

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against MARK JONATHAN PADGETT,
a Minnesota Attorney,
Registration No. 207962.

**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 May 11, 1990. 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 is as follows:

- a. On October 15, 2002, respondent stipulated to a two-year private probation for billing improprieties that included making duplicative entries, inaccurate entries and billing for work not actually performed in violation of Rules 1.5(a) and 8.4(c), Minnesota Rules of Professional Conduct (MRPC).

FIRST COUNT

1. Respondent was employed at the firm of Erstad & Riemer, P.A. from August 1, 2005, through November 8, 2005.
2. While employed at Erstad & Riemer, P.A., respondent made the following false timekeeping entries in the firm's billing system:
 - a. Respondent falsely listed six hours for attending a special term hearing on August 8, 2005, in the *Richard Halverson v. A.G. O'Brien Plumbing & Heating* matter. In fact, there was no such hearing scheduled for or held on that date.
 - b. Respondent falsely listed 2.5 hours for meeting with a Qualified Rehabilitation Consultant on August 11, 2005, in the *Araiza v. Pioneer Snacks* matter. In fact, respondent had only a brief telephone conference with the consultant on that date and no in-person meeting was scheduled or took place.
 - c. Respondent falsely listed 2.4 hours for attending an administrative conference on October 24, 2005, in the *Richard Halverson v. A.G. O'Brien Plumbing & Heating* matter. In fact, there was no such administrative conference scheduled for or held on that date.
 - d. Respondent falsely listed 2.1 hours for attending a meeting with an attorney on October 28, 2005, in the *Faucett v. McGlynn Bakeries* matter. In fact, respondent had only a brief telephone conference with the attorney on that date and no in-person meeting was scheduled or took place.
3. Respondent's false timekeeping entries were discovered prior to the time they were incorporated into bills that were sent to the affected clients. Respondent, when confronted with the false entries, resigned from the firm.
4. Respondent's conduct in entering false timekeeping entries into the Erstad & Riemer billing system violated Rule 8.4(c), 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: April 25, 2006.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



PATRICK R. BURNS
SENIOR ASSISTANT DIRECTOR
Attorney No. 134004