

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JEROME M. RUDAWSKI,
a Minnesota Attorney,
Registration No. 9416X.

**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 May 5, 1978. Respondent currently practices law in Roseville, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

A. On June 23, 1987, respondent was publicly reprimanded for improperly notarizing a signature and failing to make reasonable inquiry into the legitimacy of the signature in violation of Rules 1.3, 4.4, 8.4(c) and (d), Minnesota Rules of Professional conduct (MRPC). *In re Rudawski*, 407 N.W.2d 683 (Minn. 1987).

B. On July 10, 2000, respondent was issued an admonition for violation of Rules 1.3 and 1.4, MRPC, and Lawyers Professional Responsibility Board (LPRB) Opinion 15.

C. On January 30, 2001, respondent was issued an admonition for depositing a client's advance retainer into his business account and withdrawing fees without notice of the time, amount, and purpose of the withdrawal in violation of Rule 1.15, MRPC, and LPRB Opinion 15.

FIRST COUNT

Unauthorized Practice of Law

1. On June 30, 2002, respondent was due to report his required 45 hours of Continuing Legal Education (CLE) to the Minnesota State Board of Continuing Legal Education (CLE Board) as required by the Rules of the Minnesota Board of Continuing Legal Education. Respondent did not file his compliance report with the CLE Board.

2. On August 19, 2002, the CLE Board sent a compliance reminder to respondent's address as listed with Attorney Registration Office (ARO) indicating that respondent was late in filing his required CLE report. The reminder was not returned to the CLE Board.

3. On November 4, 2002, the CLE Board sent a final warning to respondent at the address listed with ARO, stating that the Minnesota Supreme Court would issue an order placing him on involuntary restricted status if he did not comply with the CLE reporting requirement.

4. On January 23, 2003, the Supreme Court issued an order placing respondent on involuntary restricted status for failure to comply with the CLE reporting requirement. The order specifically referenced Rule 12 of the Rules of the CLE Board.

5. Respondent continued to practice law after issuance of the January 23, 2003, order placing him on involuntary restricted status.

6. Respondent retained counsel on February 6, 2003, to assist him with the CLE restricted status of his license. Respondent's counsel faxed the CLE Board that same day, requesting "an extension of time for [respondent] to complete the 12 hours he

needs to wrap up his CLE credits.” Respondent actually had completed only 20.25 hours toward the 45-hour requirement for the three-year reporting period. Counsel also sent a check for \$125, the fee needed for a transfer from restricted status to active status.

7. On March 12, 2003, the CLE Board received respondent’s affidavit reporting a total of 30.25 hours of CLE credit completed as of that date. The correspondence accompanying respondent’s affidavit requested a 90-day “extension” to complete respondent’s remaining 14.75 hours of credit.

8. On March 14, 2003, the Director of the CLE Board advised respondent’s counsel that respondent had to complete the minimum 45 hours required for the prior three-year reporting period before she could complete a discretionary transfer to active status.

9. On March 24, 2003, respondent’s counsel wrote to respondent telling him that in order to “settle [the] CLE issue,” respondent needed to “complete the 45 credits,” plus a prorated amount of additional credits, in order to be taken off “the shit list.”

10. On April 24, 2003, respondent’s counsel wrote to respondent inquiring as to the progress toward completing the needed credits and reporting to the CLE Board. Counsel told respondent, “keep in mind that you are, until the order is lifted by the Supreme Court, practicing while suspended for failure to comply with CLE requirements.”

11. On August 5, 2003, respondent’s counsel sent respondent’s affidavit of compliance to the CLE Board indicating that respondent had completed the 45 hours required for the previous reporting period.

12. On August 12, 2003, in response to respondent’s affidavit of compliance, the CLE Board asked the Supreme Court to transfer respondent to active status. On August 13, 2003, the Supreme Court issued its reinstatement order.

13. Respondent practiced law during the period of January 23, 2003, through August 13, 2003, while he was on involuntary restricted status for failure to comply with CLE requirements. Respondent states that in each of these months he was conducting a "very busy family law practice and as such he appeared on many court appearances on behalf of clients . . . and was certainly involved in the drafting, filing, signing and service of dozens of legal pleadings and memoranda and met with many clients per week in which he offered legal advice."

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

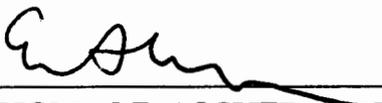
WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: February 3, 2005.



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