

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against MATTHEW DAVID McCOLLISTER,  
a Minnesota Attorney,  
Registration No. 390048.  
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**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 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 30, 2009. Respondent currently practices law in Lake Elmo, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. From January 2010 until on or about December 30, 2011, respondent was employed as an associate attorney with a law firm.

2. Beginning in or about August 2010, respondent referred certain clients who had contacted the firm about representation to M.R., an attorney who was a sole practitioner and not affiliated with the firm.

3. Respondent and M.R. agreed that M.R. would pay to respondent one-third of any attorneys' fees recovered in any matter that respondent referred to M.R. and on which M.R. undertook representation.

4. Respondent referred more than 100 potential clients to M.R. Of these, M.R. undertook representation in at least 23 matters.

5. Although M.R.'s retainer agreement with the client in these matters advised the client that M.R. may share attorneys' fees with another lawyer, the retainer agreement did not disclose that respondent was not a member of M.R.'s firm, did not

disclose that respondent should share in any attorneys' fees, and did not set forth the division of fees between respondent and M.R. Respondent did not disclose this information to the client, either.

6. As an associate attorney with the firm, respondent was obligated to remit to the firm all attorneys' fees he received and to perform all legal work through the firm. Respondent did not inform the firm of his arrangement with M.R.

7. Respondent received a total of approximately \$11,000 pursuant to his agreement with M.R. Respondent did not remit any of the funds to the firm.

8. On or about December 30, 2011, the firm discovered respondent's arrangement with M.R. and terminated respondent's employment. Respondent and the firm thereafter entered into a financial settlement of respondent's obligation to the firm.

9. Respondent's conduct violated Rules 1.5(e) and 8.4(c), Minnesota Rules of Professional Conduct.

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.

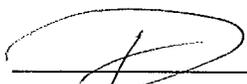
Dated: February 7, 2013.



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

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and



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