

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against PATRICIA G. MATTOS,
a Minnesota Attorney,
Registration No. 143698.

**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 the attached October 12, 2004, stipulation for probation (Exhibit 1) pursuant to Rules 10(a) 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 October 15, 1982. Respondent currently practices law in St. Paul, Minnesota.

INTRODUCTION

On October 12, 2004, respondent and the Director entered into a stipulation for private probation. Respondent's probation was based upon an admission that respondent neglected client matters and failed to communicate with clients.

Among the conditions of respondent's probation was that respondent would abide by the Minnesota Rules of Professional Conduct and commit no further unprofessional conduct, and that if, after giving respondent an opportunity to be heard, the Director concluded that respondent had not complied with the conditions of the probation, then the Director could file this petition without the necessity of Panel proceedings.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Ndreko Matter

1. Respondent began representing Elton Ndreko (Ndreko) in late August or early September 2004 on an immigration matter.
2. At the time respondent began representing him, Ndreko had been denied Relief from Removal by the Board of Immigration Appeals (BIA) and was subject to a final order of removal. Ndreko was taken into custody on August 15, 2004.
3. Either *pro se* or with prior counsel, Ndreko had filed a motion to stay deportation with the Eighth Circuit Court of Appeals (Eighth Circuit) on August 20, 2004.
4. Ndreko's motion to stay deportation pending appeal before the Eighth Circuit was denied on September 10, 2004.
5. On September 16, 2004, respondent filed a request for reconsideration of the stay with the Eighth Circuit on behalf of Ndreko. Respondent's request for reconsideration was denied on October 8, 2004. After this denial, respondent did not file anything with either the BIA or the Eighth Circuit on behalf of Ndreko until December 6, 2004.
6. On December 6, 2004, respondent filed a motion to reopen and a request for a stay of removal with the BIA.
7. On December 8, 2004, Ndreko learned he was being removed to Albania that day and contacted respondent.
8. After learning from the BIA that Ndreko's motion to stay had not been timely processed, although his motion to reopen was on file, and the airplane Ndreko was placed on had already taken off, respondent filed a Petition for Writ of Habeas

Corpus and a Motion for Temporary Restraining Order seeking Ndreko's return with the federal district court (district court). This action was filed with the district court just before 5 p.m. and the district court held an emergency hearing after normal court hours.

9. Based on respondent's representation and the timing of the matter, the district court granted respondent's motion and ordered Ndreko returned to Minnesota.

10. At no time prior to the district court's ruling did respondent inform the court about Ndreko's pending appeal before the Eighth Circuit or that Ndreko had been twice denied a stay of deportation by the Eighth Circuit.

11. In a subsequent hearing regarding the habeas petition and the temporary restraining order, the district court found respondent violated Rule 3.3 by failing to inform the court regarding the pending Eighth Circuit matter and sanctioned respondent.

12. Respondent's conduct violated Rules 1.3 and 3.3, Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Antropov Matter

13. On April 14, 1998, Alexander Antropov (Antropov) signed a retainer with respondent's former associate concerning representation in an immigration appeal to the BIA.

14. When the former associate left the firm in December 1998, respondent took over the representation of Antropov's file.

15. In 2001, while Antropov's appeal was still pending, respondent moved her law office. Antropov did not receive notice of the move.

16. Between taking over Antropov's file in December 1998 and being contacted in June 2003, it does not appear respondent contacted the BIA to check on the status of Antropov's appeal or did any other substantive work on Antropov's case.

17. Despite not having the BIA decision, respondent removed Antropov's case from her active file list in late 2002 or early 2003, and on February 7, 2003, respondent sent Antropov a letter stating his file was closed with respondent's office because the work Antropov had retained the firm to complete had been completed.

18. On June 7, 2003, Antropov received a letter from the Immigration and Naturalization Service asking him to report for deportation. Antropov immediately contacted respondent's office by telephone and by e-mail. On June 9, 2003, respondent responded to Antropov by e-mail indicating she would contact BIA because she had not seen a decision.

19. On June 11, 2003, respondent sent Antropov another e-mail indicating Antropov's decision was issued in 2002 but that respondent would be contacting the BIA to see if they would reissue the decision and that she had been in contact with local immigration officials about Antropov's case.

20. Shortly after the e-mail conversations, Antropov received his renewed work authorizations and believed respondent had straightened out the issues with the immigration officials.

21. Despite having Antropov's e-mail address and new home address, from mid-July 2003 until May 2004, respondent failed to communicate with Antropov regarding his case.

22. In May 2004, Antropov again initiated contact with the respondent. At that time respondent informed Antropov she was working on the matter.

23. On June 18, 2004, respondent told Antropov that he should apply for Canadian residency and she would speak with immigration officials about possible programs for Antropov. Shortly after these conversations, Antropov sent respondent information regarding his application for Canadian residency.

24. Between Antropov's sending of the fax in approximately late June 2004 and August 20, 2004, Antropov received no communication from respondent's office.

On August 20, 2004, respondent's assistant contacted Antropov and left a message. Antropov terminated respondent's representation around this time.

25. Respondent's conduct violated Rules 1.3 and 1.4, MRPC.

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.

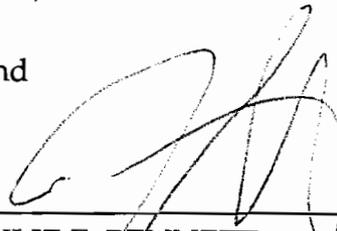
Dated: 9/22, 2006.



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