

FILE NO. A10-819

OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

NOV 29 2010

IN SUPREME COURT

FILED

In Re Petition for Disciplinary Action
against LAWRENCE WALTER ULANOWSKI,
a Minnesota Attorney,
Registration No. 316015.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
FOR DISCIPLINE**

The above-captioned matter was heard on September 30 and October 1, 2010, by the undersigned acting as Referee by appointment of the Minnesota Supreme Court. Timothy M. Burke appeared on behalf of the Director of the Office of Lawyers Professional Responsibility (Director). Respondent Lawrence Walter Ulanowski appeared *pro se* and was personally present throughout the proceedings. The hearing was conducted on the Director's March 30, 2010, petition for disciplinary action, April 26, 2010, supplementary petition for disciplinary action and July 26, 2010, amended second supplementary petition for disciplinary action.

The Director presented the live testimony of Patricia Aanes, Frederick Casey, Sara Imgrund, Krista Hubbard, Patrick King, Jennifer Nepper, Kari Russell, Vernon Stordahl, Anne Swanson and Tifanne Wolter. By agreement of the parties the Director presented the affidavit testimony of Valerie Drinane, Gary Fuchs and Cynthia Peerman. Mr. Ulanowski testified at the hearing. By agreement of the parties Mr. Ulanowski presented the affidavit testimony of Sue DeBoer, Jill Dumpprope, Ray Graf, Jonathan Kleck, Heidi Olson, Paul Osborne, Jenna Smith and Ann Stricker. Both parties submitted exhibits.

Each party was directed to submit a brief on or before October 15, 2010. The Director was instructed to submit proposed findings of fact, conclusions of law and

recommendation for appropriate discipline and a brief. Mr. Ulanowski was directed to submit any proposed changes to the Director's proposed findings, conclusions and recommendation on or before October 22, 2010. The Director was instructed to submit any proposed findings, conclusions and recommendation in reply on or before October 29, 2010. The Referee's findings of fact, conclusions of law and recommendation are due to the Supreme Court no later than December 9, 2010.

In his answers to the petitions for disciplinary action ("R. ans.") and in his admit/deny response to all petitions for disciplinary action ("R. admit/deny"), respondent admitted certain factual allegations, denied others, and denied any intentional rule violations. The findings and conclusions made below are based upon respondent's admissions, the documentary evidence the parties submitted, the testimony presented, the demeanor and credibility of respondent and the other witnesses as determined by the undersigned and the reasonable inferences to be drawn from the documents and testimony. If respondent admits a particular factual finding made below, then even though the Director may have provided additional evidence to establish the finding, no other citation will necessarily be made. For each factual finding made below, the undersigned evaluated the relevant documents and testimony, accepted as credible the testimony consistent with the finding and did not accept the testimony inconsistent with the finding.

Based upon the evidence as outlined above, and upon all of the files, records and proceedings herein, the Referee makes the following:

FINDINGS OF FACT

1. Respondent was admitted to practice law in Minnesota on December 20, 2001. Respondent began the full-time practice of law in 2005 (R. test.).

Misrepresentations to Court, Frivolous Claim and Harassment – Hubbard Matter

2. Respondent was a personal friend or acquaintance of Krista and Eric Hubbard until the Hubbards' marriage was ending (Hubbard test.; Ex. 2, p. 8, ¶ 10). During this time, respondent assisted one or both of the Hubbards with various legal matters (Ex. 2, p. 8, ¶ 11; R. admit/deny, ¶ 1). When the Hubbards purchased property, respondent prepared the necessary paperwork (Hubbard test.).

3. When the Hubbards wanted to form an entity to own property they were considering purchasing, respondent advised on what type of entity could own real estate, and advised that a limited liability company (LLC) was best (R. admit/deny, ¶ 2; Ex. 2, ¶¶ 11-12). Ultimately, property was purchased (R. admit/deny, ¶ 2; Ex. 2, ¶¶ 11-12). Respondent prepared the paperwork to convert the property from a resort to an association (R. admit/deny, ¶ 2; Ex. 2, ¶¶ 11-12; Hubbard test.).

4. In October 2007, the Hubbards began a marital dissolution proceeding (Hubbard test.; Aanes test.; R. admit/deny, ¶ 3). The matter was venued in Crow Wing County (Ex. 1; Hubbard test.; Aanes test.; R. admit/deny, ¶ 3). Respondent represented Eric (Hubbard test.; Aanes test.; R. admit/deny, ¶ 3; *see also* Ex. 5).

5. On or about October 29, 2007, Krista's counsel served and filed a temporary motion which, among other things, requested the court to disqualify respondent as counsel for Eric (Ex. 1, p. 3, ¶ 16; Aanes test.; R. admit/deny, ¶ 4). After a motion hearing on the issue was conducted but before the court ruled, respondent withdrew from representation of Eric (Aanes test.; R. admit/deny, ¶ 4).

6. Respondent thereafter resumed representation of Eric (Aanes test.; R. admit/deny, ¶ 5).

7. On or about April 1, 2008, Krista's counsel served and filed a motion and supporting paperwork to have respondent disqualified as counsel (Exs. 3-4; Aanes test.). Respondent filed responsive paperwork (Exs. 5-6; R. admit/deny, ¶ 6; Aanes test.).

8. By order filed July 3, 2008, the court disqualified respondent as counsel for Eric (Ex. 7; Aanes test.; Hubbard test.; R. admit/deny, ¶ 7). Respondent then ceased representation of Eric (Aanes test.; Hubbard test.; R. admit/deny, ¶ 7).

9. On or about October 9, 2008, respondent, acting *pro se*, commenced an action against Krista (Ex. 9; Hubbard test.; Aanes test.; R. admit/deny, ¶ 8).

10. In the complaint respondent stated, "Plaintiff [respondent] is the attorney of record, acting on behalf of all property owners involved with Dellwater Estates, Inc., regarding the subject property located in Beltrami County, Minnesota." (Emphasis added.) (Ex. 9, p. 1, ¶ 1.) This statement was false. One of the property owners involved with Dellwater Estates, Inc. was Krista (Hubbard test.). Two of the other property owners were Krista's mother and father (Hubbard test.). Neither Krista nor her parents had authorized respondent to act on their behalf in respondent's lawsuit against Hubbard (Hubbard test.). Respondent knew this statement was false when he served and filed the complaint. His assertion and defense that he was acting on behalf of all of the owners to complete the association paperwork and prevent multiple quiet title actions is not credible and irrelevant.

11. Throughout the period respondent brought and pursued his lawsuit against Krista, respondent knew the requirements of Minn. R. Civ. P. 11 (R. test.).

12. Respondent commenced the action to compel Krista to sign a deed (Ex. 9, p. 4; Aanes test.; Hubbard test.; R. test.; R. admit/deny, ¶ 10). Respondent's lawsuit was frivolous. Respondent had no real interest in the property at issue and therefore no standing (Ex. 24, p. 2; R. test.).

13. Additionally, when respondent had previously represented Eric in the Hubbards' dissolution, respondent had made a motion for this relief, which the court did not grant (Ex. 9, p. 3, ¶ 11; Ex. 11, p. 2, ¶ V; Aanes test.; R. admit/deny, ¶ 11).

14. Respondent venued his *pro se* action against Krista in Beltrami County (Ex. 9, p. 1; Ex. 17, p. 1, ¶ 4; R. admit/deny, ¶ 12). He says that he did this because the

property in question was located in Beltrami County. Both Krista and respondent, however, resided in Crow Wing County (Ex. 10; Ex. 17, p. 1, ¶ 4; Hubbard test.; R. admit/deny, ¶ 12). The Hubbards' dissolution proceeding was also venued in Crow Wing County (Ex. 17, p. 1, ¶ 4; Ex. 10; R. admit/deny, ¶ 12).

15. By letter dated November 24, 2008, respondent asked Krista's counsel, Patricia Aanes, to contact respondent about rescheduling the hearing on the request for a change of venue, then scheduled for January 5, 2009 (Ex. 12; R. admit/deny, ¶ 13).

16. By letter dated November 26, 2008, Krista's counsel replied. Respondent received this letter on December 1, 2008. (Ex. 13; R. admit/deny, ¶ 14.)

17. In a letter to the court the day after respondent received the letter from Krista's counsel, respondent stated, "I contacted opposing counsel by letter dated November 24, 2008, informing her of my scheduling conflict with January 5, 2009. To date, I have not received a response from opposing counsel" (Ex. 15.) This statement was false. Respondent had received a response from opposing counsel the previous day (Ex. 13). He states he had not seen or reviewed the letter even it was received in his office. He should have. Respondent knew or should have known that this statement was false when he sent the letter (Ex. 15) to the court and opposing counsel.

18. By letter dated December 16, 2008, respondent stated to Krista's counsel, "I do not represent anyone in this transaction" (Ex. 16, p. 2.) This statement was inconsistent with respondent's statement in his complaint (Ex. 9) that he was "acting on behalf of all property owners involved with Dellwood Estates." (See ¶ 9, above.)

19. Krista's counsel served and filed a demand for change of venue to Crow Wing County (Ex. 17, p. 1, ¶ 2; R. admit/deny, ¶ 17). By order filed January 29, 2009, the court granted the request to change venue to Crow Wing County (Ex. 17, p. 2; R. admit/deny, ¶ 17).

20. Respondent continued to pursue this action against Krista, now venued in Crow Wing County (Ex. 24; R. admit/deny, ¶ 18).

21. Krista's counsel requested the court to dismiss the action (Aanes test.). In connection with his opposition to the motion, respondent drafted, served and filed an Affidavit of Veronica Ulanowski (respondent's mother), dated March 25, 2009 (Exs. 19-21; Aanes test.). His attempts to disavow the affidavit are not credible. The affidavit stated in pertinent part, "I [Veronica Ulanowski] own Unit 3 within the Dellwater Estates property" (Ex. 19, p. 1, ¶ 1; Ex. 20, p. 1, ¶ 1.) This statement was false. In March 2009, that property was owned by Mark and Shelly Tibbets (Ex. 23). Respondent either personally or in his office had caused to be drafted the deed by which Ms. Ulanowski had quit claimed her interest in the property to the Tibbets (Ex. 22). Respondent knew or should have known this statement was false when he served and filed the Affidavit of Veronica Ulanowski.

22. By order filed April 21, 2009, the court dismissed respondent's lawsuit and stated, "The Court finds that the Plaintiff [respondent] does not have standing to bring an action against the Defendant [Krista] since he has no real interest in the property." (Ex. 24, p. 2; R. admit/deny, ¶ 20.)

23. Respondent knowingly failed to comply with Minn. R. Civ. P. 11 by bringing and pursuing this frivolous claim.

24. On multiple occasions during the matter, respondent made statements to Krista's counsel that were with no substantial purpose and were harassing and insulting (Aanes test.):

- September 22, 2008: "It appears that both you and your client cannot understand" (Ex. 25.)
- December 16, 2008: "It appears that you and your client fail to comprehend" (Ex. 16.)

- January 9, 2009: "It is again apparent that you do not understand" "For some reason something this simple cannot even be understood by you" "It is beyond my understanding why this simple matter cannot be comprehended." (Ex. 26.)
- February 24, 2009: "Be advised that you may get further in your career by educating yourself on subject matters or, alternatively, not practicing in areas of law which you are not familiar with." (Ex. 27.)
- March 27, 2009: "It behooves me how something this simple cannot be understood by someone such as yourself." (Ex. 28.)

He also became confrontational, hostile and personalized matters. Counsel felt threatened by him when she interacted with him. He once threatened someone in the courtroom and then whispered to her (counsel), "you're next". (Aanes test.)

Improper Withdrawal – Imgrund Matter

25. In August 2008, Jesse Imgrund retained respondent to represent him in a pending marital dissolution proceeding (Ex. 29; S. Imgrund test.; R. admit/deny, ¶ 23).

26. When Imgrund retained respondent, Imgrund signed a retainer agreement which required Imgrund to (1) pay a \$2,000 retainer to respondent at the start of representation, (2) replenish the retainer when the retainer balance fell below \$1,000, and (3) replenish the retainer to at least \$4,000 four weeks before trial (Ex. 29; R. admit/deny, ¶ 24). Imgrund paid the \$2,000 retainer when he retained respondent (Ex. 30; R. admit/deny, ¶ 24).

27. As respondent knew, the Imgrund dissolution and child custody issues were complex (Ex. 33). There was a related Child in Need of Protective Services ("CHIPS") proceeding (Ex. 49, p. 1). In February 2005 Imgrund had suffered a mild traumatic brain injury in an automobile accident (S. Imgrund test.). As a result, Imgrund suffered from changes in attention, diminished memory, slower speed of mental processing, changes in judgment and decision making, increased distractibility, problems with language expression, problems with comprehension, and "flooding"

(becoming easily overwhelmed) (S. Imgrund test.; Ex. 48; Ex. 49, pp. 6-7). Respondent was aware that Imgrund had these problems (S. Imgrund test.).

28. By letter dated September 2, 2008, respondent sent a bill to Imgrund in the amount of \$2,199 and told Imgrund that, for respondent to "properly prepare and represent" Imgrund at a September 8, 2008, hearing, Imgrund had to pay the bill and replenish the retainer to \$1,000 by September 5, 2008 (Ex. 31; R. admit/deny, ¶ 26). Respondent appeared at the September 8 hearing (R. admit/deny, ¶ 26).

29. On September 17, 2008, Imgrund paid \$3,199 to respondent (Ex. 32; R. admit/deny, ¶ 27).

30. By letter dated October 1, 2008, respondent told Imgrund that for respondent to appear at a hearing scheduled for October 27, 2008, Imgrund had to pay the outstanding bill and replenish the retainer to \$3,000 by October 24, 2008 (Ex. 23; R. admit/deny, ¶ 28). The requested retainer amount exceeded the amount required by the retainer agreement (Exs. 29, 33; R. admit/deny, ¶ 28). Respondent's letter also stated that at least four weeks before the January 8, 2009, trial date (i.e., by December 11, 2008), Imgrund had to pay to respondent the outstanding balance of the bill at that time, and replenish the retainer to \$5,000 (Ex. 33; R. admit/deny, ¶ 28). Respondent stated, "Due to the complexity of your custody matter a larger retainer is requested for the upcoming months as I prepare for upcoming hearings and trail [sic] preparation." (Ex. 33; R. admit/deny, ¶ 28.)

31. On October 13, 2008, Imgrund's mother paid \$7,545.52 to respondent (Ex. 34; R. admit/deny, ¶ 29). On October 24, 2008, Imgrund's mother paid \$2,000 to respondent (Ex. 36; R. admit/deny, ¶ 29).

32. On November 14, 2008, Imgrund paid \$3,000 to respondent (Ex. 38; R. admit/deny, ¶ 30).

33. By letter dated December 2, 2008, respondent told Imgrund to pay the outstanding bill and to replenish the retainer to \$15,000 before a hearing scheduled for December 15, 2008 (Ex. 39; R. admit/deny, ¶ 31).

34. By letter dated December 9, 2008, respondent again told Imgrund to pay the outstanding bill and to replenish the retainer to \$15,000 on or before December 15, 2008 (Ex. 40; R. admit/deny, ¶ 32).

35. By email dated December 12, 2008, respondent's paralegal asked Imgrund, "Can you get some money to us today?" (Ex. 41; R. admit/deny, ¶ 33.)

36. On or about December 12, 2008, Imgrund paid to respondent \$3,000 (Ex. 42; R. admit/deny, ¶ 34). As of that date, Imgrund (directly or with his mother's assistance) had paid more than \$20,000 to respondent (Exs. 30, 32, 34, 36, 38, 42; R. admit/deny, ¶ 34).

37. Respondent appeared at the December 15 hearing (R. admit/deny, ¶ 35).

38. During a December 15, 2008, conversation, and confirmed in a December 16, 2008, letter from respondent to Imgrund and in a December 16, 2008, email from respondent's paralegal to Imgrund, respondent told Imgrund that respondent would withdraw from representation unless: (1) Imgrund paid \$4,000 on or before December 19, 2008; (2) Imgrund's parents listed 40 acres of property they owned in or around Bemidji, Minnesota, as collateral for the remaining balance; and (3) the remaining balance was paid by December 31, 2008 (Exs. 43-44; R. admit/deny, ¶ 36). Respondent also told Imgrund that Imgrund had to confirm this arrangement on or before December 17, 2008, or respondent would withdraw from representation (Exs. 43-44; R. admit/deny, ¶ 36).

39. Through a December 18, 2008, email from respondent's assistant to Imgrund, respondent reminded Imgrund to confirm the payment plan that same day or else respondent would withdraw from representation (Ex. 45; R. admit/deny, ¶ 37).

40. On December 19, 2008, respondent withdrew from representation (Ex. 47; R. admit/deny, ¶ 38). Trial was scheduled to begin on January 8, 2009 (Exs. 33, 49; R. admit/deny, ¶ 38).

41. Imgrund proceeded *pro se* at the trial (Ex. 49, p. 1). The trial lasted four days (Ex. 49, p. 1).

Improper Threat of Criminal Prosecution - Nepper Matter

42. In or about December 2006, respondent's firm began to represent Jenna Nepper in a marital dissolution proceeding (Nepper test.). Although an associate in respondent's firm had primary responsibility for representation, respondent was involved in the representation and provided legal advice on multiple issues. (Nepper test.; R. admit/deny, ¶ 41.)

43. After representation ended, Nepper made statements about respondent's personal conduct outside the practice of law and unrelated to either respondent's representation of Nepper or respondent's claim for fees Nepper allegedly owed (Ex. 51; R. admit/deny, ¶ 42; *see also* Exs. 50, 52).

44. By letter dated November 18, 2008, to Nepper's counsel in the fee dispute, respondent stated (Ex. 51):

I would like to see if your client is willing to resolve the outstanding legal bill that she has with my firm that is now in excess of \$40,000.00. Please be aware that \$30,000.00 is her outstanding legal bill and approximately \$10,000.00 has been accrued since the Rule 68 Offer of Judgment as the Rule has changed effective July 1, 2008. If your client does not agree to pay me the \$40,000.00 owed for legal fees and retract from all sources her statements about me and more specifically about my children, I will consult with counsel about pursuing criminal charges against Ms. Nepper. Please be aware that I need a response by November 26, 2008 or I will assume that no response means no acceptance and I will proceed forward on the criminal charges against your client.

The statements to which respondent referred were unrelated to respondent's prior representation of Nepper and were unrelated to the fee dispute (Exs. 50-52; Nepper

test.). Respondent's statement was therefore made for no substantial purpose and was harassing and burdensome.

Do Not Work Policy

45. Respondent instituted for his firm a "Do Not Work" policy (Swanson test.; Wolter test.). Clients who were delinquent on their bills, or who had not replenished their retainers, would be put on a list (Swanson test.; Wolter test.; Exs. 56-62). At respondent's instruction, lawyers and non-lawyers in respondent's firm were not to work or were to minimize work on these clients' active matters until the delinquency was rectified (Swanson test.; Wolter test.; Exs. 56-62). Ms. Swanson, a legal assistant, felt she would be fired if she worked on such files. Ms. Wolter, an attorney, felt frustrated and upset by the policy. She had been instructed not to do work even if something was pending. However if the issue was brought up to the respondent he would allow her to do the work or she would just do it. She stated it was not a formal policy. (Wolter, test.)

Frivolous Claims, Violation of Court Rules, Failure to Inform Client of Settlement Offer,

Failure to Return Client Materials – Stordahl v. Brewer Matter

46. Respondent represented the plaintiffs in *Vernon M. Stordahl, et al. v. Gary R. Brewer, et al.*, a civil litigation matter (Stordahl test.; Ex. 63, p. 15; R. admit/deny, ¶ 104). Stordahl was the primary contact between the plaintiffs and respondent (Stordahl test.; R. admit/deny, ¶ 171).

47. The complaint contained five counts, each of which asserted a claim for an easement (Ex. 63; R. admit/deny, ¶ 105).

48. Throughout the period respondent represented Stordahl and the other plaintiffs, respondent knew the requirements of Minn. R. Civ. P. 11 (R. test.).

49. By letter dated February 27, 2009, counsel for Gary and Betty Brewer, two of the defendants, advised respondent that each of the claims against the Brewers in the

complaint was meritless, requested respondent to dismiss these claims, and advised respondent that, if he did not dismiss these claims, there would be a motion to dismiss and for sanctions (Ex. 64; R. admit/deny, ¶ 106).

50. Respondent did not dismiss any of these claims at that time (Ex. 66; Ex. 79, Affidavit of Gary A. Fuchs, pp. 3-4, ¶¶ 6-8; R. admit/deny, ¶ 107).

51. Respondent failed to advise Stordahl of a settlement offer made by opposing counsel (Stordahl test.).

52. On or about April 16, 2009, opposing counsel served on respondent a notice of intent to seek sanctions (Ex. 66; R. admit/deny, ¶ 108).

53. Opposing counsel served and filed a motion for judgment on the pleadings and summary judgment (Ex. 68). Respondent testified that during the motion hearing he was for the first time presented with the "dock agreement" and after review agreed to withdraw some of the claims (Ex. 75, p. 3, ¶ 1).

54. By amended order dated June 4, 2009, the court granted the motion, dismissed each count of the complaint and authorized the filing of "a post-judgment motion to seek recovery of attorneys' fees incurred . . ." (Ex. 75; R. admit/deny, ¶ 110.)

55. Opposing counsel served and filed a motion seeking sanctions (Exs. 79-80; R. admit/deny, ¶ 111).

56. By letter dated June 11, 2009, respondent requested the court to allow a motion to amend, for reconsideration and/or for rehearing (Ex. 76; R. admit/deny, ¶ 112). That letter request was denied (Ex. 77; R. admit/deny, ¶ 112).

57. On or about August 21, 2009, respondent served and filed a notice to remove the assigned judge, the Honorable David R. Battey (Ex. 82; R. admit/deny, ¶ 113). The request stated that it was made "pursuant to Rule 26.03 Subd. 13 (4) of Minnesota Criminal Procedure; Minnesota Rules of Civil Procedure, Rule 63.03; Minnesota Rules of Juvenile Protection Procedure, Rule 7; Minnesota Rules of Juvenile

Procedure, Rule 22; or Minnesota General Rules of Practice, Rules 106, 107.” (Ex. 82, notice to remove, p. 2; R. admit/deny, ¶ 113).

58. When respondent filed the notice to remove, respondent knew that this matter was not a criminal matter, was not a juvenile protection and was not a juvenile delinquency matter (R. test.).

59. When respondent filed the notice to remove, respondent was familiar with the requirements of Minn. R. Civ. P. 63.03 and Minn. R. Gen. Prac. 106 and 107 (R. test.).

60. The notice to remove was frivolous:

- The Minnesota Rules of Criminal Procedure did not apply to this civil matter (Ex. 91).
- The Minnesota Rules of Juvenile Protection Procedure did not apply to this civil matter (Ex. 93).
- The Minnesota Rules of Juvenile Procedure did not apply to this civil matter (Ex. 94).
- Minn. R. Gen. Prac. 107 did not apply to respondent’s notice to remove the assigned judge, because this rule deals with challenges to an assigned referee (Ex. 95, pp. 1-2). Respondent’s notice to remove did not seek to remove an assigned referee (Ex. 82).
- Minn. R. Gen. Prac. 106 did not apply to respondent’s notice to remove, because this rule applies to motions for removal of a judge for actual prejudice or bias (Ex. 95, p. 1). Respondent’s notice to remove did not seek to remove Judge Battey for bias or prejudice and did not set forth any fact to support such a claim (Ex. 82).
- Minn. R. Civ. P. 63.03 did not apply to respondent’s notice to remove because this rule requires that a notice to remove must “be served and filed within ten days after the party receives notice of which judge or judicial officer is to preside at the trial or hearing, but not later than the

commencement of the trial or hearing.” (Ex. 92.) Respondent’s notice to remove was filed approximately seven months after the matter was assigned to Judge Battey (Exs. 63A, 92).

- Minn. R. Civ. P. 63.03 also did not apply to this notice to remove because this rule further requires that a notice to remove must be filed before the start of a hearing on “a motion of any other proceeding of which the party had notice” (Ex. 92.) Respondent’s notice to remove was filed after Judge Battey had presided at multiple hearings of which respondent and his client had knowledge, and at which respondent appeared (Ex. 63A; Ex. 73, p. 2).

61. When respondent filed the notice to remove, respondent knew the notice was untimely and did not comply with the court rules cited in the preceding paragraph (R. test.). Respondents stated reason for filing the notice was that he believed Judge Battey was not being neutral and was biased. He did this intentionally with the hope that Judge Battey would recuse himself. (Ulanowski test.)

62. By order filed December 30, 2009, the court found each of respondent’s claims in the complaint lacked a legal basis, lacked a factual basis and was frivolous (Ex. 87; R. admit/deny, ¶ 115). The court sanctioned respondent, personally, \$10,859.50 (Ex. 87, p. 7). Respondent has paid \$85 (Fuchs Aff., ¶ 7). Respondent has filed a complaint against Judge Battey with the Minnesota Board on Judicial Standards. (Ulanowski test.)

63. Respondent knowingly failed to comply with Minn. R. Civ. P. 11 in filing and pursuing these frivolous claims.

64. In or about late 2009, respondent’s representation ended (Stordahl test.). At the time of the final hearing in the matter, Stordahl had requested respondent to return to Stordahl the original documents Stordahl had provided to respondent (Stordahl test.). Respondent copied the entire file and billed Stordahl for the copy costs

(Stordahl test.; Ex. 85, p. 1). Respondent did not return any original documents at that time (Stordahl test.; R. admit/deny, ¶ 184).

65. On multiple occasions in January 2010, Stordahl requested respondent to communicate (Stordahl test.; Exs. 89-90). Among other things, Stordahl sought a refund and return of the original documents (Stordahl test.; Ex. 90). Respondent failed to respond, failed to provide a refund and failed to return any original documents (Stordahl test.).

66. Respondent failed to return Stordahl's original materials until September 2010 (Ex. 261; Stordahl test.). His attempts to blame his staff for this failure, but admits that it his responsibility, "I'm the boss—it's like the military." (Ulanowski test.)

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

67. Respondent was a party to a marital dissolution proceeding involving his then-wife, Kari Russell (Russell test.; R. test.). 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 (Ex. 96, p. 1). The judgment and decree reserved, among others, the issues of child support and spousal maintenance. (Ex. 96, pp. 1-2; R. admit/deny, ¶ 141.)

68. Throughout the period from April 2007 forward, respondent knew the requirements of Minn. R. Civ. P. 11 (R. test.).

69. By order dated April 12, 2007, and filed on April 17, 2007, the court determined the reserved issues of child support and spousal maintenance (Ex. 96; R. admit/deny, ¶ 142).

70. Respondent served and filed a motion to amend the April 17, 2007, order (Ex. 97; R. admit/deny, ¶ 143).

71. 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." (Ex. 111.)

72. When respondent filed his motion, he knew the requirements of Minn. Gen. R. Prac. 303.01 (R. test.).

73. 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 (Ex. 97, pp. 1, 2; R. admit/deny, ¶ 145). The court advised respondent that his motion was deficient (Ex. 100, p. 3, ¶¶ 19-21; R. admit/deny, ¶ 145).

74. Respondent thereafter served and filed a July 11, 2007, motion to amend the April 12, 2007, order (Ex. 98; R. admit/deny, ¶ 146; *see also* Ex. 100, p. 1, ¶ 4 & p. 3, ¶ 21). Respondent later served and filed an October 18, 2007, amended motion (Ex. 99; R. admit/deny, ¶ 146; *see also* Ex. 100, p. 1, ¶ 4 & p. 3, ¶ 21).

75. 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 (Ex. 112; R. admit/deny, ¶ 147).

76. When respondent filed his July 2007 motion and October 2007 amended motion, respondent knew the requirements of Minn. R. Civ. P. 52.02 and 59.03 (R. test.).

77. 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. (Exs. 98-99; Ex. 100, p. 4, ¶¶ 23, 27 & p. 5, ¶ 1.) Respondent's defense is that he made good faith attempts to get a hearing date and time from the hearing officer and her staff which was thwarted by them. Thus this late filing was not intentional. (Ulanowski test.) The Referee does not find this a credible defense.

78. By order filed January 11, 2008, the court denied respondent's motion (Ex. 100). The court noted respondent's original motion to amend failed 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, sanctioned respondent \$1,500, and ordered him to pay the sanction within 90 days (Ex. 100, pp. 3-4, ¶¶ 19-23 & p. 5, ¶¶ 1, 4; R. admit/deny, ¶ 149).

79. Respondent failed to pay the sanction within the period ordered by the court (Russell test.). He states he did not pay it within the deadline as he had continuing legal action pending. (Ulanowski test.) This is not a valid excuse.

80. Respondent appealed the April 17, 2007, and January 11, 2008, orders (R. admit/deny, ¶ 150). 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 (R. admit/deny, ¶ 150).

81. On November 24, 2008, the district court issued an order directing the court administrator to enter judgment on the April 17 order (Ex. 104; R. admit/deny, ¶ 151). On December 1, 2008, judgment was entered (R. admit/deny, ¶ 151).

82. 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). (Ex. 107; R. admit/deny, ¶ 152.)

83. 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 (Ex. 112; R. admit/deny, ¶ 153).

84. When respondent filed his January 2009 motion, he knew the requirements of Minn. R. Civ. P. 52.02 and 59.03 (R. test.).

85. 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. (R. admit/deny, ¶ 154.)

86. By order filed March 31, 2009, the district court denied respondent's motion to amend, noted the motion was untimely and found (Ex. 109; R. admit/deny, ¶ 155):

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.

87. The court sanctioned respondent \$1,500 and ordered him to pay the sanction within 30 days of the date of the order (Ex. 109, p. 6, ¶ 4; R. admit/deny, ¶ 156).

88. Respondent failed to pay the sanction within the period ordered by the court (Russell test.).

89. 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. (R. admit/deny, ¶ 157.)

90. Minn. R. Civ. App. P. 104.01, subdvs. 1, 2, requires an appeal to be taken within 60 days of the date of entry of judgment (Ex. 113; R. admit/deny, ¶ 158).

91. When respondent filed his May 2009 appeal, he knew the requirements of Minn. R. Civ. App. P. 104.01, subdvs. 1, 2 (R. test.).

92. Respondent's appeal was untimely (R. admit/deny, ¶ 159). Judgment was entered on December 1, 2008 (Ex. 110, p. 2; R. admit/deny, ¶ 159). Respondent did not appeal until May 2009 (Ex. 110, p. 1, ¶ 1; R. admit/deny, ¶ 159).

93. The Court of Appeals dismissed the appeal (Ex. 110). 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." (Ex. 110, p. 2, ¶ 9; R. admit/deny, ¶ 160.) 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 (Ex. 110, p. 3, ¶ 11; R. admit/deny, ¶ 160).

94. Respondent knowingly failed to comply with the court rules set forth above in this section.

Misrepresentations to Court - Casey & Russell Matter

95. In or about May 2008, respondent's former spouse, Kari Russell, filed a petition for an order for protection (OFP) against respondent (R. admit/deny, ¶ 162). On or about May 16, 2008, respondent filed for an OFP against Kari (R. admit/deny, ¶ 162). That same day, respondent filed a separate petition for an OFP against her then-boyfriend (and now husband) Temp Russell (Ex. 114; R. admit/deny, ¶ 162).

96. 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 Temp Russell, respondent stated (Ex. 114, p. 1, ¶¶ 2, 4; R. admit/deny, ¶ 163):

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.

97. The statement that petitioner's name was Kari Casey was false. Respondent was the petitioner (R. admit/deny, ¶ 164).

98. Respondent read the petition (Ex. 114) before he signed it (R. test.). Respondent therefore knew when he served and filed the petition that this statement was false.

99. On or about May 16, 2008, respondent filed a separate petition for an OFP against Frederick Casey (Ex. 115; R. admit/deny, ¶ 165). 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 (Ex. 115, p. 1, ¶¶ 2, 4; R. admit/deny, ¶ 165):

Petitioner's name is Kari Ann Casey.

* * *

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

100. 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 (R. admit/deny, ¶ 166).

101. Respondent read the petition (Ex. 115) before he signed it (R. test.). Respondent therefore knew when he signed, served and filed the petition that these statements were false.

102. Also on or about May 16, 2008, respondent filed a separate petition for an OFP against Mary Casey (Ex. 116; R. admit/deny, ¶ 167). 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 (Ex. 116, p. 1, ¶¶ 2, 4; R. admit/deny, ¶ 167):

Petitioner's name is Kari Ann Casey.

* * *

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

103. 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 (R. admit/deny, ¶ 168).

104. Respondent read the petition (Ex. 116) before he signed it (R. test.). Respondent therefore knew when he signed, served and filed the petition that these statements were false.

105. Each of the petitions for an OFP was dismissed or withdrawn (R. admit/deny, ¶ 169). Respondent claims all of the above were clerical errors and made at an emotionally charged time in his life and in an effort to protect his daughter from sexual predators. (Ulanowski test.)

Misrepresentations and Non-Cooperation During Disciplinary Investigation

106. On August 21, 2008, the Director mailed to respondent notice of investigation of a complaint Nepper filed against respondent (Ex. 118; R. admit/deny, ¶ 47). The notice requested respondent to provide his complete written response within 14 days of the date of the notice (Ex. 118, p. 1; R. admit/deny, ¶ 47).

107. By letter dated August 29, 2008, respondent requested an extension of approximately 6 to 12 months of the time in which to respond to Nepper's complaint (Ex. 119, p. 1; R. admit/deny, ¶ 48).

108. By letter dated September 3, 2008, the Director advised respondent that respondent's request for an extension was not acceptable, and requested respondent to respond as requested in the notice of investigation of Nepper's complaint (Ex. 119; R. admit/deny, ¶ 49).

109. On September 3 and 4, 2008, an Assistant Director spoke by telephone with respondent (Ex. 120, p. 1; R. admit/deny, ¶ 50). Respondent requested further explanation of why the Director declined to grant a 6 to 12 month extension of the time for respondent to respond to the complaint regarding the Nepper matter and requested that, if this extension would not be granted, a 30-day extension be granted to respondent (Ex. 120; R. admit/deny, ¶ 50).

110. By letter dated September 8, 2008, the Director provided to respondent additional explanation of why the Director would not agree to an extension of at least

six months of the time for respondent to respond to the complaint regarding the Nepper matter and agreed to a 30-day extension from that date (Ex. 120; R. admit/deny, ¶ 51). As a result, respondent's response was due on October 8, 2008 (Ex. 120, p. 2; R. admit/deny, ¶ 51). On October 8, 2008, respondent provided his response to Nepper's complaint (R. admit/deny, ¶ 51).

111. On January 8, 2009, the Director mailed to respondent notice of investigation of a complaint filed by Krista Hubbard (Ex. 121). The notice requested respondent to provide, among other things, **"a copy of all court orders relevant to this issue [regarding an alleged conflict of interest.]"** (Bold in original.) (Ex. 121, p. 1.) Respondent failed to respond (Ex. 122).

112. By letter dated January 23, 2009, the Director advised respondent that the Director had not received any of the information or documents requested in the notice of investigation of the Hubbard complaint and requested respondent to provide at that time the requested information and documents (Ex. 122; R. admit/deny, ¶ 53). By letter dated January 28, 2009, respondent provided a response to the notice of investigation (Ex. 123, p. 1; R. admit/deny, ¶ 53).

113. By letter dated January 30, 2009, the Director advised respondent that although his response in the Hubbard matter referenced a court order on the issue of the conflict of interest and enclosed a copy of a quit claim deed, no court orders were enclosed with respondent's January 28 letter (Ex. 123, p. 1). Therefore, the Director's January 30 letter again requested respondent to provide the court orders requested in the notice of investigation (Ex. 123, p. 1). That January 30 letter also requested respondent to (1) provide a copy of each document, including but not limited to pleadings, affidavits, letters and emails, served and/or filed in connection with the conflict of interest issue, (2) identify each matter on which respondent had represented Ms. Hubbard, and (3) for each such matter, state the date representation began, state the date representation ended, describe in detail the nature of the representation, and

describe in detail the issue(s) involved in the representation (Ex. 123, p. 1). The Director's January 30 letter requested respondent to provide the requested information and documents no later February 13, 2009 (Ex. 123, p. 2). Respondent failed to do so (Ex. 125).

114. On January 30, 2009, the Director mailed to respondent notice of investigation of a complaint filed by Sergeant Trent MacDonald, Maple Grove Police Department (Ex. 124). The notice requested respondent to provide his complete written response to the complaint within 14 days of the notice (Ex. 124, p. 1). Respondent failed to respond (Ex. 127, p. 2).

115. By letter dated February 18, 2009, the Director advised respondent that the Director had received none of the information or documents requested in the Director's January 30 letter regarding the Hubbard matter and requested respondent to provide at that time the information and documents requested in that January 30 letter (Ex. 125; R. admit/deny, ¶ 56).

116. By letter received by the Director on February 23, 2009 (dated February 18, 2009, but postmarked February 19, 2009), respondent claimed dissatisfaction with the Director's handling of a matter involving a different lawyer and stated, "I do not see fit at this time to provide you with any responses" to the Director's requests for information and documents because he was dissatisfied with the Director's handling of a complaint that respondent had filed against a different lawyer (Ex. 126, p. 1; R. admit/deny, ¶ 57).

117. By letter dated February 24, 2009, the Director advised respondent that dissatisfaction with the handling of a matter involving a different lawyer is not a basis to refuse to provide requested information or documents, advised respondent that the Rules of Professional Conduct and the Rules on Lawyers Professional Responsibility (RLPR) require respondent to provide requested information and documents, and requested respondent to provide at that time (1) the complete written response

requested in the notice of investigation of the MacDonald complaint and (2) the information and documents requested in the Director's January 30, 2009, letter regarding the Hubbard matter (Ex. 127). Respondent failed to do so (Ex. 128).

118. On February 27, 2009, the Director received a letter from respondent dated February 25, 2009, in which respondent reiterated that he would not provide the requested information and documents until certain unrelated conditions set forth by respondent were met (Ex. 128; R. admit/deny, ¶ 59).

119. By letter dated March 4, 2009, the Director again advised respondent that he was required to provide requested information and documents (Ex. 129; R. admit/deny, ¶ 60). Additionally, enclosed with that March 4 letter to respondent was a copy of a February 25, 2009, letter from Hubbard to the Director, including a copy of the complaint in *Lawrence W. Ulanowski v. Krista Hubbard* (R. admit/deny, ¶ 60; see Ex. 129, p. 1). The Director's March 4 letter requested respondent to (1) provide all of the information and documents requested in the Director's January 30 letter regarding the Hubbard matter, none of which had been provided, (2) state in detail the basis of the statement quoted in that February 25 letter and (3) provide all documents that evidenced, supported, memorialized, or referred or related in any way to, that statement (Ex. 129, pp. 1-2; R. admit/deny, ¶ 60).

120. On March 5, 2009, the Director received a letter from respondent dated March 3, 2009, in which respondent stated that he would "provide an answer on the MacDonald, Seelye, and Hubbard matters, however, I am asking for an extension of time, specifically a fifteen month extension" (Ex. 130, p. 1; R. admit/deny, ¶ 61.)

121. By letter dated March 10, 2009, the Director advised respondent that the requested extension was denied and requested respondent to provide the previously requested information and documents that respondent had not provided (Ex. 131; R. admit/deny, ¶ 62).

122. On March 11, 2009, the Director received from respondent a letter dated March 10, 2009 (Ex. 133; R. admit/deny, ¶ 63). With that letter respondent provided the court order originally requested in the January 8, 2009, notice of investigation of the Hubbard matter (Ex. 133, p. 1; R. admit/deny, ¶ 63). Respondent's March 10 letter did not, however, provide any of the information or documents first requested in the Director's January 30 letter and did not provide any of the information or documents requested in the Director's March 4, 2009, letter regarding the Hubbard matter (Ex. 133; Ex. 134, p. 3; R. admit/deny, ¶ 63).

123. On March 11, 2009, the Director received from respondent a letter dated March 9, 2009, in which respondent provided his response to the MacDonald complaint (Ex. 132; R. admit/deny, ¶ 64). In that letter, respondent referenced a Maple Grove police officer and stated:

- "Officer Stuart is again displaying his lack of intelligence and understanding" (Ex. 132, p. 1; R. admit/deny, ¶ 64.)
- "Officer Stuart . . . obviously does not understand what is taking place in this matter." (Ex. 132, p. 2; R. admit/deny, ¶ 64.)
- "Officer Stuart is again making false statements" (Ex. 132, p. 3; R. admit/deny, ¶ 64.)
- "Another false statement by Officer Stuart" (Ex. 132, p. 3; R. admit/deny, ¶ 64.)

124. By letter dated March 13, 2009, the Director requested respondent to provide at that time the information and documents which had been previously requested in the Director's January 30 and March 4 letters regarding the Hubbard matter, but which respondent had not yet provided (Ex. 134; R. admit/deny, ¶ 65).

125. By letter dated March 25, 2009, respondent requested the Director to identify all information or documents that the Director had requested previously but which respondent had not yet provided (Ex. 136; R. admit/deny, ¶ 66).

126. By letter dated March 26, 2009, respondent provided some, but not all, of the information that the Director had requested previously regarding the Hubbard matter but which respondent had not yet provided (Ex. 136; R. admit/deny, ¶ 68).

127. By letter dated March 31, 2009, the Director (1) identified the information and documents that the Director had previously requested respondent to provide regarding the Hubbard matter but which respondent had not yet provided, (2) requested respondent to provide this information and documentation regarding the Hubbard matter that had been requested previously, and (3) requested respondent to provide the "enclosed affidavits" referenced in respondent's March 26, 2009, letter regarding the Hubbard matter (Ex. 137; R. admit/deny, ¶ 68).

128. By letter dated April 14, 2009, respondent provided the remaining information and documents regarding the Hubbard matter that the Director had requested previously (R. admit/deny, ¶ 69).

129. On April 17, 2009, the Director mailed to respondent notice of investigation of a complaint filed by Anne Swanson (Ex. 139). The notice requested respondent to provide his complete response to the complaint within 14 days of the date of the notice (Ex. 139). Respondent failed to do so (Ex. 140).

130. By letter dated May 4, 2009, the Director advised respondent that the Director had received no response from respondent to the Swanson complaint and requested respondent to provide at that time the complete written response requested in the notice of investigation (Ex. 140; R. admit/deny, ¶ 71).

131. By letter dated May 8, 2009, respondent provided his response to the Swanson complaint (Ex. 141; R. admit/deny, ¶ 72).

132. Among other things, the complaint from Swanson alleged that respondent had sent some delinquent bills to Mid-State Collection Agency ("Mid-State") for collection, and Mid-State had terminated its work with respondent (Ex. 138, p. 3). In his May 4 response respondent stated, "they [Mid-State] did not drop me. I withdrew with

[sic] the clients I had been working on." (Ex. 141, p. 2.) This statement was false. Mid-State had terminated its relationship with respondent (King test.; Exs. 142-143).

133. The complaint from Swanson also alleged that respondent had a list of clients on whose matters staff was not to work because of alleged delinquencies on payments to respondent (Ex. 138, p. 3). Respondent's May 8, 2009, letter in response did not address this allegation (Ex. 141; Ex. 144, p. 2).

134. By letter dated May 14, 2009, the Director requested respondent to (1) respond to the allegation respondent had a list of matters on which respondent instructed staff not to work and (2) provide copies of any such lists (Ex. 144, p. 2; R. admit/deny, ¶ 75).

135. By letter dated June 11, 2009, respondent stated to the Director, "I do not have a list of people, contrary to your belief or Anne Swanson's statement of clients in which we are not to work on. * * * In addition, I have never put any list in writing, thus, I am not able to provide you an alleged list that Anne Swanson refers." (Ex. 147, p. 1.) Respondent had multiple lists of clients on whose matters work was to be minimized or not performed. (Wolter test.; Swanson test.; Exs. 56-62).

136. In his May 8 letter in response to the Swanson complaint, respondent also stated that his client Natalie Bentz had failed to provide information necessary for respondent's law firm to complete the paperwork necessary to file a bankruptcy petition and schedules on her behalf (Ex. 141, p. 2; R. admit/deny, ¶ 77). The Director's May 14 letter requested respondent to identify that information (Ex. 144, p. 1; R. admit/deny, ¶ 77).

137. Respondent replied to the Director's May 14 letter by letter dated May 28, 2009 (Ex. 145). Respondent's May 28 letter, however, did not address this issue (Ex. 145; Ex. 146, p. 1).

138. By letter dated June 1, 2009, the Director again requested respondent to provide the information respondent claimed Bentz had failed to provide (Ex. 146, p. 1).

Respondent replied by letter dated June 11, 2009 (Ex. 147). Respondent's June 11, 2009, letter, however, did not identify any such information (Ex. 147; Ex. 149, p. 1).

139. By letter dated June 15, 2009, the Director requested respondent to provide no later than June 29, 2009, the information and documents requested in that letter regarding the Nepper matter (Ex. 148). Respondent failed to respond (Ex. 151).

140. By letter dated June 18, 2009, the Director advised respondent that respondent still had not provided the information respondent claimed that Bentz had failed to provide to respondent (Ex. 149, p. 1; R. admit/deny, ¶ 81).

141. By letter dated June 26, 2009, the Director requested respondent to provide no later than July 10, 2009, the information and documents requested in that letter regarding the Nepper matter (Ex. 150). Respondent failed to respond (Ex. 152).

142. By letter dated July 7, 2009, the Director advised respondent that the Director had received no response to the Director's June 15 letter regarding the Nepper matter and requested respondent to provide at that time the information and documents requested in that June 15 letter (Ex. 151). Respondent failed to respond (Ex. 153).

143. By letter dated July 8, 2009, respondent provided the information regarding his client Bentz, first requested in the Director's May 14, 2009, letter (R. admit/deny, ¶ 84).

144. By letter dated July 13, 2009, the Director advised respondent that the Director had received no response to the Director's June 26 letter regarding the Nepper matter and requested respondent to provide at that time the information and documents requested in that June 26 letter (Ex. 152). Respondent failed to respond (Ex. 155).

145. By letter dated July 15, 2009, the Director advised respondent that the Director had received no response to the Director's June 15 and July 7, 2009, letters

regarding the Nepper matter and requested respondent to provide at that time the information requested in that June 15 letter (Ex. 153; R. admit/deny, ¶ 86).

146. By letter received in the Director's Office on July 16, 2009, but dated July 14, 2009, respondent provided information requested in the Director's June 15 letter regarding the Nepper matter (Ex. 154; R. admit/deny, ¶ 87).

147. By letter dated July 21, 2009, the Director advised respondent that the Director had received no response to the Director's June 26 and July 13, 2009, letters regarding the Nepper matter and requested respondent to provide at that time the information and documents requested in that June 26 letter (Ex. 155; R. admit/deny, ¶ 88).

148. By letter dated July 22, 2009, respondent provided information requested in the Director's June 26 letter regarding the Nepper matter (R. admit/deny, ¶ 89).

149. By letter dated July 24, 2009, the Director advised respondent that the enclosures referenced in respondent's July 22, 2009, letter regarding the Nepper matter were, in fact, not enclosed with that July 22 letter and requested respondent to provide the referenced enclosures at that time (Ex. 156). Respondent failed to respond (Ex. 157).

150. By letter dated August 3, 2009, the Director advised respondent that the Director had received no response to the Director's July 24, 2009, letter regarding the Nepper matter and requested respondent to provide at that time the documents requested in that July 24 letter (Ex. 157; R. admit/deny, ¶ 91).

151. By letter dated August 5, 2009, respondent provided the documents requested in the Director's July 24, 2009, letter regarding the Nepper matter (R. admit/deny, ¶ 92).

152. By letter dated August 19, 2009, the Director (1) provided to respondent information and documents regarding the Hubbard matter which created a basis for a reasonable belief that respondent had created and submitted false evidence to a tribunal and (2) requested respondent to provide no later than September 2, 2009, the

information and documents requested in that letter (Ex. 158). Respondent failed to respond (Ex. 159).

153. By letter dated September 4, 2009, the Director advised respondent that the Director had received no response to the Director's August 19, 2009, letter regarding the Hubbard matter and requested respondent to provide at that time the information and documents requested in that August 19 letter (Ex. 159). Respondent failed to respond (Ex. 160).

154. By letter dated September 11, 2009, the Director advised respondent that the Director had received no response to the Director's August 19 and September 4, 2009, letters regarding the Hubbard matter and again requested respondent to provide the information and documents requested in that August 19 letter (Ex. 160). By letter dated September 17, 2009, but postmarked September 21, 2009, respondent provided some of the information, and none of the documents, requested in the Director's August 19 letter (Ex. 161).

155. By letter dated September 30, 2009, the Director outlined for respondent the outstanding allegations against respondent, invited respondent to contact an Assistant Director when respondent received that letter to schedule an in-person meeting, and requested respondent to provide within three weeks of the date of that letter any additional information or comments he wished to provide about the outstanding allegations (Ex. 162; R. admit/deny, ¶ 96).

156. By letter dated October 19, 2009, respondent expressed dissatisfaction with the assigned Assistant Director's handling of the matter and stated that he would not respond to any letters signed by the assigned Assistant Director, including that September 30 letter, and requested the matter be assigned to a different Assistant Director (Ex. 163; R. admit/deny, ¶ 97).

157. By letter dated October 23, 2009, the Director advised respondent that the matter would not be reassigned, reminded respondent that the Minnesota Rules of

Professional Conduct (MRPC) and the RLPR require respondent to respond to the requests from the Director, urged respondent to comply with his duty to cooperate, and requested respondent to provide any response he wished to provide to the Director's September 30, 2009, letter within ten (10) days (Ex. 164; R. admit/deny, ¶ 98).

158. By letter dated October 29, 2009, respondent again requested the Director to reassign the matter. Respondent's October 29 letter did not respond substantively to the Director's September 30, 2009, letter. (Ex. 165.)

159. By letter dated November 2, 2009, the Director advised respondent that the matter would not be reassigned and urged respondent to cooperate with the disciplinary system (Ex. 166; R. admit/deny, ¶ 100).

160. By letter dated November 10, 2009, respondent again requested the Director to reassign the matter. Respondent's November 10 letter did not respond substantively to the Director's September 30, 2009, letter. (Ex. 167.)

161. By letter dated November 17, 2009, the Director advised respondent that the matter would not be reassigned and urged respondent to cooperate fully (Ex. 168; R. admit/deny, ¶ 102).

162. On February 2, 2010, the Director mailed to respondent notice of investigation of a complaint filed by the Honorable David R. Battey regarding respondent's conduct in *Stordahl v. Brewer*. The notice requested respondent to provide his complete written response to the complaint within 14 days of the date of the notice. (Ex. 169; R. admit/deny, ¶ 117.)

163. On February 3, 2010, the Director served on respondent charges of unprofessional conduct (Ex. 170). Pursuant to Rule 9(a)(1), RLPR, respondent's answer to the charges was due within 14 days of the date of the charges (Ex. 170, p. A.1). Respondent failed to respond.

164. By letter dated February 8, 2010, respondent told the Director that respondent would not provide to the assigned Assistant Director a response to Judge

Batthey's complaint and requested that the matter be reassigned to a different lawyer (Ex. 171; R. admit/deny, ¶ 118).

165. By letter dated February 17, 2010, the Director advised respondent that the Director had received no response to Judge Batthey's complaint and requested respondent to provide at that time the complete written response requested in the notice of investigation (Ex. 172; R. admit/deny, ¶ 120).

166. By separate letter dated February 17, 2010, the Director advised respondent that the Director had not received an answer from respondent to the charges of unprofessional conduct, requested respondent to serve his answer at that time, and advised respondent that if the Director did not receive respondent's answer on or before February 25, 2010, the Director intended to then file an appropriate motion (Ex. 173).

167. By letter dated February 24, 2010, respondent acknowledged receipt of the Director's February 17 letter regarding Judge Batthey's complaint and requested a continuance to April 1, 2010, to respond (Ex. 174, p. 1; R. admit/deny, ¶ 121). The request was based on work connected to court appearances in March, after the time in which to respond had elapsed (Ex. 169; Ex. 174, p. 1; R. admit/deny, ¶ 121). The requested extension was not made until after the time in which to respond had elapsed and a follow-up request had been made (Exs. 169, 172; R. admit/deny, ¶ 121). The request was also made because respondent intended to file a complaint with the Board on Judicial Standards against Judge Batthey (Ex. 174, p. 1; R. admit/deny, ¶ 121). However, respondent's February 24 letter did not set forth any correlation between the conduct of Judge Batthey about which respondent stated that he intended to complain and respondent's conduct which was the subject of the investigation (Ex. 174, p. 1; R. admit/deny, ¶ 121).

168. By letter dated February 24, 2010, the Director advised respondent that the requested extension was not acceptable and requested respondent to provide at that

time his complete written response as requested in the notice of investigation of Judge Battey's complaint (Ex. 175). Respondent failed to respond (Drinane test.).

169. On April 21, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Ray J. Viall (Ex. 176). 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 (Ex. 176). Respondent failed to respond (Ex. 178).

170. On May 5, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Vernon Stordahl (Ex. 177). The notice requested respondent to provide his complete written response within 14 days of the date of the notice (Ex. 177, p. 2). Respondent failed to respond (Ex. 183).

171. 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 (Ex. 178; R. admit/deny, ¶ 127).

172. 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." (Ex. 179; R. admit/deny, ¶ 128.)

173. 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, coupled with Rule 1.6(b)(8), MRPC, allow 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 (Ex.

180). 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 (Ex. 180, p. 2). Respondent failed to respond (Ex. 182).

174. On May 17, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Angela Wink (Ex. 181). 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 (Ex. 181, p. 2). Respondent failed to respond (Ex. 186).

175. 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 (Ex. 182; R. admit/deny, ¶ 131).

176. By separate 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 (Ex. 183). Respondent failed to respond (Ex. 185).

177. On May 27, 2010, the Director mailed to respondent notice of investigation of a complaint filed by Kari Russell (f/k/a Kari Ulanowski) ("Russell complaint") (Ex. 184). The notice requested respondent to provide his complete written response to the Russell complaint within 14 days of the date of the notice (Ex. 184). Respondent failed to respond (Ex. 188).

178. 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 (Ex. 185; R. admit/deny, ¶ 134). By letter sent by United Parcel Service on

June 9, 2010 (although dated May 20, 2010), respondent provided his response (R. admit/deny, ¶ 134).

179. By separate 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 (Ex. 186; R. admit/deny, ¶ 135). By letter postmarked June 7, 2010 (although dated May 25, 2010), respondent provided a response (R. admit/deny, ¶ 135).

180. 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") (Ex. 187). The notice requested respondent to provide his complete written response to the Casey complaint within 14 days of the date of the notice (Ex. 187). Respondent failed to respond (Ex. 189).

181. 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, however, did not do so at that time and did not provide any of the documents requested in the notice of investigation until July 16, 2010 (R. admit/deny, ¶ 137).

182. 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 (Ex. 188; R. admit/deny, ¶ 138). By letter dated June 17, 2010, respondent provided his response to the complaint (R. admit/deny, ¶ 138).

183. 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 (Ex. 189; R. admit/deny, ¶ 139). By letter dated June 17, 2010, respondent provided his response to the complaint (R. admit/deny, ¶ 139).

Aggravating Factors

184. After the petition for disciplinary action was served, respondent made additional misrepresentations.

a. The petition for disciplinary action alleged that, after withdrawing from the representation of Eric Hubbard, respondent later resumed representation (*see* finding no. 6, above). Respondent's answer to the petition stated, "I did not" resume representation (R. ans., ¶ 4). However, respondent's admit/deny to all petitions and testimony to the undersigned admitted he had resumed representation of Eric (R. admit/deny, ¶ 5). Not only are respondent's statements mutually exclusive, respondent's statement that he did not resume representation was false.

b. The supplementary petition for disciplinary action alleged that respondent did not dismiss any claims in the *Stordahl v. Brewer* matter after he received a request to do so (*see* finding no. 50, above). Respondent's answer to the supplementary petition denied this (R. ans., ¶ 57). Respondent's admit/deny to all petitions, however, admitted this allegation (R. admit/deny, ¶ 107). These statements are mutually exclusive; one of them therefore was false.

c. The amended second supplementary petition for disciplinary action alleged that respondent failed to return Stordahl's original materials to him after representation ended (*see* finding no. 64, above). Respondent's answer to the supplementary petition for disciplinary action stated, "It is my policy to provide the client with a copy of their file, not give them their original documents." (R. ans., ¶ 86.) In his interrogatory responses, however, respondent stated, "[I]t is respondent's practice to return all original materials to the client,

while retaining a copy for Law Firm practice." (R. responses to Director's interrogatories, no. 5.) In his testimony to the undersigned, respondent reiterated the statement from his interrogatory responses. These statements are mutually exclusive; one of them therefore is false.

d. By letter to the Director dated June 17, 2010, respondent stated that no judge had found him to have engaged in frivolous or improper litigation in his post-dissolution matters (Ex. 251, p. 1). This statement was false. Respondent had been sanctioned twice for bringing two frivolous motions (Ex. 100, p. 5; Ex. 109, p. 6).

e. Respondent testified under oath in a lawsuit he brought against Nepper that, other than Judge Battey (*see* finding no. 62, above), no judge ever found that respondent acted improperly. This statement was false. Respondent had been sanctioned twice for bringing two frivolous motions (Ex. 100, p. 5; Ex. 109, p. 6).

f. In his admit/deny respondent stated, "I make a monthly payment on this judgment [i.e., the sanction imposed on *Stordahl v. Brewer* (*see* finding no. 62, above)]." (R. admit/deny, ¶ 115.) Respondent reiterated this statement in his testimony to the undersigned. These statements are false. Respondent has made only two payments in the total amount of \$85 since the sanction was imposed in December 2009 (Fuchs Aff., ¶ 7).

g. In his August 6, 2010, admit/deny, respondent stated, "[T]he originals have since been mailed to Mr. Stordahl." (R. admit/deny, ¶ 174.) This statement was false. Respondent did not return Stordahl's original materials until September 2010 (Ex. 261; Stordahl test.; R. test.).

h. In his admit/deny, respondent denied that he knew the Imgrund dissolution matter was complex (R. admit/deny, ¶ 25). This statement is false.

During respondent's representation of Imgrund, respondent told Imgrund that child custody issues in Imgrund's divorce were complex (Ex. 33).

i. In an affidavit respondent served and filed during his personal lawsuit against Hubbard, respondent stated, "Plaintiff made an error . . ." which cause him ultimately to sue her (Ex. 192, p. 2, ¶ 6.) In his testimony to the undersigned, respondent denied making any such error. Only after presented with this affidavit (Ex. 192) did respondent concede he may have made an error (R. test.).

j. Respondent testified under oath to the undersigned that he intends to file a complaint about Judge Battey. In his interrogatory responses, which he made under oath (Ex. 193, p. 14), however, respondent stated, "Currently there is a Complaint filed by Respondent against Judge Battey with the Board of Judicial Conduct." (Ex. 193, p. 9.) These statements are mutually inconsistent; one of them therefore is false.

185. After disciplinary proceedings were commenced, respondent continued to fail to cooperate and continued to fail to obey court rules.

a. On February 3, 2010, the Director issued charges of unprofessional conduct (Ex. 170). Respondent failed to answer timely (Ex. 173).

b. On July 22, 2010, the Director served on respondent interrogatories and requests for production of documents (September 3, 2010, Affidavit of Timothy M. Burke (filed with the Director's motion to compel), ¶ 2 & Ex. A). Respondent's responses to the discovery were due within 30 days of the date of service. Minn. R. Civ. P. 33.01(b) & 34.02. Respondent failed to respond (Burke Aff., ¶ 3).

c. By letter dated August 26, 2010, the Director advised respondent that the Director had received no response to the interrogatories or to the requests for production of documents, requested respondent to provide

interrogatory answers and requested documents at that time, and advised respondent that, if he failed to do so on or before September 1, 2010, the Director intended to then bring a motion to compel (Burke Aff., Ex. B). Respondent failed to provide discovery responses on or before September 1, 2010 (Burke Aff., ¶ 6).

d. On September 3, 2010, the Director served and filed a motion to compel.

e. On September 9, 2010, respondent served responses to the Director's discovery (Ex. 193).

186. Respondent's current misconduct consists of numerous acts of serious professional misconduct over an extended period of time and across multiple matters.

187. Respondent's misconduct was intentional.

188. Respondent has experience in litigation matters.

189. Respondent's history of prior discipline is an April 21, 2008, admonition for improperly conditioning the return of a client file on the client's payment of the cost of copying the file (Ex. 191).

190. On multiple occasions, respondent requested the assigned Assistant Director be removed from this matter, fired, and/or suspended or disbarred (Exs. 163, 165, 167, 171, 179).

191. Respondent made statements about a lawyer's obligations under the rules which were either not credible or reflect a fundamental lack of understanding of the rules.

a. Regarding the false affidavit of Veronica Ulanowski, respondent's mother, that respondent served and filed (*see* finding no. 21, above), respondent claimed that he was not responsible for the contents of the affidavit because it did not contain statements of respondent, personally (Ex. 20; R. ans., ¶ 8; R. admit/deny, ¶ 19, R. test.). This is completely inconsistent with Rules 3.3(a), 4.1 and 8.4(c), MRPC.

b. Regarding the orders for protection brought by respondent that contained false statements (*see* finding nos. 95-105, above), respondent stated that he did not sign them in his capacity as an attorney at law (R. ans., ¶ 72) and that they did not contain his lawyer registration number or his office address (R. test.). Respondent testified that he believes the Rules of Professional Conduct do not apply to an attorney except when he is acting in the representation of a client. This is completely inconsistent with the Rules.

192. Respondent offered no evidence that he regretted, or was sorry or remorseful for, the wrongful nature of his conduct. To the contrary, respondent maintained throughout the proceedings before the undersigned that all of his conduct was proper and/or justified, and that any misconduct was, at most, the result of inadvertence or clerical error, the fault of staff or due to the conduct of judges who were biased or prejudiced. The undersigned rejects these contentions.

193. Respondent neither claimed nor offered evidence of any legally recognized mitigation of the sanction for his misconduct. *See* Ex. 193, response to interrogatory no. 5.

194. Respondent offered no evidence to suggest that similar misconduct will not occur again in the future.

CONCLUSIONS OF LAW

1. Respondent's conduct in the Hubbard matter violated Rules 3.1, 3.3(a)(1), 4.1, 4.4(a), and 8.4(c) and (d), MRPC.
2. Respondent's conduct in the Ingrund matter violated Rule 1.16(d), MRPC.
3. Respondent's conduct in the Nepper matter violated Rule 8.4(d), MRPC.
4. The claimed institution and implementation of the "do not work" policy by Respondent does **not** violate Rules 1.3, 5.1(c), and 5.3(c), MRPC.

5. Respondent's conduct in the *Stordahl v. Brewer* matter violated Rules 1.4(a)(1), 1.16(d), 3.1, 3.4(c) and 8.4(d), MRPC.
6. Respondent's conduct in the *Ulanowski v. Ulanowski* matter violated Rules 3.1, 3.2, 3.4(c), 4.4(a) and 8.4(d), MRPC.
7. Respondent's conduct in the Casey and Russell matter violated Rules 3.3(a)(1), 4.1, 4.4 and 8.4(c) and (d), MRPC, but the harm was minimal and the violation not as serious as the others by respondent, but at a minimum indicates very sloppy practices by a practicing lawyer.
8. Respondent's conduct during the disciplinary investigations violated Rules 8.1(b) and 8.4(c) and (d), MRPC, and Rule 25, RLPR.
9. Respondent's misrepresentations made after the petition for disciplinary action was served aggravate the sanction for respondent's misconduct.
10. Respondent's failure to cooperate and failure to obey court rules after disciplinary proceedings were commenced aggravates the sanction for respondent's misconduct.
11. Respondent's multiple acts of serious professional misconduct over an extended period of time and across multiple matters aggravates the sanction for respondent's misconduct.
12. Respondent's multiple acts of intentional misconduct aggravates the sanction for respondent's misconduct.
13. Respondent's experience in litigation matters aggravates the sanction for respondent's misconduct.
14. Respondent's disciplinary history aggravates the sanction for respondent's misconduct.
15. Respondent's conduct in repeatedly and without basis attempting to have the assigned Assistant Director removed from the file, terminated from employment and/or disciplined as a lawyer aggravates the sanction for respondent's misconduct. See

In re Graham, 453 N.W.2d 313, 325 (Minn. 1990) (Supreme Court holding that frivolous motion to remove Director and assistant from office and frivolous petition to remove Director from office aggravate sanction by "repeatedly entering frivolous motions to remove those who oppose him.").

16. Respondent's failure to acknowledge the wrongful nature of his misconduct, his lack of regret or remorse for his misconduct, and his steadfast claim that his misconduct was proper and/or justified or, at most, was the result of inadvertence or clerical error or due to the conduct of others, aggravates the sanction for respondent's misconduct.

17. There is no factor which mitigates the sanction for respondent's misconduct.

RECOMMENDATION FOR DISCIPLINE

Respondent Lawrence Walter Ulanowski has committed substantial, intentional misconduct which has caused harm to the administration of justice, parties, counsel and clients. Respondent's misconduct reveals a pattern of mistreating in a variety of ways those with whom respondent disagrees. Much of respondent's misconduct was burdensome, was harassing and/or substantially harmed others.

Based on the foregoing findings and conclusions, the undersigned recommends:

1. That respondent Lawrence Walter Ulanowski be suspended from the practice of law, ineligible to apply for reinstatement for a minimum of 6 months.
2. That the reinstatement hearing provided for in Rule 18, RLPR, not be waived.
3. That reinstatement be conditioned upon:
 - a. compliance with Rule 26, RLPR;
 - b. payment of costs, disbursements and interest pursuant to Rule 24, RLPR;

- c. successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR;
- d. satisfaction of continuing legal education requirements pursuant to Rule 18(e), RLPR; and
- e. proof by respondent by clear and convincing evidence that he has undergone moral change, that he is fit to practice law and that future misconduct is not apt to occur.

4. Unless and until respondent is reinstated to the practice of law, respondent shall not represent or act *pro se* on behalf of himself, his law firm or close family members.

Dated: November 22, 2010.

BY THE COURT:



CHARLES A. FLINN, JR.
DISTRICT COURT JUDGE, RETIRED
SUPREME COURT REFEREE

Memorandum

The Findings largely speak for themselves but a few observations regarding these proceedings and the Respondent seem appropriate for whatever use the Court wishes to make of them.

There are numerous violations of the MRPC alleged in the Petition in this matter. When viewed individually some of them do not seem particularly significant. The misrepresentation in the Hubbard matter and the claimed (by the Respondent) "clerical" errors in the Casey and Russell matters are examples. However looking at the charges in their totality and the conduct of the Respondent during these proceedings the matter is clearly much more serious and requires substantial public discipline.

Almost 15 pages of the Findings detail Respondents lack of cooperation with the Director's office and his personal attacks on the Senior Assistant Director handling the matter. These attacks have no basis in fact as far as the Referee can ascertain. Respondent, throughout these proceedings, has consistently sought to blame others for his behavior, particularly his staff, parties to the various proceedings and Judges. The Referee found no facts to support his opinions. In his brief the Director suggest, "The totality of misconduct reveals a pattern of abusing those who have the temerity to challenge or disagree with respondent." Throughout the proceedings the Referee's observations of Respondent's conduct and attitude absolutely support this as an accurate description of Respondent.

The Respondent appears to have little or no insight into the negative effect his conduct has on others and the legal system. Neither monetary sanctions imposed by Judges, disciplinary complaints or even these proceedings seem to have deterred him.

In spite of all of the above the Referee does have some sympathy for the Respondent and his situation. He has obvious vision and mobility issues, apparently suffers from a chronic illness and has been through a contentious divorce. None of these are offered as mitigating factors but do put the matter in some context. It is the Referee's belief that the length of any suspension is not critical. Any period of suspension for a sole practitioner in a small community will have substantial effect. What is more important is that he receives professional help before any return to active practice. Hopefully he would not then be a danger to himself or the public.

CAF