

FILE NO. C3-00-451

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against MICHAEL LEE MARTINEZ,  
an Attorney at Law of the  
State of Minnesota.

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**SUPPLEMENTARY PETITION  
FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Acting Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this 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 a May 15, 2002, petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

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

FIFTH COUNT

Additional Client Matters

Beasley Matter

64. In the fall of 1992, Jean Beasley was injured when she slipped and fell on an icy sidewalk.

65. Beasley subsequently met with respondent concerning a possible legal action. Respondent agreed to represent Beasley and instructed her to continue meeting with her physician. It is not clear what work, if any, respondent did to further Beasley's

case. However, in November of 1998, respondent told Beasley that he had an offer and was ready to settle her case. Beasley never heard from respondent again.

66. Beasley left numerous telephone messages for respondent, but he failed to return any of those calls. On September 17, 2002, Beasley filed an ethics complaint with the Office of Lawyers Professional Responsibility.

67. Respondent's conduct in failing to diligently pursue his client's case and failing to communicate with his client regarding a potential settlement violated Rules 1.3 and 1.4, Minnesota Rules of Professional Conduct (MRPC).

#### SIXTH COUNT

##### Additional Non-Cooperation

68. On September 26, 2002, the Director mailed to respondent a notice of investigation concerning Jean Beasley's complaint. Respondent was instructed to respond within 14 days. Respondent failed to respond.

69. On October 25, 2002, the Director wrote to respondent regarding the Beasley complaint. In that letter, the Director referenced the notice of investigation and informed respondent that he had not received respondent's reply. The Director informed respondent that if he did not reply, the Director would seek to amend the pending petition for disciplinary action to include the Beasley complaint. Respondent did not reply.

70. On November 13, 2002, the Director again wrote to respondent regarding the Beasley complaint. Respondent was reminded that the information was being requested pursuant to Rule 8.1(a)(3), MRPC, and Rule 25, RLPR, and he was again directed to provide a response. As of the date of this supplementary petition for disciplinary action, respondent has not responded.

71. Respondent's conduct in failing to cooperate with the investigations of the Director's Office violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court imposing 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: November 22, 2002.



MARTIN A. COLE  
ACTING DIRECTOR OF THE OFFICE OF  
LAWYERS PROFESSIONAL RESPONSIBILITY  
Attorney No. 148416  
1500 Landmark Towers  
345 St. Peter Street  
St. Paul, MN 55102-1218  
(651) 296-3952

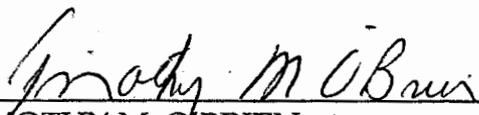
and



CRAIG D. KLAUSUNG  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 202873

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

Dated: December 2, 2002, 2002.



TIMOTHY M. O'BRIEN  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD