

FILE NO. A07-663

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ROBERT SCOTT WEISBERG,
a Minnesota Attorney,
Registration No. 183945.

**SECOND SUPPLEMENTARY
PETITION FOR DISCIPLINARY
ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this supplementary petition for disciplinary action pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility (RLPR).

Respondent is currently the subject of a March 26, 2007, petition for disciplinary action and an April 26, 2007, supplementary petition for disciplinary action. The Director has investigated further allegations of unprofessional conduct against respondent.

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

NINTH COUNT

Additional Criminal Charges

52. At approximately 1:40 a.m. on May 7, 2007, the St. Louis Park police stopped respondent in his vehicle as he was leaving his office at 7010, Highway 7, St. Louis Park. The police administered various field sobriety tests and placed respondent under arrest on suspicion of driving while impaired. The police also found what appeared to be a pipe for smoking methamphetamine in respondent's pocket, and a loaded shotgun and an open container of alcohol in respondent's vehicle.

53. In the hours following respondent's arrest, respondent provided the police with a sample of his urine. That sample was later analyzed by the Minnesota

Bureau of Criminal Apprehension, who determined it to contain amphetamine and methamphetamine.

54. On September 17, 2007, respondent was charged with fourth degree driving while impaired, transportation of firearms, open bottle and possession of drug paraphernalia, all misdemeanor offenses.

TENTH COUNT

Unauthorized Practice of Law

55. On June 11, 2007, the Minnesota Supreme Court issued an order placing respondent on restricted status for failing to comply with his Continuing Legal Education (CLE) obligations (Exhibit 1). To date, respondent has continued to fail to comply with those obligations and remains on CLE restricted status.

56. Respondent's annual lawyer registration fee was due on October 1, 2007. Respondent failed to pay the fee. As a result and pursuant to Rule 2(H), Rules on Lawyer Registration, respondent was placed on non-compliant status and his right to practice law was automatically suspended. To date, respondent has not paid his lawyer registration fee and remains on a suspended status.

57. On information and belief during the period June 11, 2007, to the present, respondent has continued to maintain a law office and to engage in the practice of law. Respondent's conduct in this regard constitutes the unauthorized practice of law.

58. Respondent's conduct in practicing law while on CLE restricted status and while he was suspended for failing to pay his lawyer registration fee violated Rule 5.5(a), Minnesota Rules of Professional Conduct (MRPC).

ELEVENTH COUNT

Additional Non-Cooperation

59. On August 16, 2007, the Director wrote to respondent. The Director noted that respondent was on CLE restricted status and advised that practicing law while on CLE restricted status constituted the unauthorized practice of law. The Director requested that respondent produce verification of compliance with his CLE obligations

and various documents and information regarding respondent's practice of law since being placed on CLE restricted status. Respondent failed to respond.

60. Respondent's Bremer Bank trust account no. 6726347 became overdrawn on February 22, 2007, a fact that was reported to the Director pursuant to Rule 1.15(j)-(o), MRPC. At the Director's request and through counsel, respondent thereafter submitted various trust account books, records and information regarding the overdraft.

61. On August 20, 2007, the Director sent respondent a notice of investigation informing respondent that he was converting the trust account overdraft inquiry into a formal disciplinary investigation and requested that respondent submit various additional trust account books and records. Respondent failed to respond.

62. On September 6, 2007, the Director wrote again to respondent to request his response to the Director's August 16, 2007, letter regarding respondent's CLE restricted status. Respondent failed to respond.

63. On September 10, 2007, the Director wrote again to respondent to request his response to the August 20, 2007, notice of investigation regarding his trust account. Respondent failed to respond.

64. On October 2, 2007, the Director mailed to respondent a notice of sworn statement. The Director informed respondent that the sworn statement was for the purpose of eliciting the information requested in the Director's August 16, 2007, letter (regarding his CLE restricted status), and August 20, 2007, notice of investigation (regarding his trust account). The sworn statement was scheduled for October 18, 2007. Respondent failed to appear for the sworn statement or to otherwise contact the Director regarding it.

65. On October 4, 2007, the Director wrote to respondent to inform him that the Director had opened a disciplinary file regarding his CLE restricted status and to request various documents and information related thereto. Respondent failed to respond.

66. All of the Director's mailings identified above were sent to respondent's last known business address and none were returned by the postal service as undeliverable.

67. Respondent's conduct in failing to cooperate with the Director's investigation regarding his CLE restricted status and trust account violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

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

Dated: November 1, 2007.



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and



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

Dated: 11/5, 2007.



KENT A. GERNANDER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD