FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against DENNIS R. LETOURNEAU, a Minnesota Attorney, Registration No. 62443.	**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 contained in an April 21, 2003, stipulation for probation 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 16, 1970. Respondent currently practices law in St. Louis Park, Minnesota.

INTRODUCTION

On April 21, 2003, respondent and the Director entered into a stipulation for private probation based upon respondent's admission that he had improperly loaned funds to a client and failed to cooperate with the Director's investigation.

The probation conditions included compliance with the Minnesota Rules of Professional Conduct and cooperation in the investigation of any further complaints. The probation stipulated that if, after giving respondent an opportunity to be heard, the Director concluded that respondent had not complied with the probationary conditions, then the Director could file this petition without the necessity of Panel proceedings.

The Director, after giving respondent an opportunity to be heard, has concluded that respondent has not complied with the probation conditions.

Respondent has committed the following unprofessional conduct warranting public discipline:

COUNT ONE

Neglect, Non-Communication and Misleading Statements – Sutherland Matter

1. In or about June 1996, respondent was retained to represent Darcie Sutherland in a personal injury matter. At the time of the accident, Sutherland was a minor. Sutherland's parents retained respondent on her behalf. When Sutherland reached the age of majority, respondent continued to represent Sutherland.

2. Sutherland had been injured in or about May 1996. Accordingly, the statute of limitations on Sutherland's claims expired in or about May 2002.

3. Respondent failed to commence an action on Sutherland's behalf before the statute of limitations expired.

4. On multiple occasions after the statute of limitations expired, Sutherland and her parents asked respondent to update them on the status of the matter. Respondent failed to do so. Instead, respondent stated that he would communicate the status at a later time.

5. On multiple occasions, Sutherland and her father arranged with respondent to meet to discuss the status of her claims, but then shortly before the scheduled meeting respondent would cancel.

6. Respondent failed to inform Sutherland the statute of limitations had expired and has provided no information to Sutherland regarding the status of her claims since before the statute of limitations expired.

7. In early 2005, Sutherland consulted with another lawyer, who advised her the statute of limitations had expired.

8. Sutherland had also retained respondent in 2003 to represent her in a nursing licensure matter. Respondent told Sutherland that he would deduct his legal fees for the licensure matter from Sutherland's personal injury recovery. Respondent's statement was misleading in that it implied Sutherland's personal injury claim was pending, when in fact the statute of limitations had expired.

9. Respondent's conduct violated Rules 1.3, 1.4, and 8.4(c), Minnesota Rules of Professional Conduct (MRPC).

COUNT TWO

Failure to Cooperate

10. On March 23, 2005, the Director mailed to respondent and his counsel notice of investigation of the Sutherland complaint requesting respondent's response within seven (7) days. Respondent failed to respond.

11. On March 24, 2005, respondent's counsel stated that he would be meeting with respondent the following Monday (i.e., March 28, 2005) and that counsel would contact the Director's Office after the meeting.

12. On March 29, 2005, respondent's counsel stated that he had met with respondent on March 28, that the Sutherland client file was being copied, and that when copying was completed counsel would provide respondent's written response and a copy of Sutherland's client file.

13. On March 31, 2005, respondent's counsel stated that respondent was copying the file and that counsel would contact respondent regarding the status of the copying.

14. On April 4, 2005, respondent told his counsel that respondent would deliver a copy of the file to counsel the next day (i.e., April 5, 2005). Respondent failed to do so.

15. On April 6, 2005, respondent told his counsel that he would deliver the file to counsel the following Monday (i.e., April 11, 2005). Respondent failed to do so.

16. On April 13, 2005, respondent told his counsel that he would deliver the file to counsel that same day. Respondent failed to do so.

17. To date, respondent has failed to provide a written response to the Sutherland complaint and despite repeated promises has failed to produce a copy of the Sutherland client file.

18. Respondent's conduct violated the terms of his probation, Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent, 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: April 14, 2005.

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