

FILE NO. C5-02-1203

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ELIZABETH JANE SUNDBY,
a Minnesota Attorney,
Registration No. 206283.

**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 a July 3, 2002, petition for disciplinary action and a December 9, 2002, supplementary petition for disciplinary action. On December 11, 2002, the North Dakota Supreme Court issued an order suspending respondent's North Dakota attorney license on an interim basis pending the disposition of the misconduct allegations against her in that jurisdiction. On April 4, 2003, this Court temporarily suspended respondent's Minnesota attorney license (Exhibit 1). As of the date of this second supplementary petition for disciplinary action, respondent's license in both states remains suspended.

The Director alleges that respondent has committed the following additional unprofessional conduct warranting public discipline:

FOURTH COUNT

Misconduct Resulting in Suspension of Respondent's North Dakota Law License

26. On July 18, 2005, respondent was disciplined by the North Dakota Supreme Court. Respondent's discipline was based upon her conduct in failing to diligently pursue multiple representations, failure to communicate with her clients, failing to safe keep property, and improperly terminating a representation in violation of North Dakota Professional Responsibility Rules 1.3, 1.4, 1.5(b), and 1.16(e).

27. Respondent agreed to a six-month and one day suspension of her North Dakota law license, retroactive to December 11, 2002, payment of costs in the amount of \$250 and restitution to clients (Exhibit 2). Respondent remains suspended in North Dakota.

FIFTH COUNT

Respondent's Maintenance of Her Minnesota Trust Account

28. The Director's investigation of respondent was prompted by a \$30 overdraft of her Minnesota trust account on December 11, 2001. The initial petition for disciplinary action was based upon respondent's failure to cooperate with the trust account inquiry and subsequent disciplinary investigation. While the petition was based upon respondent's failure to cooperate with the Director's inquiry, the purpose of the inquiry was to determine whether respondent was maintaining the necessary books and records pertaining to attorney trust accounts and the cause of the overdraft.

29. During the pendency of these matters respondent was hospitalized. While she was hospitalized, respondent's landlord moved her belongings to her home. In the summer of 2004, there was a fire in respondent's home and a number of her belongings were moved to storage or thrown away. Accordingly, respondent is unable to determine the exact cause of the \$30.00 overdraft. However, respondent did not maintain the necessary books and records pertaining to attorney trust accounts.

30. Respondent's conduct violated Rule 1.15(h), 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: Feb. 27, 2007.



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and



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

Dated: March 1, 2007.



KENT A. GERNANDER
BOARD CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD