in January 2005, Thao attempted to contact respondent regarding her attorney's lien. In a conversation with Liberty Mutual, Thao learned that respondent had not served the at-fault driver or the owner of the car with the lawsuit. Thao continued to try to contact respondent with no success.

8. Respondent's conduct in the See Van Thao matter violated Rules 1.3, 1.4 and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

B. Lou Vang Matter

9. Lou Vang (Vang) moved to Arkansas from Minnesota. While in Arkansas, Vang contracted with G & J Contractors, a construction company, to complete a \$360,000 chicken farming project. Vang was not satisfied with the construction work and withheld \$30,000 from the contractor's payment. Vang spent approximately \$100,000 to correct the contractor's mistake.

10. G & J Contractors filed suit against Vang for breach of contract. Vang retained respondent because respondent spoke Hmong. Vang paid respondent a \$5,000 retainer.

11. Respondent then retained a local Arkansas attorney, Monzer Mansour, and on or about November 24, 2004, respondent served a motion to appear *pro hac vice*. Over the course of representation, Mansour attempted unsuccessfully to contact respondent. Having had no contact with respondent since June 26, 2005, on February 1, 2006, Mansour filed a motion to withdraw as counsel of record.

12. Vang's bench trial was scheduled for March 21, 2006. Three days prior to trial, respondent filed a motion for continuance. The court denied respondent's motion. Respondent did not inform Vang of his pending trial, therefore, on the date of the trial neither Vang nor respondent appeared.

13. Judgment was entered against Vang in the amount of \$36,509.90. Vang only learned of the judgment against him when he began receiving writs of garnishment against his accounts. Vang retained the Henry Law Firm to vacate the judgment. The judge denied Vang's attempt to vacate the judgment. The Henry Law Firm has tried on numerous occasions to contact respondent on Vang's behalf. Respondent has not answered their telephone calls or letters.

14. Respondent's conduct in the Lou Vang matter violated Rules 1.1, 1.3, 1.4(a), 1.15(b) and 1.16(d), MRPC.

### THIRD COUNT

#### C. Jesse Kao Lee Matter

15. Respondent began representing Jesse Lee (J. Lee) in March 2005 with regard to a dissolution/child support matter. J. Lee provided a \$1,000 retainer fee. In April 2005, respondent appeared on behalf of J. Lee at a hearing about a child support matter. At or about the time of the child support hearing, respondent told J. Lee the martial dissolution action would be promptly commenced.

16. As of June 2005, respondent had not provided J. Lee with any indication that work had begun on the dissolution. J. Lee met with respondent in June 2005. Respondent told J. Lee that he would be out of the country but would serve the divorce petition before leaving and would return in time to appear in court.

17. Respondent did not serve the petition and throughout the summer J. Lee tried unsuccessfully to reach respondent. In approximately October 2005, J. Lee was able to reach respondent by telephone. Respondent told J. Lee he had contacted the attorney he believed represented J. Lee's estranged wife, but was told by the attorney that was not the case. On November 2, 2005, J. Lee provided respondent with his estranged wife's address and telephone number.

18. Although J. Lee has left multiple telephone messages for respondent, J. Lee has not heard from respondent since November 2005. J. Lee has asked respondent to return his documents pertaining to the child support and the dissolution matter, together with his \$1,000 retainer fee. J. Lee has gone to respondent's office several times in an attempt to retrieve his files without success. J. Lee has not received any of the documents provided to respondent or an accounting of the money paid to respondent.

19. Respondent's conduct in the J. Lee matter violated Rules 1.3, 1.4, 1.15(b) and 1.16(d), MRPC.

## FOURTH COUNT

### D. Kou Her and Neng Vue Matter

20. Kou Her (Her) and Neng Vue (Vue) purchased a Cousin's Sub restaurant from Xeng Vang (Vang) and Mai Xiong (Xiong) for approximately \$160,000. Pursuant to the Cousin's Sub franchise agreement, the sale was not valid. In the spring of 2005, Her and Vue retained respondent to represent them in an action for breach of contract against Vang and Xiong.

21. Respondent successfully litigated the matter and obtained a judgment in favor of Her and Vue. However, respondent failed to proceed with the collection action authorized by his clients.

22. On June 1, 2005, Vang and Xiong filed a Chapter 7 bankruptcy. Her and Vue retained new counsel, Lee Moua (L. Moua), to protect their judgment. Nonetheless, without the file containing original purchase agreements, contracts, etc., Her and Vue have been unable to appropriately challenge the bankruptcy matter. L. Moua contacted the bankruptcy trustee, and was informed that Her and Vue have until July 2007 to serve their challenge.

23. Her and Vue do not have access to the necessary documents because the documents are in respondent's possession and respondent has failed to communicate with Her and Vue.

24. Respondent's conduct in the Her and Vue matter violated Rules 1.3, 1.4 and 1.16(d), MRPC.

## FIFTH COUNT

### E. Non-Cooperation

#### Fee Suspension Matter:

25. While investigating the Thao matter, it came to the attention of the Director that respondent had been suspended since July 1, 2006, for failure to pay his annual attorney registration fees. On July 19, 2006, the Director wrote to respondent requesting that within 14 days, he submit proof of payment of attorney registration fees

and an affidavit concerning his practice of law since the time of his suspension. The July 19, 2006, letter was followed by telephone calls from the Director's Office on July 24 and August 1, 2006. The Director left messages advising respondent of his fee status and asking him to contact the Director's Office. The Director's Office also informed respondent that he was not permitted to practice law. Respondent has failed to respond to the letter or telephone calls.

26. On August 11, 2006, the Director's Office again wrote to respondent regarding his status as a fee suspended attorney. The Director's Office reiterated the request for proof of registration and an affidavit regarding respondent's practice, to be provided within seven days. The Director's Office also advised that failure to respond could result in disciplinary action. Respondent did not reply.

27. On September 1, 2006, the Director wrote to respondent a third time regarding his suspended status and failure to cooperate with the Office. The letter requested a response within seven days. Respondent has not responded.

28. No correspondence has been returned to the Director's Office as undeliverable.

29. On November 3, 2006, an Assistant Director visited respondent's office. Respondent was not in his office but the occupants of the office next to respondent's indicated that respondent was still there and that they see him sporadically. Respondent continued to advertise as a law office, even though he was fee suspended, and had been informed of the same.

30. Respondent remains fee suspended and has not been authorized to practice law since July 1, 2006.

Lou Vang Complaint:

31. On July 3, 2006, the Director mailed respondent the Vang complaint and a notice of investigation. Respondent was directed to answer the complaint in writing within 14 days. Respondent did not do so. The notice of investigation was not returned as undeliverable.

32. On August 3, 2006, District Ethics Committee (DEC) investigator, Terrence Foy, called respondent and left a message on his answering machine regarding respondent's overdue response. Foy followed-up on the telephone call with a letter on August 7, 2006. Respondent did not respond.

33. On August 18, 2006, Foy again wrote to respondent stating respondent's answer had not been received and asking respondent to contact Foy. Respondent did not do so.

34. On October 10, 2006, Foy again wrote to respondent asking that respondent contact Foy by no later than October 16, 2006. Foy's correspondence was not returned to him as undeliverable. Respondent did not respond.

35. On October 26, 2006, the Director's Office provided respondent with a copy of the DEC's findings and recommendation. The Director asked respondent to respond within two weeks to any areas of the findings and recommendations to which respondent disagreed. Respondent did not respond.

36. No correspondence has been returned to the Director's Office by the post office as undeliverable.

37. Respondent has not answered the Lou Vang complaint in any manner.

Jesse Kao Lee Complaint:

38. On July 19, 2006, the Director mailed to respondent the J. Lee complaint and notice of investigation. Respondent was directed to answer the complaint in writing within 14 days. Respondent did not do so.

39. On August 28, 2006, DEC investigator Elizabeth Cutter wrote to respondent stating she had attempted to contact respondent by telephone but respondent had not returned her call. Cutter requested respondent provide her with specific documents. Respondent did not reply to Cutter's letter.

40. On September 27, 2006, Cutter wrote to respondent stating she had left three messages on respondent's office voicemail. Cutter asked respondent to provide the requested information by no later than October 6, 2006, or in the alternative, that

respondent call her. Respondent failed to communicate with Cutter or provide the requested information.

41. On October 24, 2006, Cutter's September 27, 2006, letter, sent certified mail, was returned as unclaimed. However, no other correspondence was returned to Cutter.

42. On October 26, 2006, the Director provided respondent with a copy of the DEC's findings and recommendation. The Director asked respondent to respond within two weeks to any areas of the findings and recommendations for which respondent disagreed. Respondent did not respond.

43. Respondent has not answered the J. Lee complaint in any manner.

Kou Her/Neng Vue Complaint:

44. On October 5, 2006, the Director mailed to respondent the Her and Vue complaint and a notice of investigation. Respondent was directed to answer the complaint in writing within 14 days. Respondent did not do so.

45. On November 8, 2006, the Director wrote to respondent and reiterated the attempts made by the Director, as well as the DEC investigators, to contact respondent and his failure to respond. The Director again informed respondent that he remained fee suspended and was not authorized to practice law. The Director requested respondent to provide an affidavit regarding his failure to pay his license registration fee, together with a written response to the Vue and Her, J. Lee, and Vang complaints. Respondent was asked to reply within seven days. Respondent has failed to do so.

46. Respondent has not answered the Her and Vue complaint.

47. On May 11, 2007, the Director served charges of unprofessional conduct, notice of pre-hearing meeting and notice of Panel assignment on respondent. The pre-hearing meeting was scheduled for May 31, 2007. The Director's notice was not returned to the Director's Office as undeliverable.

48. Respondent failed to appear at the pre-hearing meeting and at no time did he telephone the Director's Office to indicate he would be unable to attend or would be late in attending.

49. Respondent's failure to cooperate with the Director's Office violated Rule 8.1(b), 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.

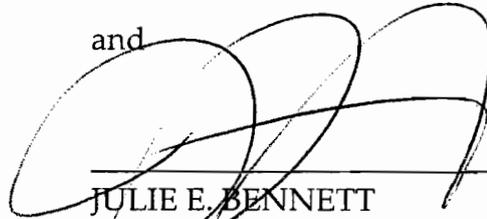
Dated: June 6, 2007.



MARTIN A. COLE  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

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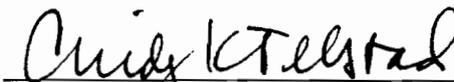
and



JULIE E. BENNETT  
ASSISTANT DIRECTOR  
Attorney No. 289474

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

Dated: June 15, 2007.



CINDY K. TELSTAD  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD