

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against WILLIAM ALBERT PLUMMER,
a Minnesota Attorney,
Registration No. 291365.

**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 (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 7, 1999. Respondent last practiced in St. Paul, Minnesota. As set forth more fully below, on December 1, 2005, the Supreme Court suspended respondent from the practice of law effective 14 days from the date of that order. Respondent remains suspended.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

On December 1, 2005, respondent was suspended from the practice of law for 60 days for unintentionally and temporarily misapplying and failing to safeguard funds that came into his possession as a representative payee for a minor Social Security beneficiary, commingling personal and client funds in his trust account, failing to maintain proper trust account books and records, depositing an advance fee payment

into his business account, disbursing client funds from the trust account by way of cash held back from the deposit rather than by check and failing to cooperate fully in the disciplinary investigation.

FIRST COUNT

Failure to Attend Hearing, Failure to Communicate and Failure to Return Client File – Monfils Matter

1. On or about January 9, 2004, Mary Lou Monfils retained respondent to represent her in a social security disability matter.
2. On multiple occasions during the representation Monfils telephoned respondent to provide information to respondent or receive updates from respondent. Respondent failed to return Monfils' calls.
3. On December 1, 2005, the Supreme Court suspended respondent from the practice of law, effective 14 days from the date of the Court's order.
4. Respondent failed to notify Monfils of his suspension.
5. On December 21, 2005, a January 18, 2006, hearing was scheduled in the Monfils matter.
6. By letter to the Office of Hearings and Appeals dated December 22, 2005, respondent stated, "Please be advised that I do not represent Mary L. Monfils as of the date above." Respondent failed to state that he was suspended and failed to send a copy of the letter to Monfils.
7. By letter to the assigned judge dated January 16, 2006, respondent stated, "I understand I am still listed as the attorney of record in [Monfils'] matter. Please correct your records." Respondent failed to state he was suspended and failed to send a copy of the letter to Monfils.
8. On January 18, Monfils went to the hearing. When Monfils arrived, she asked to review her file. In the file she saw respondent's December 22 letter. This was the first that Monfils learned that respondent was withdrawing from representation.

9. Respondent failed to appear for the January 18 hearing. Monfils represented herself. Monfils' claim was denied.

10. Later on January 18 respondent telephoned Monfils and left a message. Monfils returned the call that same day and left a message for respondent to call. Respondent failed to do so.

11. On multiple occasions thereafter Monfils telephoned respondent and left messages requesting respondent to return her entire file to her. Respondent failed to do so.

12. Monfils learned of respondent's suspension from the Director's Office after she filed a complaint.

13. Respondent's conduct in the Monfils' matter violated Rules 1.3, 1.4, 1.16(d), 3.2 and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Failure to Notify of Suspension

14. Rule 26, RLPR, requires a suspended lawyer to notify all clients and tribunals in pending matters of the lawyer's suspension.

15. Respondent failed to notify Monfils or the Social Security Administration of his suspension.

16. Rule 26, RLPR, also requires a suspended lawyer to file with the Director's Office an affidavit which documents the suspended lawyer's notification to clients and tribunals.

17. Respondent failed to file with the Director's Office the affidavit Rule 26, RLPR, requires.

18. Respondent's failure to notify of his suspension and failure to file the required affidavit with the Director's Office violated Rule 3.4(c), MRPC, and Rule 26, RLPR.

THIRD COUNT

Failure to Cooperate

19. On February 6, 2006, the Director's Office mailed to respondent and his counsel notice of investigation of Monfils' complaint against respondent. The notice requested respondent to provide his complete written response to the complaint within 14 days of the notice. Respondent failed to do so.

20. By letter to respondent's counsel dated February 23, 2006, the Director advised respondent that the Director had received no response to Monfils' complaint and requested respondent to provide at that time his complete written response. Respondent failed to respond.

21. By letters to respondent and his counsel dated March 3 and 14, 2006, the Director again advised respondent that the Director had received no response to Monfils' complaint and again requested respondent to provide his complete written response. Respondent failed to do so.

22. The copy of the Director's March 14 letter sent to respondent was sent by certified mail, return receipt requested, and by first class mail. On March 15, 2006, respondent acknowledged receipt of the letter.

23. To date, respondent has failed to provide any response to Monfils' complaint.

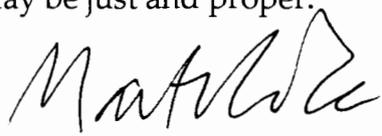
24. On April 24, 2006, the Director served on respondent by mail charges of unprofessional conduct, notice of pre-hearing meeting and notice of Panel assignment. The notice specifically stated that pursuant to Rule 10(d), RLPR, flagrant non-cooperation with the Director's Office, including failure to attend a pre-hearing meeting may, upon motion to the Panel Chair, result in the filing of a public petition for disciplinary action, without a Panel hearing. The notice stated that the pre-hearing meeting would be held at 9:00 a.m. on May 15, 2006.

25. Respondent failed to appear on May 15.

26. Respondent's failure to cooperate complaint violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

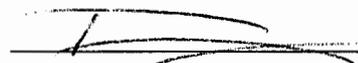
WHEREFORE, the Director respectfully prays for an order of this Court further suspending respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: June 8, 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

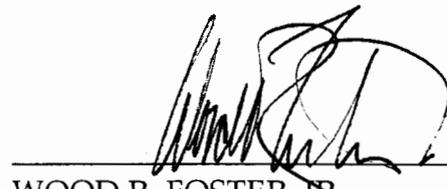
and



TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

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

Dated: June 12, 2006.



WOOD R. FOSTER, JR.
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD