

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against LAWRENCE EDWARD NICHOLS,
a Minnesota Attorney,
Registration No. 221363.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

At the direction of a Lawyers Professional Responsibility Board Panel, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 25, 1991. Respondent currently practices law in Eagan, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline, including admonitions, is as follows:

- a. On November 16, 1994, respondent was placed on private probation for (i) informing the police that his former client possessed marijuana, (ii) sending the former client a bill in retaliation for statements made in the disciplinary investigation, (iii) failing to maintain proper business and trust account books and records, and (iv) obtaining a commitment order against his

former client's girlfriend without disclosing his personal relationship with the girlfriend, all in violation of Rules 1.6(a), 1.7(b), 1.15(g), and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

b. On July 21, 1997, respondent was issued an admonition for failing to respond in a timely manner to the Director's requests for information during the term of his probation in violation of the terms of the stipulation for private probation and Rule 8.1(a)(3), MRPC.

FIRST COUNT

1. As part of his prosecution of a domestic assault criminal charge against respondent, assistant Ramsey County attorney Derek Fitch met with respondent's children, who had been present during the incident in question. Respondent states that this meeting occurred without his knowledge or permission. Respondent's permission was not required for such a meeting.

2. At respondent's March 2, 2007, sentencing, Fitch commented that respondent's children were smart, funny and nice, but that the relationship between respondent and his wife had forced them to become caretakers of their mother.

3. On July 27, 2007, respondent visited the Ramsey County attorney's office on an unrelated matter. Respondent had been unable to find a babysitter for his children, and had them with him. Respondent spoke with Richard Diffatte, a senior Ramsey County assistant attorney. Respondent directed Diffatte to, "Tell Fitch to stay away from my kids or there will be a domestic, a real one."

4. Respondent's conduct violated Rule 8.4(d), 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: OCTOBER 14, 2008.



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and



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