

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ROBERT J. SCHAEFER,
a Minnesota Attorney,
Registration No. 96271.

**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 October 13, 1965. Respondent currently practices law in Moorhead, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Misappropriation

1. During the period from late 1999 to July 2002, respondent misappropriated approximately \$34,000 in client funds from his trust account for his own use and benefit.
2. Beginning in August 2000, respondent made periodic deposits of earned fees into his trust account to restore portions of the misappropriated funds.
3. Among the clients whose funds respondent misappropriated was S.M. In December 1999, respondent received \$20,712 on S.M.'s behalf and deposited those

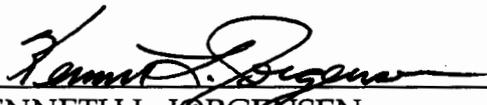
funds into his trust account. Thereafter, respondent misappropriated S.M.'s share of the funds (\$14,134).

4. In March 2002, S.M. filed an ethics complaint against respondent. Respondent made misrepresentations to the ethics investigator to conceal his use of S.M.'s funds. Respondent repaid S.M. the misappropriated funds in April 2002.

5. Respondent's conduct violated Rules 8.1(a) and 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent and awarding \$900 in costs pursuant to Rule 24, Rules on Lawyers Professional Responsibility, or for such other, further or different relief as may be just and proper.

Dated: November 5, 2003.



KENNETH L. JØRGENSEN
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