

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against NICHOLAS BRADLEY SCHUTZ,
a Minnesota Attorney,
Registration No. 343675.

**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 13, 2005. Respondent currently practices law in Duluth, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline is a December 26, 2008, admonition for failing to file an answer to a counter-claim pursuant to court rule, in violation of Rules 1.1 and 1.3, Minnesota Rules of Professional Conduct (MRPC).

FIRST COUNT

Failure to Cooperate

1. On April 29, 2013, the Director received notice of an overdraft on respondent's trust account number ending in 5906 at Wells Fargo Bank.

2. By letter dated May 3, 2013, the Director requested respondent to provide certain information and documents regarding the overdraft within 10 days of the date of that letter. Respondent failed to do so.

3. On May 15, 2013, respondent telephoned the Director's Office and requested an extension of the time in which to respond to that May 3 letter. Respondent received an extension to May 17, 2013. Respondent then, however, failed to respond.

4. By letter dated May 29, 2013, the Director advised respondent that the Director had received none of the information or documents requested in that May 3 letter and requested respondent to provide within seven days the information and documents requested in that May 3 letter. Respondent failed to respond.

5. By letter dated June 12, 2013, the Director advised respondent that the Director still had received none of the information or documents requested in that May 3 letter and requested respondent to provide within seven days the information and documents requested in that May 3 letter. Respondent failed to respond.

6. On July 9, 2013, the Director mailed to respondent notice of investigation. The notice requested respondent to provide the information and documents requested in the notice within 14 days of the date of the notice. Respondent failed to respond.

7. By letter dated July 24, 2013, the Director advised respondent that the Director had received none of the information and documents requested in the May 3 letter and the notice of investigation and requested respondent to provide at that time all of the information and documents requested in the May 3 letter and in the notice of investigation. That July 24 letter also advised respondent that, should he fail to provide all of the requested information and documents by the close of business on July 31, 2013, the assigned Assistant Director intended to then recommend that the Director issue charges of unprofessional conduct alleging, at minimum, failure to cooperate. Respondent failed to respond.

8. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

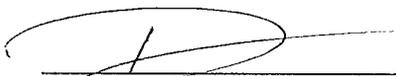
WHEREFORE, the Director respectfully prays for an order of this Court imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: August 26, 2013.



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: September 4, 2013.



RICHARD H. KYLE, JR.
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD