

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.

**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, the subject of which includes criminal charges currently pending against respondent. Pursuant to agreement of the parties, respondent was not required to answer the petition until completion of the criminal proceedings or 180 days from the date the petition was filed with the court, whichever occurs sooner. 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:

COUNT SIX

Continued Neglect and Abandonment of Practice

Robert Taylor Matter

35. Robert Taylor retained respondent to represent him on a personal injury claim arising from a car accident. In January 2007, Taylor was informed that a

settlement had been reached with State Farm Insurance. Taylor made numerous attempts both by telephone and correspondence to respondent requesting that the settlement check be released. Taylor also requested a copy of his file. To date respondent had failed to remit the settlement check to Taylor or provide a copy of his client file. On March 29, 2007, Taylor filed an ethics complaint with the Director alleging neglect and non-communication.

36. On April 17, 2007, the Director received a phone call from Jody Wahlstrom, who is employed as a non-lawyer assistant by respondent. Wahlstrom indicated that respondent had essentially abandoned his law practice and that his staff was unable to locate him or get into contact with him. *See* Affidavit of Jody Wahlstrom (Exhibit 1). Respondent is currently a solo practitioner, who practices mainly in the area of debt collection. Respondent has a substantial practice in excess of over 10,000 open collection files.

37. On April 23, 2007, the Director again received a phone call from Wahlstrom reflecting her concern about respondent's abandonment of his practice. Later that same day, the Director received a phone call from attorney Rolfe Worden, who had been contacted by Wahlstrom and several other employees of respondent's law firm, about how to handle respondent's abandonment of his practice. On April 24, 2007, Wahlstrom again contacted the Director about her inability to contact respondent.

38. Respondent's continued neglect of client matters and apparent abandonment of his law practice violates Rules 1.1, 1.3 and 1.4, Minnesota Rules of Professional Conduct (MRPC).

COUNT SEVEN

Continued Failure to Timely Remit Settlement Funds and Return Client Files

Toni Parrish Matter

39. In August 2004, Toni Parrish retained respondent to represent him on a personal injury claim arising from an August 11, 2004, car accident. Respondent settled Parrish's case in December 2004, in the amount of \$6000. After respondent closed his personal injury law practice in December 2006, Parrish retained the law firm of Scrimshire, Martineau, Gonko & Vavreck, which is comprised of attorneys who were former associates in respondent's personal injury practice, to continue to represent him on his personal injury claim.

40. On January 25, 2007, Scrimshire, Martineau, Gonko & Vavreck sent respondent a letter notifying him that they had been retained to represent Parrish and requesting that respondent forward Parrish's client file. Respondent failed to respond.

41. In February 2007, State Farm Insurance forwarded a settlement check in the amount of \$6000 to Scrimshire, Martineau, Gonko & Vavreck that was made out to Parrish and respondent's law office. On February 7, 2007, Scrimshire, Martineau, Gonko & Vavreck forwarded the settlement check to respondent to endorse and return. Scrimshire, Martineau, Gonko & Vavreck and Parrish have had no further contact with respondent. Parrish has been unable to receive disbursement of his settlement funds due to respondent's failure to endorse and return the settlement check.

42. On April 12, 2007, Parrish filed an ethics complaint with the Director alleging failure to return his client file and to endorse a settlement check.

Continued Failure to Forward Files from Personal Injury Practice

43. In late December 2006, respondent closed his personal injury practice. The majority of respondent's clients decided to retain the law firm of Scrimshire, Martineau, Gonko & Vavreck to continue to represent their personal injury claims.

44. In January 2007, respondent's former associates filed a complaint against respondent, which included respondent's failure to return numerous requests for various client files.

45. Throughout April 2007, the Director received numerous communications, by telephone, letter and email, from Scrimshire, Martineau, Gonko & Vavreck indicating that not all of these files were transferred and that some clients were being prejudiced by the fact that they did not have their client file. Given respondent's apparent abandonment of his law practice, it does not appear that these outstanding files will be returned to the clients.

46. Respondent's continued failure to return client files and to timely remit and/or account for settlement proceeds violates Rules 1.3, 1.4, 1.15(c)(1) and (4) and 1.16(d), MRPC.

COUNT EIGHT

Continued Non-Cooperation

47. On April 5, 2007, the Director sent to respondent's counsel a notice of investigation on the Taylor complaint.

48. On April 13, 2007, the Director sent to respondent's counsel a notice of investigation on the Parrish complaint.

49. On April 18, 2007, respondent's counsel in the disciplinary proceedings withdrew.

50. To date, no responses have been received to either complaint.

51. Respondent's continued non-cooperation violates Rule 8.3(a), MRPC, and Rule 25, RLPR.

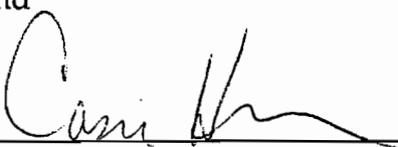
WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the

Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: April 25, 2007.

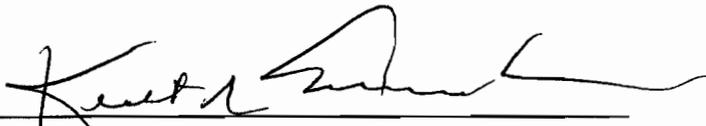


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and


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

Dated: April 26, 2007. 

KENT A. GERNANDER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD