

FILE NO. C4-99-1827

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against STANLEY J. LEINO,  
an Attorney at Law of the  
State of Minnesota.  
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**AMENDED AND  
SUPPLEMENTARY  
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 amended and 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 an August 7, 2000, petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

On March 2, 2000, respondent was temporarily suspended from the practice of law pending final determination of then pending disciplinary proceedings.

On April 28, 2000, respondent was indefinitely suspended from the practice of law for a minimum of three years commencing March 2, 2000, *In re Leino*, 609 N.W.2d 616 (Minn. 2000).

FIRST COUNT

Unauthorized Practice of Law Matter

1. As noted above, respondent was suspended from the practice of law on March 2, 2000.
2. Despite his suspension, respondent, as more fully set forth below, continues to hold himself out as authorized to practice law. In so doing, respondent has

created and utilized the fictional identities of lawyers named Peterson T. Gunn, Q.C., Attorney ID Number BC7275717 and Clark James, Attorney ID Number 15152. There is no Peterson T. Gunn or Clark James licensed to practice law in Minnesota.

3. On March 6, 2000, respondent filed with the Tenth Judicial District a notice of motion and motion, affidavit, and proposed order to show cause in the matter of *Kuusi v. Kuusi*. The motion and affidavit identified respondent as attorney for Jeffrey Kuusi.

4. On March 22, 2000, respondent appeared in court on behalf of Jeffrey Kuusi.

5. On March 23, 2000, respondent wrote to the Honorable Gary J. Meyer forwarding a proposed order in the Kuusi matter.

6. On April 15, 2000, respondent wrote to the attorney for Sue Kuusi seeking payment of sums due to Jeffrey Kuusi.

7. On March 30 and April 6, 2000, respondent appeared before Judge Thomas Wexler in Hennepin County District Court on behalf of Mikhail Simonovich.

8. On April 28, 2000, respondent appeared before Judge Patricia Kerr-Karasov in Hennepin County Juvenile Court on behalf of Valentin Simonovich.

9. On May 3, 2000, respondent, utilizing the fictional identity of Peterson Gunn, Q.C., filed a certificate of representation in the matter of *State of Minnesota v. Scott Alan Splettstoesz*.

10. On May 5, 2000, respondent personally appeared before the Honorable James A. Morrow in the Tenth Judicial District on behalf of Scott Alan Splettstoesz. At that hearing, Judge Morrow questioned respondent off the record as to whether he was the same attorney that had been suspended. Respondent falsely told Judge Morrow it was his cousin, not he, who had been suspended.

11. On May 4, 2000, respondent wrote to Joseph Stanley forwarding him a retainer agreement and requesting that Mr. Stanley sign the agreement and return it to respondent together with a \$400 retainer.

12. On May 10, 2000, respondent, utilizing the fictional persona of Peterson Gunn, Q.C., served upon counsel for Terry Bridges a notice of motion and motion for change in custody and visitation brought on behalf of Mary Bridges.

13. On May 24, 2000, respondent, utilizing the fictional identity of Peterson T. Gunn, corresponded with attorney Charles M. Goldstein regarding a then pending custody matter.

14. On May 8, 2000, respondent undertook the representation of James Freeman in a DWI matter.

15. On May 23 and 25, 2000, respondent, utilizing the fictional identity of Peterson Gunn, discussed the Freeman DWI matter with the prosecuting attorney.

16. On June 2, 2000, utilizing the fictional identity of Peterson Gunn, respondent filed by mail a plea of not guilty with the court on behalf of Freeman.

17. On or about April 6, 2000, respondent undertook the representation of Cedrick Peters in a child custody matter.

18. During the course of his representation of Peters, respondent corresponded with opposing counsel utilizing both his own name and the fictional identity of Peterson Gunn. In the correspondence utilizing his own name, respondent falsely identified himself as a licensed attorney.

19. On April 13, 2000, respondent appeared in court on behalf of Peters.

20. On July 6, 2000, respondent, utilizing the fictional identity of Peterson Gunn, brought a motion for modification of child support on behalf of Donald Hawkins.

21. On August 1, 2000, respondent, utilizing the fictional identity of Clark James, appeared before Magistrate Deborah Kraus on behalf Hawkins.

22. On June 23, 2000, respondent undertook the representation of Debra Humphrey in a child custody matter. Respondent falsely identified himself to Humphrey as an attorney licensed to practice law in Minnesota.

23. On June 26, 2000, respondent appeared at a status conference before The Honorable Stephen C. Aldrich in the Humphrey matter. Respondent falsely identified himself as Clark James at this conference. Thereafter respondent corresponded with opposing counsel using the fictional identity of Peterson Gunn.

24. On August 17, 2000, respondent, utilizing the fictional identity of Clark James, signed and filed with the District Court an Answer and Counter-Petition on behalf of Jeffrey Dunblazier in the matter of *Dunblazier v. Dunblazier*.

25. Respondent's conduct in continuing to practice law after suspension of his license to practice law and misrepresenting his licensure status violated Rules 3.3(a)(1), 4.1, 5.5 and 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

## SECOND COUNT

### Non-cooperation

26. On May 15, 2000, the Director mailed to respondent a notice of investigation. The notice requested a written response within two weeks regarding allegations that respondent had been engaging in the unauthorized practice of law.

27. On May 26, 2000, the Director mailed to respondent a notice of investigation in the matter of the complaint of Lisa Kallemeyn. The notice requested a complete written response within 14 days.

28. On May 31, 2000, the Director wrote to respondent noting that there had been no response to the notice of investigation in regard to the complaint of Lisa Kallemeyn and the notice of investigation initiated by the Director's Office. That letter also requested that respondent address his continued representation of several clients, provide additional information regarding Peterson Gunn, and provide a complete listing of any and all clients to whom respondent had provided legal services since his suspension on March 2, 2000. That letter requested a response within two weeks.

29. On June 5, 2000, the Director mailed a notice of investigation to respondent in the matter of the complaint of Karl Von Reuter. That notice requested a complete response within 14 days.

30. On August 16, 2000, the Director mailed to respondent a notice of investigation. The notice requested a written response within two weeks regarding allegations that respondent had mishandled trust account funds and had failed to respond to the Director's inquiries regarding an overdraft on his trust account.

31. On August 17, 2000, the Director mailed to respondent a notice of investigation. The notice requested a written response within two weeks regarding allegations that respondent had made false statements on an application for admission to practice law in South Dakota.

32. On August 31, 2000, the Director mailed a notice of investigation to respondent in the matter of the complaint of Brian Flakne. That notice requested a complete response within 14 days.

33. On September 12, 2000, the Director wrote to respondent asking that he respond to various notices of investigation and requesting that he sign authorizations for release of medical information. The letter requested a response within two weeks.

34. On September 13, 2000, the Director mailed notices of investigation to respondent in the matters of the complaints of Brian Debra Humphrey and James Freeman. Those notices requested a complete response within 14 days.

35. On September 19, 2000, the Director mailed a notice of investigation to respondent. The notice requested a written response within two weeks regarding allegations that he had engaged in the unauthorized practice of law in the Dunblazier matter.

36. Respondent has failed to respond to any of the above inquiries from the Director.

37. Respondent's conduct in failing to respond to requests for information during the course of a disciplinary investigation violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

THIRD COUNT

Failure to Comply with Rule 26, RLPR.

38. The March 2, 2000, order temporarily suspending respondent from the practice of law provided, in part:

That respondent shall, within ten days of the date of this order, notify each of his clients of his inability to continue representation of the client and shall otherwise fully comply with the provisions of Rule 26, Rules on Lawyers Professional Responsibility.

39. Respondent failed to provide the written notices to clients as required by Rule 26, RLPR.

40. On May 28, 2000, respondent faxed to the Director's Office an affidavit purportedly in compliance with Rule 26, RLPR. That affidavit falsely stated that respondent had fully complied with the provisions of the order for temporary suspension and with Rule 26, RLPR. The affidavit further falsely stated that "at the time of the court's order for suspension in this matter, I, as an attorney licensed by the State of Minnesota, had no clients or matters pending in any Minnesota courts or administrative proceedings as an attorney licensed by the State of Minnesota."

41. As noted above, respondent did have matters pending on behalf of clients in the State of Minnesota as of March 2, 2000.

42. Respondent's conduct in failing to comply with Rule 26, RLPR, and his submission of false statements in his Rule 26 affidavit violated Rules 3.3(a)(4), 3.4(c), 4.1, and 8.4(c) and (d), MRPC.

FOURTH COUNT

False Statements in South Dakota Bar Application.

43. On January 31, 2000, respondent submitted to the South Dakota Board of Bar Examiners his application for admission to practice law. Respondent signed the application stating, under penalty of perjury, that all of the information contained in the application is true and correct.

44. Respondent, in his application, made numerous false statements.

Respondent's false statements include:

a. That his parents reside at 319 Osborne Road, Fridley, Minnesota. In fact, 319 Osborne Road is respondent's office address.

b. That he had never applied to take the bar exam in any state other than South Dakota. In fact, respondent had applied to take the bar exam in Minnesota.

c. His failure to disclose his prior admission to practice law in Minnesota in response to an inquiry regarding admission to practice in other jurisdictions.

d. That he had never been suspended from the practice of law.

e. His failure to disclose the fact that he was criminally charged with making false police reports in response to an inquiry regarding law violations.

f. Providing fictional persons as references.

45. Respondent's false statements on his application for admission to practice law in the State of South Dakota violated Rules 8.4(b), (c), and (d), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring 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: October 17, 2000.



EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
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and



PATRICK R. BURNS  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 134004

This amended and supplementary petition is approved for filing pursuant to Rule 10(e), RLPR, by the undersigned.

Dated: 10/13/00, 2000.

  
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STEVEN J. OLSON  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD