

FILE NO. A12-1295

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against LOUIS ANDREW STOCKMAN,  
a Minnesota Attorney,  
Registration No. 241210.  
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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 July 24, 2012, 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:

THIRD COUNT

Misleading Advertisements and Additional Unauthorized Practice of Law

**Misleading Advertisements – Introduction**

98. On September 27, 2011, respondent signed a stipulation for discipline agreeing to a five-month suspension from the practice of law, effective 14 days from the Court's order. The stipulation further provided for a reinstatement hearing pursuant to Rule 18, RLPR. The Director filed the stipulation with the Court on October 6, 2011.

99. The Director received the complaint of Saisunee Hagen (alleging the conduct pled in paragraphs 1 through 19 of the Director's July 24, 2012, petition for

disciplinary action) on November 9, 2011. On November 15, 2011, the Director sent to respondent a notice of investigation of Hagen's complaint.

100. On December 6, 2011, the Court directed respondent to provide within 14 days an affidavit addressing certain aspects of the matters underlying the stipulation for discipline. The Court allowed the Director an opportunity to respond to respondent's affidavit within ten days after its receipt.

101. Respondent filed and served his affidavit on December 19, 2011, and the Director responded to respondent's affidavit on December 21, 2011.

102. On February 17, 2012, the Court issued its order suspending respondent from the practice of law for a period of five months, effective 14 days from the date of the order, i.e., effective March 2, 2012. The order required a reinstatement hearing pursuant to Rule 18, RLPR.

103. The Director received the complaint of David Johnson (alleging the conduct pled in paragraphs 91 and 92 of the Director's July 24, 2012, petition for disciplinary action) on March 22, 2012. On March 23, 2012, the Director sent to respondent a notice of investigation of Johnson's complaint.

104. The Director received the complaint of the Department of Labor and Industry (alleging the conduct pled in paragraphs 93 through 95 of the Director's July 24, 2012, petition for disciplinary action) on April 6, 2012. On April 12, 2012, the Director sent to respondent a notice of investigation of the complaint.

105. The Director received the complaint of Kristin Theisen (alleging the conduct pled in paragraphs 20 through 75 of the Director's July 24, 2012, petition for disciplinary action) on April 19, 2012. On April 20, 2012, the Director sent to respondent a notice of investigation of Theisen's complaint.

106. Also on April 20, 2012, after obtaining approval to do so from the Executive Committee of the Lawyers Professional Responsibility Board, the Director sent to respondent a notice of investigation regarding his continued use of the firm name "Stockman Law Offices, P.A."

107. On May 4, 2012, respondent served and filed a petition for reinstatement. On May 22, 2012, the Director sent to respondent a six-page letter requesting extensive information and documents necessary to the Director's consideration of respondent's reinstatement petition.

108. On June 21, 2012, the Director issued charges of unprofessional conduct against respondent incorporating the complaints of Hagen, Theisen, Johnson and the Department of Labor and Industry, his continued use of the firm name "Stockman Law Offices, P.A.," and other matters. On July 18, 2012, respondent signed a stipulation for dispensing with Panel proceedings and for filing petition for disciplinary action. The Director filed the petition for disciplinary action on July 24, 2012.

109. On July 19, 2012, the Director spoke with respondent's counsel regarding withdrawal of his petition for reinstatement. On August 8, 2012, respondent's counsel confirmed to the Director's representative that respondent would be withdrawing his petition for reinstatement.

110. On August 16, 2012, respondent notified the Court that he was withdrawing his petition for reinstatement.

#### **Misleading Advertisements—Dex**

111. On September 28, 2011, one day after signing the stipulation for discipline referenced above, respondent signed a contract with Dex for publication of advertisements in its Barnum/Cloquet/Carlton/Moose Lake, Twin Ports and Twin Ports Plus telephone directories. These Dex telephone directories were scheduled for circulation in mid-June 2012. The final sales date for advertisements to appear in Dex's mid-June 2012 Barnum/Cloquet/Carlton/Moose Lake, Twin Ports and Twin Ports Plus directories was May 2, 2012.

112. Respondent's contract with Dex provided for (a) a back-cover advertisement in its Barnum/Cloquet/Carlton/Moose Lake directory, (b) front- and back-cover advertisement in its Twin Ports directory, (c) a quarter-page advertisement under "Attorneys" in the Barnum/Cloquet/Carlton/Moose Lake directory, and (d) a

half-page advertisement under "Attorneys" in the Twin Ports directory.<sup>1</sup> All of these advertisements were to include respondent's name and picture, and the firm name "Stockman Law Office."

113. In fact, respondent's cover advertisements in Dex's Barnum/Cloquet/Carlton/Moose Lake and Twin Ports directories, quarter-page advertisement under "Attorneys" in Dex's Barnum/Cloquet/Carlton/Moose Lake directory, and half-page advertisement under "Attorneys" in Dex's Twin Ports directory appeared in the telephone directories circulated in mid-June 2012. All of these advertisements included respondent's name and picture, and the firm name "Stockman Law Office."

114. With the issuance of the Court's February 17, 2012, suspension order, respondent knew that his advertisements in Dex's June 2012 Barnum/Cloquet/Carlton/Moose Lake and Twin Ports telephone directories would appear several weeks prior to the earliest possible date of his reinstatement. Nevertheless, respondent took no action to cancel or revise his advertisements in those directories prior to the May 2, 2012, final sales date.

115. On July 10, 2012, respondent signed a contract with Dex for publication of advertisements in its Grand Rapids and Chisholm/Hibbing telephone directories. Dex's Grand Rapids telephone directory was scheduled for circulation in August 2012, and its Chisholm/Hibbing telephone directory was scheduled for circulation in September 2012.<sup>2</sup> The final sales date for advertisements to appear in Dex's August 2012 Grand Rapids directory was August 9, 2012. The final sales date for advertisements to appear in Dex's September 2012 Chisholm/Hibbing director was August 20, 2012.

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<sup>1</sup> Respondent's advertisements in the Twin Ports Plus directory were identical to his advertisements in the Twin Ports directory.

<sup>2</sup> Respondent's July 10, 2012, contract with Dex also covered one or more advertisements in its Virginia telephone directory. Those advertisements reflected the name and photograph of Brian Fischer and the firm name "Injury Law."

116. Respondent's contract with Dex provided for (a) a back-cover advertisement in its Grand Rapids directory, (b) front- and back-cover advertisements in its Chisholm/Hibbing directory, (c) a half-page advertisement under "Attorneys" in the Grand Rapids directory, and (d) a half-page advertisement under "Attorneys" in the Chisholm/Hibbing directory. All of these advertisements were to include respondent's name and picture, and the firm name "Stockman Law Office."

117. In fact, respondent's back-cover advertisement and half-page advertisement under "Attorneys" in Dex's Grand Rapids directory appeared in the directories circulated in August 2012. Respondent's front- and back-cover advertisements and half-page advertisement under "Attorneys" in Dex's Chisholm/Hibbing directory appeared in the directories circulated in September 2012. All of these advertisements included respondent's name and picture, and the firm name "Stockman Law Office."

118. At the time he signed the July 10, 2012, contract with Dex for advertisements in its August 2012 Grand Rapids directory, and September 2012 Chisholm/Hibbing directory, respondent knew, or should have known, that there was a significant likelihood that his advertisements in those directories would appear some period prior to his reinstatement.

119. More than 200,000 of the various Dex directories reflecting respondent's advertisements as described above were circulated.

#### **Misleading Advertisements—Ports Pages**

120. On February 6, 2012, respondent signed a contract with the Ports Pages for publication of advertisements in its Duluth/Superior telephone directories. The Ports Pages' Duluth/Superior telephone directories reflecting respondent's advertisements were scheduled for circulation in October 2012. The final sales date for advertisements to appear in the October 2012 Ports Pages' Duluth/Superior telephone directories was July 31, 2012.

121. The advertisements respondent purchased would appear on both the front and back covers of the Ports Pages' Duluth/Superior telephone directories.

122. In fact, respondent's advertisements did appear on the front and back covers of the Ports Pages' Duluth/Superior telephone directories circulated in October 2012. Approximately 80,000 such directories were circulated.

123. Respondent's advertisements on the front and back covers of the Ports Pages' Duluth/Superior telephone directories included respondent's name and picture, and the firm name "Stockman Law Office."

124. At the time he signed the February 6, 2012, contract with Ports Pages for advertisements in its October 2012 Duluth/Superior directory, respondent knew, or should have known, that there was a significant likelihood that his advertisements in that directory would appear some period prior to his reinstatement.

125. Certainly, by the time respondent signed the stipulation for dispensing with Panel proceedings and filing of petition for disciplinary action on July 18, 2012, respondent knew, or should have known, that his advertisements in the Ports Pages' Duluth/Superior telephone directories would begin to appear some period prior to his reinstatement. Nevertheless, respondent took no action to cancel or revise his advertisements in those directories prior to the July 31, 2012, sales deadline.

#### **Misleading Advertisements—Yellow Book**

126. On February 10, 2012, respondent signed a contract with Yellow Pages for publication of advertisements in its Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories. Yellow Book's telephone directories reflecting respondent's advertisements were scheduled for circulation in September 2012.

127. Respondent's contract with Yellow Book provided for (a) front-cover advertisements on its Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior directories, (b) back-cover advertisement on its Duluth/Superior directory, and (d) half-page advertisements under "Attorneys" in both the Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories.

All of these advertisements were to include respondent's name and picture, and the firm name "Stockman Law Office."

128. In fact, respondent's (a) front-cover advertisements on Yellow Book's Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior directories, (b) back-cover advertisement on Yellow Books' Duluth/Superior directory, and (d) half-page advertisements under "Attorneys" in Yellow Book's Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories appeared in the directories circulated in September 2012. All of these advertisements included respondent's name and picture, and the firm name "Stockman Law Office."

129. At the time he signed the February 10, 2012, contract with Yellow Book for advertisements in its September 2012 Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories, respondent knew, or should have known, that there was a significant likelihood that his advertisements in those directories would appear some period prior to his reinstatement.

130. Certainly, by the time respondent signed the stipulation for dispensing with Panel proceedings and filing of petition for disciplinary action on July 18, 2012, respondent knew, or should have known, that his advertisements in Yellow Book's Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories would begin to appear some period prior to his reinstatement. Nevertheless, respondent took no action to cancel or revise his advertisements in those directories.

131. Respondent's advertisements in the Dex, Ports Pages and Yellow Book telephone directories identified above were misleading in that they incorrectly implied that respondent was properly licensed to practice law.

#### **Continued Unauthorized Practice of Law**

132. On February 1, 2012, Nancy St. Marie was involved in an automobile accident.

133. On March 22, 2012, during a physical therapy session, St. Marie suffered a fracture to a vertebra. After the hospital informed St. Marie of its conclusion that its

physical therapist had done nothing wrong, St. Marie determined to consult with a lawyer.

134. St. Marie found respondent's advertisement in one of the telephone directories in which he advertised. Based on the advertisement, and because respondent's name was already familiar to her, St. Marie called respondent's office, asked for respondent and spoke with a staff member. After St. Marie related the history of events resulting in her injury, the staff member asked St. Marie to hold while she consulted with respondent. When the staff member returned, she stated that respondent would see her. St. Marie scheduled an appointment with respondent for May 11, 2012. The staff member asked St. Marie to bring with her to the appointment all documents pertaining to her accident. At no time during their conversation did the staff member inform St. Marie that respondent was suspended or otherwise unable to represent her.

135. When St. Marie arrived for her May 11, 2012, appointment with respondent, he greeted her in the office lobby and they conversed regarding family and other matters. During their conversation:

- Respondent reviewed a police report St. Marie had brought with her, noting that a witness identified in the report had stated that St. Marie's vehicle and the other vehicle involved in the accident were both traveling at 35 miles per hour at the time of the accident. St. Marie stated to respondent that she believed her speed was less than 35 miles per hour. Respondent told St. Marie that they might be able to prove that the other driver was speeding.
- Respondent mentioned that name of a doctor that he believed would assist them in obtaining St. Marie's x-rays and other medical records.
- Respondent did not inform St. Marie that he was a suspended lawyer or otherwise unable to represent her.

- Respondent introduced St. Marie to Brian Fischer and stated that Fischer would be helping with her case.
- Fischer did not inform St. Marie that respondent was a suspended lawyer or otherwise unable to represent her.

136. On May 18, 2012, using letterhead in the name of "Stockman Law Office, P.A.," Fischer wrote letters to St. Marie and the insurers involved, providing copies of his letters to the insurers to St. Marie.

137. On June 29, 2012, using letterhead in the name of "Stockman Law Office, P.A.," Fischer wrote letters to St. Marie and one of the insurers involved, providing a copy of his letter to the insurer to St. Marie.

138. In early July 2012, respondent telephoned St. Marie and stated that they should meet in August 2012.

139. On July 11, 2012, using letterhead in the name of "Stockman Law Office, P.A.," Fischer wrote a letter to St. Marie. Among other things, the letter informed St. Marie that an appointment "in our office" had been scheduled for August 16, 2012.

140. At all times during the period from at least May 11 to July 11, 2012, St. Marie understood that respondent was a properly licensed lawyer and would be leading her legal representation.

141. On July 27, 2012, while reading an article in her local newspaper, St. Marie learned for the first time that respondent's law license had been suspended.

142. Respondent's conduct violated Rules 3.4(c), 5.5(a), 7.1, and 8.4(c) and (d), Minnesota Rules of Professional Conduct, and the Supreme Court's February 17, 2012, suspension order.

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: NOV. 2, 2012.



MARTIN A. COLE  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

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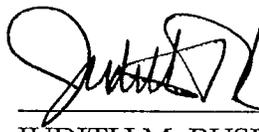
and



CASSIE HANSON  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 303422

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

Dated: November 7, 2012.



JUDITH M. RUSH  
CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD