

FILE NO. CX-96-859

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ALFRED MILTON STANBURY,
an Attorney at Law of the
State of Minnesota.

**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 12, 1988. Respondent currently practices law in Minneapolis, Minnesota.

DISCIPLINARY HISTORY

Respondent's history of prior discipline, including admonitions, is as follows:

- a. On May 29, 1991, respondent received an admonition for twice executing false proofs of service and obtaining subpoenas based on those proofs of service.
- b. On August 29, 1994, respondent received an admonition for refusing to return a former client's file after withdrawing from representation, insisting that she come to his home office alone to retrieve the file, and asserting a claim for fees against her for work that respondent withheld.
- c. On April 3, 1997, respondent was publicly reprimanded for refusing to satisfy a professionally related judgment against him and was

suspended from the practice of law for a period of 30 days, effective 14 days from the date of that order, for stopping payment on a court filing fee. *In re Stanbury*, 561 N.W.2d 507 (Minn. 1997). On May 16, 1997, respondent was reinstated to the practice of law. *In re Stanbury*, 562 N.W.2d 655 (Minn. 1997).

d. On May 22, 1997, respondent was issued an admonition for stating "Up your ass" to a social services employee during the course of judicial proceedings and for failing to cooperate with the investigation of the matter.

e. On July 13, 1999, respondent was issued an admonition for failing to communicate a client's settlement offer to the opposing party.

Respondent has committed the following unprofessional conduct warranting public discipline:

COUNT ONE

Non-Cooperation Matter

1. On December 31, 1997, notice was sent to respondent of a complaint filed against him by Joan and Ralph Larson and Mark Mathews, including conduct for which respondent was issued an admonition in July 1999 (*see ¶e.*, above). The notice requested respondent to provide his complete written response within 14 days of the notice. Respondent failed to respond.

2. On January 20, 1998, respondent was sent a notice of reassignment of investigation. The notice again requested respondent to provide his complete written response within 14 days. Respondent failed to respond.

3. By letter dated March 2, 1998, respondent requested the matter be reassigned again. By letter dated March 5, 1998, the Director informed respondent that the Director would not do so.

4. Respondent failed to provide a written response to the district ethics committee (DEC) investigator. Respondent did not communicate with the investigator

again until seven months later, when respondent appeared at the October 2, 1998, DEC meeting to consider the matter.

5. Respondent's conduct violated Rules 8.1(a)(3), and 8.4(a) and (d), Minnesota Rules of Professional Conduct, and Rule 25, Rules on Lawyers Professional Responsibility.

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: July 20, 1999.



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