

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against SCOTT WILLIAM SWANSON,
a Minnesota Attorney,
Registration No. 0241283.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 22, 1993. Respondent currently practices law in Woodbury, Minnesota. Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Carter Matter

1. On or about February 3, 2009, complainant Brenda Carter retained respondent to represent her in a personal injury matter.
2. In May 2009, respondent wrote the insurer regarding Carter's claim.
3. On or about October 28, 2009, the insurer denied the claim. Respondent did not advise Carter of the insurer's denial of her claim.

4. Between October 2009 and January 2012, respondent prepared a rough draft of a summons and complaint and visited Carter once to get an update on her recovery.

5. On April 13, 2012, respondent sent a letter of protection to a healthcare provider and provided Carter with a copy of the correspondence.

6. After April 13, 2012, respondent did no other work on the matter, failed to file a summons and complaint, and did not communicate with Carter about the status of her case.

7. In early January 2014, Carter left respondent a voicemail requesting a copy of her file. Respondent failed to respond to Carter and failed to return her file.

8. In February 2014, Carter went to respondent's office and left a note with the receptionist requesting respondent return her file. Respondent failed to respond to Carter's note and failed to return Carter's file.

9. On or about January 28, 2015, the statute of limitations on Carter's personal injury claim expired.

10. Respondent's conduct in failing to pursue Carter's matter, failing to communicate with Carter regarding her case, and failing to return her file, violated Rules 1.3, 1.4(a)(3), 1.16(d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Failure to Cooperate with the Director's Office

11. On August 19, 2014, the Director wrote respondent, informing him that the district ethics committee's (DEC) investigation in the Carter matter was complete, and the matter was presently under consideration by the Director's Office. The Director requested respondent to respond in writing to the DEC's recommendation and to provide additional information regarding the investigation. Respondent failed to respond to the Director's August 19, 2014, letter.

12. On September 11, 2014, the Director wrote to respondent, again requesting a response to the DEC's recommendation as well as additional information by September 25, 2014. Respondent failed to respond to the Director's September 11, 2014, letter.

13. On September 30, 2014, the Director wrote to respondent, again requesting a response to the information requested in the Director's August 19 and September 11, 2014, letters by October 14, 2014. Respondent failed to respond to the Director's September 30, 2014, letter.

14. On October 23, 2014, the Director wrote to respondent requesting that he attend a meeting on November 3, 2014, at 10:00 a.m. at the Director's Office to discuss the information requested in the Director's August 30, September 11, and September 30, 2014, letters. Respondent failed to attend the meeting or otherwise contact the Director.

15. None of the Director's letters dated August 30, September 11, September 30, and October 23, 2014, sent to respondent's business address in St. Paul, Minnesota, were returned by the United States Postal Service. Based on respondent's failure to respond to the Director's inquiries, a representative of the Director's Office conducted research on the internet to attempt to locate respondent at a different address.

16. On November 6, 2014, the Director wrote respondent at an address in Woodbury, Minnesota. The Director enclosed copies of the previous letters sent to respondent at his St. Paul address.

17. On November 20, 2014, respondent sent a fax to the Director's Office confirming that he received the Director's November 6, 2014, letter sent to the Woodbury address, and requesting a five-day extension to respond to the Director's request for information. On November 21, 2014, the Director called and left a voicemail for respondent at the telephone number that was provided in respondent's

November 20, 2014, fax. The Director stated in the message that respondent's request for an extension was granted. Respondent failed to submit the requested information to the Director's Office.

18. On January 6, 2015, the Director wrote to respondent at the Woodbury address, requesting a response to the Director's August 19, 2014, letter by January 20, 2015. Respondent failed to respond to the Director's Office.

19. On January 30, 2015, the Director wrote to respondent, requesting that he attend a meeting on February 11, 2015, at 10:00 a.m. at the Director's Office to discuss the information requested in the Director's previous letters as well as respondent's failure to cooperate with the Director. The January 30 letter was sent to respondent's address in Woodbury and to his address in St. Paul. Respondent failed to attend the February 11 meeting or to otherwise contact the Director's Office.

20. On March 5, 2015, the Director wrote to respondent requesting that he respond to the questions in the August 19 letter as well as address his failure to cooperate with the Director. The March 5 letter was sent to respondent's address in Woodbury and to his address in St. Paul. To date, respondent has not responded to the Director's March 5 letter or otherwise communicated with the Director's Office.

21. On April 3, 2014, the Director served upon respondent by U.S. mail the charges of unprofessional conduct, notice of panel procedures and notice of panel assignment. The charges of unprofessional conduct, notice of panel procedures and notice of panel assignment were served upon respondent at the following addresses: 8362 Tamarack Village, Suite 119-444, Woodbury, MN 55125-3392 and 332 Minnesota Street, Suite W-1610, St. Paul, MN 55101. The April 3, 2015, mailings were not returned. Respondent did not respond, and failed to contact the Director's Office to request an extension of time in which to respond.

22. Respondent's failure to cooperate with the Director's Office violated Rule 8.1(b), MRPC.

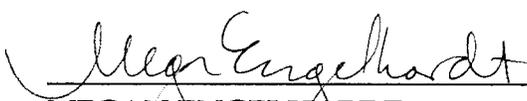
WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: April 21, 2015.



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and



MEGAN ENGELHARDT
SENIOR ASSISTANT DIRECTOR
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This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: May 4, 2015.



CHRISTOPHER D. CAIN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD