

FILE NO. A04-2109

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against DAVID TIMOTHY REDBURN,
a Minnesota Attorney,
Registration No. 212672.

**SUPPLEMENTARY 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 supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a November 4, 2004, petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

THIRD COUNT

C. Mary Greene Matter

21. In December 2003 Mary Greene retained respondent to represent her in bankruptcy proceedings. On February 4, 2004, respondent filed a petition for Chapter 7 bankruptcy with the U.S. bankruptcy district court. On May 11, 2004, the court issued an order for final discharge.

22. After the bankruptcy petition was discharged, Greene ran into difficulties reaffirming a second mortgage with US Bank. In May 2004, Greene called respondent to inform him of her difficulties. Respondent failed to respond.

23. Later that summer, Greene again contacted respondent about the US Bank mortgage. Respondent stated that he would review her file and get back to her. On

September 30, 2004, Greene sent US Bank a letter questioning their refusal to reaffirm the mortgage and stating that respondent was reviewing her file. Greene carbon copied respondent on the letter. Respondent failed to contact Greene.

24. On October 12, 2004, Greene again contacted respondent and asked for a status update. That same day respondent e-mailed Greene and suggested reopening the bankruptcy proceedings by filing an amended schedule and requesting reaffirmation from US Bank. Respondent stated that the paperwork would be ready for her signature by Friday, October 15, 2004.

25. On October 25, 2004, respondent sent Greene a letter withdrawing from representation. Respondent told Greene that her file would be mailed to her within several days. Greene did not receive her file. In December 2004 Greene called respondent about obtaining her file. Respondent did not respond. To date Greene has not obtained her file from respondent.

26. Respondent's conduct violated Rules 1.4 and 1.16(d), MRPC.

FOURTH COUNT

D. Sara Woodis Matter

27. In February 2004 Sara Woodis retained respondent to represent her in dissolution proceedings. Respondent met with Woodis and her parents and informed them that he required a \$1,500 retainer for the representation. Woodis' father gave respondent \$700 in cash as an initial payment. Woodis did not sign a written retainer agreement. Woodis' mother, Patti Johnson, later gave respondent a check for \$800.

28. Since respondent did not respond to the Director's notice of investigation on this matter, as further outlined below in paragraph 52, the Director is unable to establish whether respondent complied with Rule 1.15(a), Minnesota Rules of Professional Conduct (MRPC), as further interpreted by Lawyers Professional Responsibility Board Opinion 15, and deposited the \$1,500 retainer into his client trust account.

29. On March 9, 2004, respondent served a summons and petition for dissolution of marriage on Woodis' husband. Respondent failed to file the summons and petition with the district court.

30. In late March or early April 2004, respondent organized an informal settlement conference between the parties. Woodis was dissatisfied with respondent's representation and discharged respondent the day after the settlement conference.

31. On or about April 15, 2004, Woodis retained Kathryn Engman to represent her in the dissolution proceedings. On April 19, 2004, Engman sent respondent a letter requesting his signature on a substitution of counsel form and asked that respondent forward Woodis' file. The letter also requested a refund of any unearned portion of the \$1,500 retainer.

32. Respondent took more than two weeks to sign and return the substitution of counsel form. Respondent failed to provide Engman with Woodis' file despite several follow-up requests by Engman.

33. Engman met with Woodis and discovered that the initial case management meeting had not occurred and that no referee was assigned to the dissolution matter. Engman subsequently contacted the district court and determined that respondent had not filed the summons and petition with the court.

34. On June 28, 2004, Johnson filed a conciliation court claim against respondent for the \$800 retainer. Respondent failed to appear at the hearing and a default judgment was subsequently entered against him.

35. Respondent failed to satisfy the judgment. The district court issued an order for disclosure dated December 8, 2004, directing respondent to fill out a financial disclosure form regarding his personal finances and mail it to Johnson within ten days from the date of the order. Respondent failed to comply.

36. On January 4, 2004, the district court issued an order to show cause scheduling a hearing for January 20, 2005. Respondent was served with the order to

show cause on January 6, 2005. Respondent did not provide Johnson with the financial disclosure form until January 17, 2005. The hearing scheduled for January 20, 2005, was cancelled and the matter is currently pending in district court.

37. Respondent's conduct violated Rules 1.3, 1.16(d), 3.4(c) and 8.4(d), MRPC.

FIFTH COUNT

E. Unauthorized Practice of Law While on CLE-Restricted Status

38. On June 11, 2004, the Minnesota Supreme Court issued an order placing respondent on restricted status pursuant to Rule 12 of the Rules of the Minnesota Board of Continuing Legal Education. Respondent did not become compliant with his CLE requirements until November 2004.

39. During the time respondent was on restricted status, respondent committed the unauthorized practice of law by representing clients, including, but not limited to, representing a client in a criminal matter during the month of October 2004.

40. Respondent's conduct violated Rule 5.5(a), MRPC.

SIXTH COUNT

F. Additional Non-Cooperation

Mary Greene Matter

41. On October 20, 2004, the Director opened a notice of investigation on the Greene matter. Respondent failed to provide a written response within fourteen days from the notice of investigation.

42. November 4, 2004, the Director sent respondent a letter requesting his response to the Greene complaint by no later than December 8, 2004. Respondent failed to respond. To date, respondent has failed to provide any written response to the notice of investigation on the Greene matter.

43. On December 2, 2004, the Director sent respondent a second letter requesting a response to the Greene complaint.

Sara Woodis Matter

44. On January 18, 2005, the Director opened a notice of investigation on the Woodis matter. Respondent failed to provide a written response within fourteen days from the notice of investigation. To date respondent has failed to provide any written response to the notice of investigation on the Woodis matter.

CLE Restricted Status

45. On July 1, 2004, the Director sent respondent a letter stating that he been placed on CLE restricted status by order of the Minnesota Supreme Court. The letter informed respondent that continuing to practice law while on restricted status constituted the unauthorized practice of law. Respondent was directed to provide proof of his CLE compliance immediately. Respondent failed to respond.

46. November 4, 2004, the Director sent respondent a second letter requesting proof on his CLE compliance and an affidavit concerning his practice of law during the period he was on CLE restricted status. Shortly thereafter, the Director spoke with respondent on the phone. Respondent indicated that he was CLE compliant and that he would send the Director proof of his compliance and an affidavit regarding his practice of law. Respondent failed to provide the requested documentation.

47. December 2, 2004, the Director sent respondent a third letter requesting proof of his CLE compliance and an affidavit concerning his practice of law. Respondent failed to respond. Although the Director confirmed with the Minnesota Board of Continuing Legal Education that respondent became compliant with his CLE requirements in November 2004, respondent has not provided the Director with requested documentation regarding his CLE compliance or an affidavit concerning his practice of law during the period he was placed on restricted status.

48. Respondent's conduct violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent, awarding costs and disbursements pursuant to the Rules on

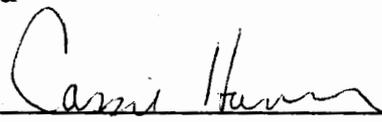
Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: February 14, 2005.



KENNETH L. JORGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 159463
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and



CASSIE HANSON
ASSISTANT DIRECTOR
Attorney No. 303422

This supplementary petition is approved for filing pursuant to Rule 10(e), RLPR, by the undersigned.

Dated: Feb. 17, 2005.



KENT A. GERNANDER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD