

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against JEREMY MARTIN MONROE,  
an Attorney at Law of the  
State of Minnesota.  
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**PETITION FOR  
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) 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 May 9, 1997. Respondent is not currently practicing law. Respondent resides in Park Rapids, Minnesota. Respondent was suspended on July 1, 2001, for non-payment of attorney registration fees.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Abandonment of Practice

1. Kelly Berger, now Kelly Mortensen, retained respondent to represent her in a marriage dissolution in 1998 and paid him a retainer. Ms. Mortensen's former husband (Berger) is a Swedish national.
2. Berger sued Mortensen in federal district court alleging that Mortensen had wrongfully taken their daughter to the United States from Sweden. As a result, the

Ramsey County dissolution was placed on inactive status in September 1999.

Mortensen was represented by a different attorney in the federal court action.

3. On February 28, 2000, Berger requested that the dissolution be placed back on the active calendar. The court set a pre-trial hearing for June 21, 2000.

4. Respondent was late for the June 21, 2000, pre-trial and had not told Mortensen that she needed to be present for the conference. As a result, the court rescheduled the pre-hearing (Exhibit 1).

5. During the summer and the month of September Mortensen attempted to reach respondent about the dissolution both by phone and e-mail. Respondent had done no discovery and had failed to communicate with Mortensen about the dissolution after it was reopened in February. Respondent did not respond to Mortensen's calls or e-mails.

6. Mortensen appeared for the October 4, 2000, pre-trial conference but respondent did not appear. On October 4, 2000, the court issued an order setting trial for November 27, 2000, and stating that no further continuances would be granted.

7. In about mid-November 2000, respondent abandoned his practice. Respondent's landlord reported that he had not paid rent for the last two months and that client files remained in the office. Shortly before November 22, 2000, respondent apparently picked up his client files and furniture and left town without providing a forwarding address.

8. Mortensen hired new counsel, Josh Cooner. Cooner made numerous unsuccessful attempts to contact respondent and was forced to reconstruct Mortensen's files from court records.

9. Respondent did not regularly bill Mortensen and has not provided Mortensen with an accounting of her retainer.

10. Respondent's conduct in failing to communicate with his client, neglecting her dissolution, failing to return his client's telephone calls, failing to appear as ordered

for a pre-trial conference, failing to account for the retainer paid to him and abandoning his client violated Rules 1.3, 1.4, 1.15(b), 1.16(d) and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

#### Non-cooperation

11. On October 17, 2000, the Director mailed a notice of investigation to respondent based upon a letter received from Ramsey County Family Court Referee Mary McGinnis indicating that respondent had failed to appear on behalf of his client, Kelly Berger Mortensen.

12. District Ethics Committee (DEC) investigator John Lundquist wrote to respondent on November 6 and 27, 2000, requesting his response and noting that failure to cooperate could be a separate ground for discipline. Respondent did not respond.

13. On December 13, 2000, the DEC referred the matter back to the Director's Office for further investigation. On December 20, 2000, the Director's Office began attempting to locate respondent and wrote to him at his attorney registration address.

14. On April 4, 2001, the Director's Office mailed a copy of the October 17, 2000, notice of investigation to respondent at both his new home and business addresses (Exhibit 2). Neither of these letters were returned by the post office as undeliverable.

15. On July 17, 2001, the Director's Office sent certified letters to respondent's home and business addresses (Exhibit 3).

16. The Director's Office spoke to respondent on August 6, 2001, by telephone. Respondent stated that he had received the charges of unprofessional conduct and promised to provide a written response to the notice of investigation before the scheduled pre-hearing meeting. Respondent stated that he had received but not opened our previous correspondence.

17. Respondent did not attend the August 24, 2001, pre-hearing meeting. Respondent never provided a written response, nor has he otherwise communicated or

cooperated with the Director's Office despite a voice mail message left at his work telephone number on August 24, 2001, requesting that respondent call the Director's Office and provide a written response to the notice of investigation.

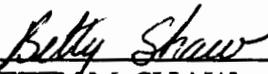
18. Respondent's conduct in failing to cooperate with the investigation of the disciplinary complaint violated Rule 8.1(a)(3), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility.

WHEREFORE, the Director respectfully prays for an order of this Court suspending 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.

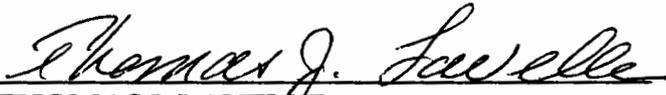
Dated: September 20, 2001.

  
EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 17267  
25 Constitution Avenue, Suite 105  
St. Paul, MN 55155-1500  
(651) 296-3952

and

  
BETTY M. SHAW  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 130904

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

Dated: October 1, 2001.   
THOMAS J. LAVELLE  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD