**FILE NO. A10-819**

STATE OF MINNESOTA

IN SUPREME COURT

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| In Re Petition for Disciplinary Action against LAWRENCE WALTER ULANOWSKI, a Minnesota Attorney, Registration No. 316015. | **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 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 March 30, 2010, petition for disciplinary action and a April 26, 2010, 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:

EIGHTH COUNT

Additional Non-Cooperation

125. On April 21, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Ray J. Viall. The notice requested respondent to provide in writing the information, and the documents, requested in the notice within 14 days of the date of the notice. Respondent failed to respond.

126. On May 5, 2010, the Director mailed to respondent notice of investigation of a complaint files by Vernon Stordahl. The notice requested respondent to provide his

complete written response within 14 days of the date of the notice. Respondent failed to respond.

127. By letter dated May 7, 2010, the Director advised respondent that the Director had received no response to the Viall complaint and requested respondent to provide at that time and in writing the information, and the documents, requested in the notice of investigation.

128. By letter received by the Director on May 10, 2010, and postmarked May 7, 2010 (although dated May 5, 2010), respondent claimed that the material requested in the notice of investigation of the Viall complaint was "confidential" and that to provide any of the requested material "would be in conflict of the rules."

129. By letter dated May 12, 2010, the Director advised respondent that Rule 25, RLPR, and Rule 8.1(b), MRPC, impose on a lawyer a duty to respond to requests for information and documents about complaints under investigation and that these rules, that Rule 1.6(b)(8), MRPC, allows a lawyer to provide confidential information in response to a disciplinary complaint, and therefore there is not a basis upon which a lawyer may refuse to provide information and documents from a client's file in response to a complaint filed by that client based on claimed confidentiality. That May 12 letter also requested respondent to provide at that time and in writing the information, and the documents, requested in the notice of investigation of the Viall complaint. Respondent failed to respond.

130. On May 17, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Angela Wink. The notice requested respondent to provide in writing the information, and the documents, requested in the notice within 10 days of the date of the notice. Respondent failed to respond.

131. By letter dated May 20, 2010, the Director advised respondent that the Director had received no response to the Viall complaint or further communication from respondent about the matter; requested respondent to provide at that time and in

writing the information, and the documents, requested in the notice of investigation; and advised respondent that the failure to cooperate with the Director's investigation of a matter, including the failure to provide requested information and documents, can constitute a separate ground for disciplinary action.

132. By letter dated May 20, 2010, the Director advised respondent that the Director had received no response to the Stordahl complaint and requested respondent to provide at that time his complete written response as requested in the notice of investigation. Respondent failed to respond.

133. On May 27, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Kari Russell (f/k/a Kari Ulanowski). The notice requested respondent to provide his complete written response to the complaint within 14 days of the date of the notice. Respondent failed to respond.

134. By letter dated May 28, 2010, the Director advised respondent that the Director had received no response to the Stordahl complaint and requested respondent to provide at that time his complete written response as requested in the notice of investigation. By letter sent by United Parcel Service on June 9, 2010 (although dated May 20, 2010), respondent provided his response.

135. By letter dated May 28, 2010, the Director advised respondent that the Director had received no response to the Wink complaint and requested respondent to provide at that time in writing the information, and the documents, requested in the notice of investigation. By letter postmarked June 7, 2010 (although dated May 25, 2010), respondent provided a response.

136. On May 28, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Frederick and Mary Casey and Temp Russell against respondent ("Casey complaint"). The notice requested respondent to provide his complete written response to the Casey complaint within 14 days of the date of the notice. Respondent failed to respond.

137. By letter postmarked June 8, 2010 (although dated May 25, 2010), respondent stated he would have his file from his representation of Viall, including billing statements, copied and sent to the Director. Respondent did not provide any of the information and documents requested in the notice of investigation.

138. By letter dated June 11, 2010, the Director advised respondent that the Director had received no response to the Russell complaint and requested respondent to provide at that time his complete written response as requested in the notice. By letter dated June 17, 2010, respondent provided his response to the complaint.

139. By letter dated June 14, 2010, the Director advised respondent that the Director had received no response to the Casey complaint and requested respondent to provide at that time his complete written response as requested in the notice of investigation. By letter dated June 17, 2010, respondent provided his response to the complaint.

140. Respondent's conduct violated Rule 8.1(b), Minnesota Rules of Professional Conduct (MRPC), and Rule 25, RLPR.

NINTH COUNT

Frivolous Claims, Violations of Court Rules - *Ulanowski v. Ulanowski* Matter

141. Respondent was a party to a marital dissolution proceeding involving his then-wife, Kari Russell. On February 17, 2006, the court issued findings of fact, conclusions of law, order for judgment and judgment and decree ("judgment and decree"), thereby dissolving the parties' marriage. The judgment and decree reserved, among others, the issues of child support and spousal maintenance.

142. By order dated April 12, 2007, and filed on April 17, 2007, the court determined the reserved issues of child support and spousal maintenance.

143. Respondent served and filed a motion to amend the April 17, 2007, order.

144. Minn. Gen. R. Prac. 303.01 provides, "All motions shall be accompanied by either an order to show cause or by a notice of motion which shall state, with

particularity, the time and place of the hearing and the name of the judge, referee, or judicial officer, as assigned by the local assignment clerk."

145. Respondent's motion failed to comply with Minn. R. Gen. Prac. 303.01. The motion did not include a notice of hearing and failed to include a time and place for the hearing. The court advised respondent that his motion was deficient.

146. Respondent thereafter served and filed a July 11, 2007, motion to amend the April 12, 2007, order. Respondent later served and filed an October 18, 2007, amended motion.

147. Minn. R. Civ. P. 52.02 and 59.03 require a motion for amended findings to be brought within 30 days after a party serves notice of filing of the challenged order and to be heard within 60 days after a party serves the notice of filing.

148. Respondent's July 2007 motion and October 2007 amended motion were untimely. They were served more than 30 days after service of the notice of filing of the April 17, 2007, order and heard more than 60 days after service of the notice of filing.

149. By order filed January 11, 2008, the court denied respondent's motion. The court noted respondent's failure in the original motion to amend to comply with the General Rules of Practice, found that both the motion to amend and the amended motion were untimely, noted that respondent did not identify any legal and factual basis for the requested amended order, and sanctioned respondent $1,500.

150. Respondent appealed the April 17, 2007, and January 11, 2008, orders. By order filed April 22, 2008, the Court of Appeals dismissed respondent's appeal as premature because final judgment had not been entered, and stated that respondent could file a proper appeal from the final judgment.

151. On November 24, 2008, the district court issued an order directing the court administrator to enter judgment on the April 17 order. On December 1, 2008, judgment was entered.

152. On or about January 2, 2009, respondent served and filed a notice of motion and motion for amended findings, together with supporting documentation. This motion sought to amend the November 24, 2008, order (which directed entry of judgment based on the April 17, 2007, order but did not change any of the terms of that order).

153. As noted above, Minn. R. Civ. P. 52.02 and 59.03 require a motion for amended findings to be served within 30 days, and to be heard within 60 days, after a party serves a notice of filing of the challenged order.

154. Respondent's January 2009 motion was untimely. It was served more than 30 days after service of the notice of filing and heard more than 60 days after service of that notice.

155. By order filed March 31, 2009, the district court denied respondent's motion to amend, noted the motion was untimely and found:

> Respondent's motion for amended findings was not made in good faith. He provided no legal basis to support his motion; it was a mere recitation of his former motion, which had been previously denied.
>
> Respondent's motion to amend unreasonably and unnecessarily contributed to the expense and length of this proceeding.

156. The court sanctioned respondent $1,500 and ordered him to pay the sanction within 30 days of the date of the order.

157. On May 27, 2009, respondent appealed the March 31 order. In that appeal, respondent raised issues from the April 17, 2007, and January 11, 2008, orders.

158. Minn. R. Civ. App. P. 104.01, subdivs. 1, 2, requires an appeal to be taken within 60 days of the date of entry of judgment.

159. Respondent's appeal was untimely. Judgment was entered on December 1, 2008. Respondent did not appeal until May 2009.

160. The Court of Appeals dismissed the appeal. By order dated November 4, 2009, the Court of Appeals held that respondent was "precluded from challenging the

April 17, 2007, and January 11, 2008, orders because [respondent] did not file a timely appeal after entry of judgment on December 1, 2008." The Court of Appeals found that respondent's efforts to appeal the attorney's fees award in the March 31, 2009, order had to be dismissed because that order was not appealable.

161. Respondent's conduct violated Rules 3.1, 3.2, 3.4(c), 4.4 and 8.4(d), MRPC.

TENTH COUNT

Misrepresentations to Court - Casey & Russell Matter

162. In or about May 2008, respondent's former spouse, Kari Russell, filed a petition for an order for protection (OFP) against respondent. On or about May 16, 2008, respondent filed for an OFP against Kari. That same day, respondent filed separate petitions for an OFP against her then-boyfriend (and now husband) Temp Russell.

163. In the Petition for Order for Protection and Affidavit of Petitioner that respondent signed under oath and filed with the court stated seeking an OFP against Temp Russell, respondent stated:

> Petitioner's [Lawrence Ulanowski's] name is Kari Ann Casey.
>
> * * *
>
> My relationship with respondent [Temp Russell] is that he is the boyfriend of my former spouse.

164. The statement that petitioner's name was Kari Casey was false. Respondent was the petitioner.

165. On or about May 16, 2008, respondent filed a separate petition for an OFP against Frederick Casey. In the Petition for Order for Protection and Affidavit of Petitioner that respondent signed under oath and filed with the court seeking an OFP against Frederick Casey, respondent stated:

> Petitioner's name is Kari Ann Casey.
>
> * * *

My relationship with Respondent is that he is the boyfriend of my former spouse.

166. These statements were false. Respondent was the petitioner, Frederick Casey was the respondent, and Kari was not a party to that proceeding. Frederick Casey was not Kari's boyfriend; he is Kari's father.

167. Also on or about May 16, 2008, respondent filed a separate petition for an OFP against Mary Casey. In the Petition for Order for Protection and Affidavit of Petitioner that respondent signed under oath and filed with the court seeking an OFP against Mary Casey, respondent stated:

Petitioner's name is Kari Ann Casey.

* * *

My relationship with Respondent is that he is the boyfriend of my former spouse.

168. These statements were false. Respondent was the petitioner, Mary Casey was the respondent, and Kari was not a party to that proceeding. Mary Casey was not Kari's boyfriend; she is Kari's mother.

169. Each of the petitions for an OFP was dismissed or withdrawn.

170. Respondent's conduct violated Rules 3.3(a)(1), 4.1, 4.4 and 8.4(c) and (d), MRPC.

## ELEVENTH COUNT

### Failure to Act With Diligence, Failure to Communicate - Viall Matter

171. In or about September 2006, Ray J. Viall retained respondent for representation in connection with the estate of Viall's father. In December 2006, Viall was appointed personal representative of the estate.

172. As set forth in the eighth count, above, despite multiple requests respondent has failed to provide information and documents relating to his representation of Viall. Upon information and belief, from January through July 2007,

respondent failed to take action on the matter and failed to communicate with Viall, other than to send one letter.

173. On or about July 20, 2007, the court issued a notice to Viall advising Viall that the final accounting was due.

174. Respondent thereafter filed an inventory. On or about October 15, 2007, the inventory was returned to respondent because the figures respondent listed on the inventory did not add up.

175. In April 2008, Viall discharged respondent as counsel.

176. Respondent's conduct violated Rules 1.3, 1.4, 3.2, and 8.4(d), MRPC.

TWELFTH COUNT

Failure to Communicate, Failure to Return Original Client Documents - Stordahl Matter

177. Respondent represented Vernon Stordahl and the other plaintiffs in a civil litigation matter (*see* Supplemental Petition for Disciplinary Action ¶¶ 104-116). Stordahl was the primary contact between the plaintiffs and respondent.

178. In the spring of 2009, respondent advised opposing counsel that he would recommend his clients agree to settle the matter on certain terms. Opposing counsel subsequently advised respondent that those terms were acceptable to his clients.

179. Respondent failed to advise Stordahl that opposing counsel had stated that his clients agreed to the proposal respondent had made.

180. In or about late 2009 or early 2010, respondent's representation ended. After the final hearing in the matter, Stordahl had requested respondent to return to Stordahl the original documents Stordahl had provided to respondent. Respondent copied the entire file and billed Stordahl for the copy costs. Respondent did not return any original documents.

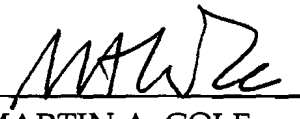
181. On multiple occasions in January 2010, Stordahl requested respondent to communicate. Among other things, Stordahl sought a refund and return of the original

documents. Respondent failed to respond, failed to provide a refund and failed to return any original documents.

182. Respondent's conduct in the Stordahl matter violated Rules 1.4(a)(1), and 1.16(d), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent from the practice of law 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: June 24, 2010.



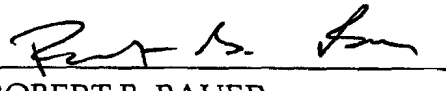
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and

TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

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

Dated: 6/28, 2010.



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