

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against RONALD O. YLITALO,
an Attorney at Law of the
State of Minnesota.

**SUPPLEMENTARY
PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this supplementary petition pursuant to Rules 10(e) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 27, 1959. Respondent currently practices law in St. Paul, Minnesota.

Respondent has committed the following additional unprofessional conduct warranting public discipline:

SECOND COUNT

6. In June 1996 John White retained respondent to pursue a lawsuit against Mr. White's former employer on an NSF check issued to Mr. White and for payment of other expenses. Respondent agreed to represent Mr. White for a contingent fee, although no contingent fee agreement was signed. Mr. White gave respondent a folder containing the NSF check and other bills and letters.

7. Mr. White did not hear from respondent until September 1996, after calling several times to learn the status of his case. Respondent then stated he was still looking into the matter.

8. Mr. White did not contact respondent again until early 1997, when he was again told respondent was looking into it, and would send Mr. White information

letting him know what was going on. Mr. White did not receive any progress report from respondent.

9. For the next year, Mr. White heard from respondent only that he was working on it, but no details, and only when he made efforts to contact respondent.

10. In October 1998 Mr. White again contacted respondent and asked for a progress report. Mr. White also advised respondent that Mr. Germundson, the former employer, had just died a few days earlier. Respondent promised to bring suit to collect Mr. White's damages.

11. Since October 1998, Mr. White has called about every two weeks for progress reports, and has left messages asking for information. When Mr. White has been able to speak to respondent, he has been continually advised that respondent's colleague will send a letter on what's happening.

12. Respondent turned the case over to his colleague, Jeremy Monroe, in December 1998, with the understanding it would be handled expeditiously. Respondent was aware of Mr. White's calls in the spring of 1999, and even talked to him on several occasions. Respondent did not take the case back from Mr. Monroe, and did not undertake to handle the case himself. Respondent did not follow up to ensure that Mr. Monroe called or wrote to Mr. White.

13. Respondent states that in May 1999 he became aware that Mr. Monroe was suffering from depression. After Mr. White filed an ethics complaint against respondent, respondent obtained a death certificate for Mr. Germundson and learned that no probate proceeding had been initiated. On July 6, 1999, respondent wrote to Mr. White and advised him that the prospects for recovery were not good.

14. Respondent's conduct in failing to sign a contingency fee agreement, failing to pursue recovery for Mr. White, failing to adequately communicate the status of the case, and failing to adequately supervise the colleague to whom he gave Mr. White's case violated Rules 1.3, 1.4, 1.5(c), and 5.1(c), MRPC.

THIRD COUNT

15. On February 19, 1999, and March 10, 1999, pre-hearing meetings were conducted on charges of unprofessional conduct against respondent at the Office of Lawyers Professional Responsibility. Respondent appeared.

16. Thereafter, a pre-hearing statement was prepared and mailed to respondent for his signature. The pre-hearing statement accurately reflected respondent's admissions and denials of the charges.

17. On May 4, 1999, a notice of investigation of the complaint of John White, with a copy of the complaint, was mailed to respondent. The notice requested a written response within 14 days. No response was received.

18. On May 6, 1999, the attorney for the Director sent the pre-hearing statement to respondent for signature. Respondent did not return the signed statement, but on May 24 called the Director's Office and asked for an additional week in which to send a letter concerning his medical condition.

19. Respondent did not thereafter return the signed pre-hearing statement or a response to the White complaint, or further contact the Director's Office. On June 10, 1999, the Director's Office sent a further letter to respondent, asking to be contacted, and for return of the pre-hearing statement and a response to the White complaint. No response was received from respondent.

20. On June 24, 1999, the Director's Office filed with the Panel Chair a motion to bypass Panel. A copy of the motion was served on respondent. On July 5, 1999, respondent served a response to the motion to bypass and also a response to the White complaint. Respondent did not, however, sign or return the pre-hearing statement.

21. Respondent's conduct in failing to cooperate with the Panel proceeding by returning the pre-hearing statement and in failing to respond to the notice of investigation of the White complaint violated Rule 8.1(a)(3), MRPC, and Rules 9(e)(3) and 25, RLPR.

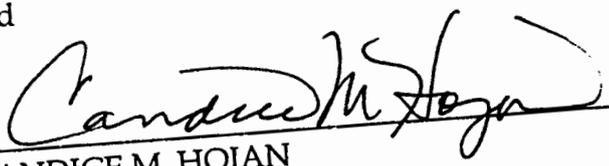
22. Respondent's conduct as set forth in the petition and supplementary petition for disciplinary action, together with his disciplinary history, evidences a refusal or an inability on the part of respondent to conform his conduct to the professional standards, as set forth prior to September 1, 1985, in the Minnesota Code of Professional Responsibility, and since September 1, 1985, in the Minnesota Rules of Professional Conduct.

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

Dated: September 1, 1999.


EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
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(651) 296-3952

and


CANDICE M. HOJAN
SENIOR ASSISTANT DIRECTOR
Attorney No. 125982

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

Dated: 9.2.99


JOEL A. THEISEN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD