FILE NO. C9-93-1342

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against LOUIS B. OBERHAUSER, JR., an Attorney at Law of the State of Minnesota.	**PETITION FOR DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

INTRODUCTION

Upon the approval of the Chair of the Lawyers Professional Responsibility Board, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(c) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 16, 1961. Respondent currently practices law in Wayzata, Minnesota.

As more particularly alleged below, on October 16, 2000, respondent was found guilty of crimes, money laundering, in violation of 18 U.S.C. §§ 2 and 1956(a)(1)(A)(i), a necessary element of which is fraud, dishonesty or deceit within the meaning of Rule 8.4(c), Minnesota Rules of Professional Conduct (MRPC). On April 4, 2001, the district court granted respondent's motion for acquittal. On April 4, 2002, the Eighth Circuit Court of Appeals reversed the district court's judgment of acquittal and reinstated the jury's verdict that convicted respondent.

DISCIPLINARY HISTORY

a. On June 22, 1988, respondent was issued an admonition for failing to promptly transfer his clients' file to their new attorney.

b. On August 11, 1988, respondent was placed on a two-year private probation for neglecting client matters and failing to keep his clients informed of the status of those matters.

c. On December 2, 1993, respondent was publicly reprimanded for obtaining payment for release of an invalid lien that respondent had placed on his client's homestead. *In re Oberhauser*, 508 N.W.2d 521 (Minn. 1993).

d. On March 2, 1995, respondent was issued an admonition for failing to respond to multiple discovery requests in a title registration proceeding, failing to communicate with the client, and failing to return an abstract to the client for six months.

e. By opinion filed July 2, 1998, respondent was suspended from the practice of law for 90 days, commencing 14 days from the date of the opinion, for misrepresentations to the Internal Revenue Service, the Minnesota Department of Revenue and the Director; backdating a tax return; and failing to timely file federal and state tax returns. *In re Oberhauser*, 581 N.W.2d 309 (Minn. 1998). By order filed November 4, 1998, respondent was reinstated to the practice of law. *In re Oberhauser*, 585 N.W.2d 790 (Minn. 1998).

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. In 1999 respondent was indicted. The second superseding indictment filed January 6, 2000 (Exhibit 1), charged respondent with money laundering, wire fraud, mail fraud and conspiracy. The matter arose out of respondent's involvement with K-7, Inc.

2. On October 16, 2000, the jury found respondent guilty of two felony level counts of money laundering. On April 4, 2000, the district court granted respondent's motion for judgment of acquittal.

3. On April 4, 2002, the Eighth Circuit reversed the district court's judgment of acquittal and reinstated the jury verdict that convicted respondent (Exhibit 2). As of

the date of this petition, respondent has pending before the United States Supreme Court a petition for a writ of certiori.

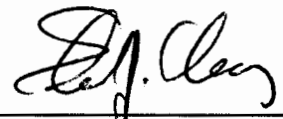
4. Rule 19(a), RLPR, provides:

> **Criminal Conviction.** A lawyer's criminal conviction in any American jurisdiction * * * is, in proceedings under these Rules, conclusive evidence that the lawyer committed the conduct for which the lawyer was convicted.

5. Respondent's illegal money laundering violated Rule 8.4(b) and (c), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent, 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: July 25, 2002.



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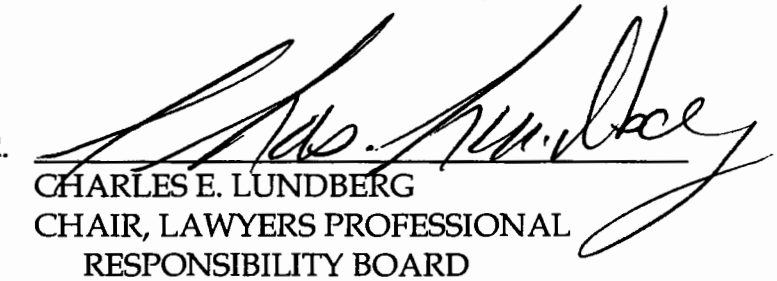
Pursuant to Rule 10(c) and 12(a), RLPR, this petition for disciplinary action is hereby approved.

Dated: August 2, 2002.



CHARLES E. LUNDBERG
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD