

FILE NO. \_\_\_\_\_

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.  
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**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 December 20, 2001. As set forth more fully below, respondent is currently suspended from the practice of law. He most recently practiced in Brainerd, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

- A. On April 21, 2008, respondent was issued an admonition for violating Rule 1.16(g), MRPC.
- B. On August 3, 2011, the Supreme Court indefinitely suspended respondent from the practice of law for a minimum of one year, effective August 17, 2011, for violating Rules 1.4(a)(1), 1.16(d), 3.1, 3.3(a)(1), 3.4(c), 4.1, 4.4(a),

8.4(c) and (d), MRPC, and Rule 25, RLPR. Respondent has remained suspended thereafter.

- C. On August 8, 2011, respondent was issued an admonition for violating Rule 8.4(d), MRPC.
- D. On August 8, 2011, respondent was issued a separate admonition for violating Rules 1.3, 1.4, 1.5(b), 5.3, and 8.4(d), MRPC.
- E. On October 5, 2011, respondent was issued an admonition for violating Rules 1.3, 1.16(d), 8.1(b), MRPC, and Rule 25, RLPR.

#### FIRST COUNT

##### Failure to Communicate With Client, Failure to Refund Unearned Funds - Korpi Matter

1. On May 21, 2010, Sherry Mae Korpi retained respondent to represent her in a personal bankruptcy matter. The retainer agreement required Korpi to pay to respondent a \$1,200 flat fee retainer and an additional \$299 for bankruptcy filing fees.

2. Respondent and Korpi agreed to a payment plan by which Korpi would make an initial \$800 payment towards the \$1,200 retainer fee, and thereafter make monthly payments until the retainer was paid in full.

3. By March 9, 2011, Korpi had paid to respondent \$1,449. Construed most favorably to respondent, this constituted payment in full of the retainer plus \$249 for the filing fees. Respondent did not then prepare and file Korpi's bankruptcy petition.

4. By letter dated April 1, 2011, respondent informed Korpi that the retainer fee would need to be paid in full by July 1, 2011, for respondent to complete Korpi's petition.

5. By letter dated June 8, 2011, respondent notified Korpi that respondent had extended the payment deadline to October 1, 2011, allowing Korpi more time to obtain the balance of the retainer fee.

6. On August 3, 2011, the Supreme Court suspended respondent from the practice of law for a minimum of one year, effective August 17, 2011. At the time of respondent's suspension, respondent had not filed Korpi's bankruptcy petition.

7. By letter dated August 10, 2011, respondent notified Korpi of his suspension, directing Korpi to contact respondent's office in order to retrieve her file and any balance that remained in respondent's trust account.

8. On multiple occasions thereafter, Korpi attempted to contact respondent by telephone, email and fax to request respondent to refund her retainer and unused filing fee. To date, respondent has not responded to any of Korpi's communications.

9. On or about November 2, 2011, Korpi filed a complaint with the Director alleging respondent's failure to return the funds she paid to respondent and failure to respond to her efforts to communicate with him.

10. On November 10, 2011, the Director mailed to respondent notice of investigation. Respondent failed to respond.

11. By letter dated December 20, 2011, the Director advised respondent that the Director had received no response to the notice of investigation and requested respondent to provide at that time the information and the documents requested in the notice of investigation. Respondent failed to respond.

12. Respondent has failed to refund any portion of the retainer.

13. Respondent has failed to refund the money respondent received and was to hold and apply toward filing fees. Because respondent has failed to cooperate with the disciplinary investigation of this matter, the Director has been unable to determine whether respondent deposited and has retained those funds in a client trust account. If respondent did not do so, that conduct would constitute misappropriation. *See In re Isaacs*, 451 N.W.2d 209, 211 (Minn. 1990) ("Misappropriation occurs whenever funds belonging to a client are not kept in trust and are used for any purpose other than that specified by the client").

14. Respondent's conduct violated Rules 1.4(a)(4), 1.15(c)(4), and 1.16(d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Failure to Refund Unearned Funds,

Failure to Satisfy Law-Related Judgment - Patrick Matter

15. Floyd Patrick retained respondent to represent him in a personal bankruptcy matter. There was no written retainer agreement. Respondent and Patrick agreed that Patrick would pay to respondent a flat fee of \$1,400.

16. Respondent and Patrick agreed that Patrick could make payments of the retainer fee over time.

17. By August 10, 2011, Patrick had paid to respondent \$800.

18. As noted above, on August 3, 2011, the Supreme Court suspended respondent from the practice of law for a minimum of one year, effective August 17, 2011. At the time of respondent's suspension, respondent had not filed Patrick's bankruptcy petition.

19. By letter dated August 10, 2011, respondent notified Patrick of his suspension, directing Patrick to contact respondent's office to retrieve his file and any balance that remained in respondent's trust account.

20. Patrick attempted to contact respondent to refund his retainer. Respondent failed to respond to any of Patrick's communications and failed to refund any of the retainer.

21. On or about September 9, 2011, Patrick filed a conciliation court claim against respondent. Respondent did not appear for the hearing.

22. The court awarded Patrick \$875, representing the \$800 Patrick paid to respondent plus \$75 for filing fees and costs.

23. To date, respondent has paid none of the judgment.

24. Respondent's conduct violated Rules 1.16(d) and 8.4(d), MRPC.

THIRD COUNT

Failure to Cooperate

25. On November 10, 2011, the Director mailed to respondent notice of investigation of Korpi's complaint against respondent. The notice requested respondent to provide his complete written response to the complaint and his file from his representation of Korpi within 14 days of the date of the notice. Respondent failed to respond.

26. By letter dated December 20, 2011, the Director advised respondent that the Director had received none of the information or documents requested in the notice of investigation of Korpi's complaint and requested respondent to provide at that time the information and documents requested in the notice. The Director received no response.

27. The notice of investigation and December 20 letter regarding the Korpi matter were sent to 603 Oak Street, Brainerd, MN 56401. This at all times material has been respondent's address of record with the Minnesota Attorney Registration System.

28. By letter dated January 13, 2012, the Director advised respondent that the Director had received none of the information or documents requested in the notice of investigation of Korpi's complaint and no response to the Director's December 20 letter. The Director's January 13 letter requested respondent to provide at that time the information and documents requested in the notice of investigation. The Director's January 13 letter was sent to respondent's address of record and to 509 Linden Lane, Brainerd, MN 56401. The Director had learned that this is respondent's residence address. Respondent failed to respond.

29. On January 19, 2012, the Director mailed to respondent notice of investigation of Patrick's complaint against respondent. The notice requested respondent to provide his complete written response to the complaint and his file from

his representation of Patrick within 14 days of the date of the notice. The notice of investigation was sent to respondent's address of record and to his residence address.

30. On January 26, 2012, the copy of the notice of investigation of Patrick's complaint sent to respondent's address of record was returned by the post office. The envelope contained printed and handwritten notations, "Unclaimed."

31. On January 30, 2012, the copy of the Director's January 13 letter regarding the Korpi matter that was sent to respondent at his residence address was returned by the post office. The envelope contained the notations, "RETURN TO SENDER," "REFUSED" and "UNABLE TO FORWARD." The envelope also contained handwritten notes which read, "Return to Sender attn Martin Cole & Tim Burke" and "Refused."

32. Also on January 30, 2012, the Director's December 20 letter to respondent regarding the Korpi matter was returned by the post office. The envelope contained the notations, "RETURN TO SENDER," "UNCLAIMED" and "UNABLE TO FORWARD."

33. On January 30, 2012, the copy of the notice of investigation of Patrick's complaint sent to respondent's residence address was returned by the post office. The envelope contained the notation, "REFUSED." The envelope contained handwriting which stated, "Return to Sender Attn: Martin Cole & Tim Burke" and "Refused."

34. On February 24, 2012, the copy of the Director's January 13 letter regarding the Korpi matter that was sent to respondent at his address of record was returned by the post office. The envelope contained the notations, "RETURN TO SENDER," "UNCLAIMED" and "UNABLE TO FORWARD."

35. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court disbarring or further 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 19, 2012.

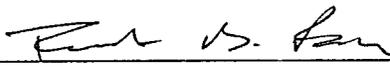
  
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MARTIN A. COLE  
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and

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

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

Dated: 4/30 , 2012.

  
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ROBERT B. BAUER  
PANEL CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD