

FILE NO. A13-1791

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against NICHOLAS BRADLEY SCHUTZ,  
a Minnesota Attorney,  
Registration No. 343675.  
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**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 September 4, 2013, petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

SECOND COUNT

Failure to Maintain Required Trust Account Books and Records

9. For the period from at least January 2013 to the present, respondent has failed to maintain a trust account check register, client subsidiary ledgers, trial balances and reconciliations.

10. Respondent's conduct violated Rule 1.15(c)(3), Minnesota Rules of Professional Conduct (MRPC), as interpreted by Appendix 1 thereto.

THIRD COUNT

Failure to Timely Respond to Discovery Requests and  
Failure to Comply with the Referee's Orders

11. On October 7, 2013, the Director served interrogatories, requests for production of documents and requests for admission ("discovery requests") on respondent.

12. During an October 28, 2013, scheduling conference and in a scheduling order of that date, the referee ordered respondent to provide his responses to the Director's discovery requests by November 15, 2013. Respondent failed to do so.

13. By letter dated November 18, 2013, the Director informed respondent that the Director had received no discovery responses, requested respondent to provide his responses and informed respondent that, if respondent failed to do so by the close of business on November 22, 2013, the Director intended to bring a motion to compel. Respondent failed to respond.

14. On November 26, 2013, the Director served and filed a notice of motion and motion to compel discovery and supporting documents.

15. By order dated December 3, 2013, the referee granted the Director's motion to compel and ordered respondent to provide complete and accurate responses to the interrogatories and most of the requested documents by the close of business on December 6, 2013.<sup>1</sup> The order allowed respondent until the close of business on December 13, 2013, to provide the trust account client subsidiary ledgers requested in the Director's requests for production of documents.

16. In a series of facsimile and United States Mail transmissions on December 6, 9, 13, and 17, 2013, respondent provided responses to most of the Director's discovery requests.

17. Respondent failed to provide the trust account client subsidiary ledgers requested in the Director's requests for production of documents by the close of business on December 13, 2013, as ordered.

18. By letter dated December 18, 2013, the Director requested respondent to provide the trust account client subsidiary ledgers, together with client billing statements, by the close of business on December 20, 2013.

19. Respondent failed to provide the trust account client subsidiary ledgers and client billing statements by the close of business on December 20, 2013.

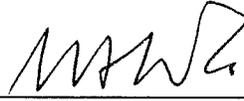
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<sup>1</sup> Pursuant to Minn. R. Civ. P. 36.01, the requests for admission are deemed admitted because of respondent's failure to timely answer them.

20. Respondent's conduct violated Rules 3.4(c) and (d), 8.1(b), and 8.4(d), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court imposing 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: January 10, 2014.

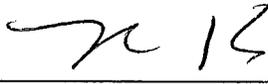
  
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and

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

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

Dated: January 14, 2014.

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