

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against JOHN M. STEELE,  
an Attorney at Law of the  
State of Minnesota.  
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**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 June 7, 1970. Respondent currently practices law in Minneapolis, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline is as follows:

- a. On April 11, 1984, respondent was issued an admonition for failing to communicate with a client in violation of DR 6-101(A)(3) and DR 7-101(A)(2), Minnesota Code of Professional Responsibility.
- b. On March 28, 1986, respondent was issued an admonition for failing to promptly deliver a client file upon request in violation of Rule 1.15(b)(4), Minnesota Rules of Professional Conduct (MRPC) (1986).
- c. On August 13, 1991, respondent was issued an admonition for failing to promptly deliver a client file upon request, communicating with a former client after a request to conduct all future communications with client's new attorney, conduct

surrounding the filing of a petition for appointment of a guardian ad litem, statements made by respondent in an affidavit regarding the client's pending lawsuit, and for directing his secretary to notarize his stamped facsimile signature on an affidavit which was filed with the court, in violation of Rules 1.6(a)(2) and (3), 1.8(b), 1.9(a) and (b), 1.15(b)(4), 1.16(d), 4.2, 5.3(b), and 8.4(c) and (d), MRPC, and Lawyers Professional Responsibility Board Opinion No. 13.

d. On September 23, 1998, respondent was issued an admonition for failing to inform his client regarding various motions and of an adverse ruling and assessment of \$800 in costs against complainant, in violation of Rule 1.4(a) and (b), MRPC.

#### FIRST COUNT

##### Failure to Keep Client Reasonably Informed, Failure to Protect Client's Interests Upon Termination of Representation and Failure to Promptly Return Client's File Upon Request

1. From 1997 until February 17, 2000, respondent represented Shirley Yvonne Harder (complainant) in a personal injury matter resulting from a fall that occurred on the grounds of Harder's apartment complex on March 5, 1997.

2. A non-binding arbitration hearing was held on October 5, 1998. On October 9, 1998, respondent was notified of the arbitrator's decision in favor of the defendant. Respondent did not inform complainant of the adverse decision.

3. The case went to trial in November of 1999. After the conclusion of the plaintiff's evidence, the judge directed a verdict in favor of the defense. Respondent and complainant discussed an appeal of the judge's decision on several occasions. Complainant requested a letter containing the estimated costs of an appeal and respondent agreed to send one. Respondent drafted, but never sent the letter.

4. Complainant expressed her interest in appealing the decision and her desire to have respondent represent her. Complainant mistakenly thought that the appeal deadline for her case was February 21, 2000. Complainant frequently discussed this date with respondent and sent him a letter dated February 2, 2000, citing the 21<sup>st</sup> as the

deadline for the appeal. Respondent never informed her that the correct appeal deadline was March 6, 2000.

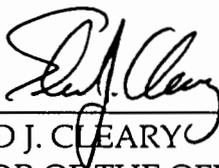
5. On February 17, 2000, complainant dismissed respondent as her counsel and on February 24, 2000, sent respondent a letter requesting a copy of her file. Respondent did not provide her with a copy of her file until March 15, 2000, nine days after the actual appeal deadline. As a result, complainant remained uninformed of the actual appeal deadline and new counsel could not be consulted regarding an appeal.

6. Respondent's failure to notify complainant of the arbitrator's decision, failure to furnish the client with the promised letter regarding the costs of appeal, failure to inform complainant of the correct appeal deadline, and failure to promptly deliver complainant's file upon request violated Rules 1.4 and 1.16(d), MRPC.

7. Respondent's prior disciplinary history and the present matter constitutes a pattern of related misconduct, the cumulative effect of which violates Rules 1.4 and 1.16(d), MRPC.

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: November 21, 2000.



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EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

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and



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