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STATE OF MINNESOTA

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FILED

IN SUPREME COURT

LAWYERS PROF. RESP. OFFICE

CX-94-1750

In Re Petition for Disciplinary Action against  
David L. Scattarella, an Attorney at Law of the  
State of Minnesota.

ORDER

WHEREAS, the Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent David L. Scattarella, (1) while representing a client in a bankruptcy, failed to provide sufficient information to allow the client to make an informed decision about whether and how to proceed, and filed a false application for paying filing fees in installments and a false statement of compensation by attorney for debtor, constituting a misrepresentation to the court; (2) when respondent hired a disbarred attorney to work on collection matters and to serve as office manager and bookkeeper, the disbarred attorney made court appearances in a number of collection matters, falsely notarized a document and sent a letter misrepresenting to an opposing party that a bench warrant had been issued; respondent failed to adequately supervise and restrict the activities of the disbarred attorney, aiding in his unauthorized practice, and failed to rectify his false notarization and misrepresentation; and (3) that respondent failed to petition to initiate divorce proceedings on behalf of a client and failed to respond to her letters and phone calls; and

WHEREAS, the respondent has unconditionally admitted the allegations of the petition and has entered into a stipulation with the Director by which they jointly recommend a 4-month suspension followed by 2 years' supervised probation subject to the following conditions:

- (a) The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, shall be waived.
- (b) Respondent shall be required to successfully complete the professional responsibility portion of the state bar examination within 1 year of the date of this order.
- (c) Respondent shall comply with Rule 26, RLPR.
- (d) Respondent shall pay \$750 in costs and disbursements pursuant to Rule 24, RLPR.
- (e) Respondent shall immediately disassociate himself from the disbarred attorney and shall have no further professional dealings with him.
- (f) Respondent shall make restitution to his client in the bankruptcy matter in the amount of \$2,400. Payment of restitution is not an admission by respondent of any civil liability nor does acceptance of restitution preclude the client from pursuing any civil remedies she may claim against respondent.
- (g) Respondent shall be reinstated following the expiration of the suspension provided that at least 15 days before the expiration of the suspension period, respondent files an affidavit with the Clerk of Appellate Courts and the Director's Office establishing that respondent is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court.

WHEREAS, this court has independently reviewed the record and agrees that the admitted conduct by respondent warrants the agreed to discipline,

IT IS HEREBY ORDERED that respondent, David L. Scattarella, is placed on a suspension of 4 months, to commence 2 weeks from the date of this order, and upon reinstatement is placed on 2 years' supervised probation subject to the agreed upon conditions set out above.

Dated: *October 3, 1995*

BY THE COURT:

A handwritten signature in cursive script, reading "Mary Jeanne Coyne", written over a horizontal line.

Mary Jeanne Coyne  
Associate Justice