

FILE NO. A11-610

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against LOUIS ANDREW STOCKMAN,
a Minnesota Attorney,
Registration No. 241210.

**SECOND 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 second 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 an August 1, 2011, amended and supplementary 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:

SIXTH COUNT

Continued Pattern of Client-Related Misconduct

Keith Hunter Matter

180. On December 29, 2008, Keith Hunter was involved in an automobile accident. The driver of the other vehicle involved in the accident was insured by Auto-Owners Insurance Company ("Auto-Owners").

181. On or about January 8, 2009, Hunter consulted with respondent regarding legal representation in connection with the accident.

182. Hunter signed respondent's contingent fee agreement on January 12, 2009. That agreement identified the scope of respondent's representation to be, "the legal interests [in] relation to injuries sustained in an accident on 12-29-08 at 6th Av E + 22nd St. Hibbing MN."

183. On May 10, 2009, Hunter was served with a summons and complaint in an action brought against him by Auto-Owners in connection with the December 29, 2008, accident. Hunter telephoned respondent and informed him of the summons and complaint. Respondent asked Hunter to send the documents to him. Respondent stated that he had dealt with the assigned Auto-Owners adjuster in the past and was familiar with her. Respondent did not, at that time or any other, inform Hunter that he would not represent Hunter in defending the lawsuit.

184. On or shortly after May 10, 2009, Hunter provided the summons and complaint to respondent by facsimile transmission. Hunter understood that respondent was representing him in connection with the lawsuit.

185. Respondent did not serve an answer or take any other action in the matter on Hunter's behalf.

186. On July 27, 2009, Hunter was served with a notice of motion and motion for default judgment. The hearing on the motion was scheduled for September 8, 2009. Hunter contacted respondent regarding the motion and understood that respondent would be appearing with him at the hearing.

187. On the morning of September 8, 2009, as he was leaving his house for the hearing, Hunter was arrested and detained on an alleged probation violation. As a result, Hunter was not able to attend the hearing, but understood that respondent would be attending.

188. Respondent did not appear at the September 8, 2009, hearing or take any other action on Hunter's behalf. As a result, the court directed entry of a default judgment against Hunter, staying entry of the judgment for 30 days.

189. On October 8, 2009, an \$8,904.97 default judgment was entered against Hunter. The judgment was docketed on October 15, 2009.

190. When Hunter learned of the default judgment, he wrote to respondent. Hunter stated, "I am writing to get a follow up on the case and I am still getting letters from Auto-Owners Insurance Company and still saying I'm at fault." Respondent did not respond to Hunter's letter or take any action on Hunter's behalf.

191. Hunter was released from jail in early-December 2009.

192. In October 2010, after retaining another attorney, Hunter brought a motion to vacate the default judgment entered against him. In the materials submitted in support of the motion, Hunter stated that he understood respondent was representing him in connection with Auto-Owners' lawsuit and was taking all necessary actions on his behalf.

193. On November 22, 2010, respondent signed an affidavit in which he stated that he advised Hunter "at the initiation of representation that the scope of representation did not include claims for property loss, but only for actions seeking to recover for bodily injury." In his affidavit respondent did not, however, deny that Hunter had provided respondent with the summons and complaint shortly after they were served on Hunter or that Hunter contacted him regarding the motion and hearing for default judgment.

194. Respondent's conduct in failing to clearly and definitively communicate to Hunter that he did not intend to represent him in connection with Auto-Owners' lawsuit violated Rules 1.2(c) and 1.4(a)(3) and (4) and (b), Minnesota Rules of Professional Conduct.

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: August 24, 2011.



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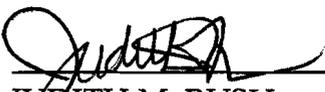
and



CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

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

Dated: August 25, 2011.



JUDITH M. RUSH
BOARD CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD