

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ROBERT C. SIPKINS,
an Attorney at Law of the
State of Minnesota.

**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 5, 1979. Respondent has ceased practicing law. Respondent's license to practice law was suspended for failure to pay his attorney registration fees on October 1, 2000.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline is as follows:

1. On July 18, 1989, respondent received a private admonition for neglecting a client's employment law matter in violation of Rule 1.3, Minnesota Rules of Professional Conduct (MRPC).
2. On February 21, 1996, respondent was placed on a two-year private probation for neglect, non-communication, incompetence and discovery abuse in a corporate client matter, and failing to respond to the client's subsequent ethics

complaint in violation of Rules 1.1, 1.3, 1.4, 3.2, 3.4(d), 8.1(a)(3), and 8.4(d), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility (RLPR).

FIRST COUNT

Susan Rausch Matter

1. Respondent was retained to represent Susan Rausch in an employment discrimination lawsuit against her former employer. Respondent failed to keep Rausch adequately informed as to the status of her legal matter. Because of the difficulty in contacting respondent and obtaining status updates, Rausch consulted with another attorney, Daniel E. Warner, regarding the pending litigation.

2. On March 9, 2000, Warner and Rausch contacted the Hennepin County Clerk's Office to check on the status of the action. They were informed that Rausch's case had been dismissed on February 7, 2000. Respondent had failed to inform Rausch that the matter had been dismissed.

3. Warner then reviewed the court file and determined that the matter had been dismissed by way of a summary judgment motion brought by the defendant.

4. Despite this receipt of the summary judgment motion papers, respondent offered no defense to the motion. Respondent failed to file any brief opposing the motion, failed to appear at the hearing, and failed to respond to a call from the judge inquiring as to his response to the motion.

5. Because respondent failed to oppose the motion, the court granted the defendant's summary judgment motion and dismissed Rausch's claims with prejudice.

6. On March 13, 2000, Warner sent a letter to respondent with a signed authorization from Rausch asking for a copy of certain items in her client file. Respondent failed to respond to the letter or to furnish the items requested in the file.

7. Rausch's case against her former employer eventually was settled.

8. Respondent's conduct with respect to the Rausch matter violated Rules 1.1, 1.3, 1.4, and 1.16(d), MRPC.

SECOND COUNT

Bradford Dobbins Matter - Neglect

9. Respondent represented Bradford Dobbins in a case against his former employer for racial discrimination. Respondent eventually settled the litigation with Dobbins' consent.

10. When the matter settled in the fall of 1997, respondent failed to forward the 1099 form he received from the employer to Dobbins. Despite Dobbins' repeated requests for the 1099 form, respondent did not forward the 1099 form to Dobbins until April 27, 1998, after the tax preparation and filing deadline for 1997 had passed. Respondent admits that at the time he sent the 1099 form to Dobbins, he had been in possession of it for approximately three months.

11. Respondent's conduct in the Bradford Dobbins matter violated Rules 1.3 and 1.15(c)(1), MRPC.

THIRD COUNT

Non-Cooperation

12. On March 22, August 10, and August 24, 2000, the Director's Office wrote respondent requesting a written response to the Rausch complaint. Respondent did not respond to any of these letters or otherwise answer the Rausch allegations.

13. On December 7, 2000, the Director's Office wrote to respondent regarding his suspension in October 2000 for failure to pay his attorney registration fee. Respondent did not respond. The Director sent respondent another letter on December 29, 2000, regarding his fee related suspension. Respondent did not respond.

14. Respondent's failure to respond to the Director's letters violated Rule 8.1(a)(3), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent from the practice of law, awarding costs and disbursements

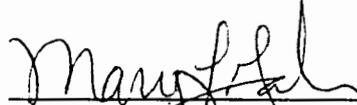
pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: February 8, 2001.



EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
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