

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST CHRISTOPHER
STEPHEN PETROS, ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

CASE NO. 2013AP 2089-D

Complainant;

CHRISTOPHER STEPHEN PETROS,

Respondent.

RECEIVED

SEP 19 2013

COMPLAINT AND MOTION

CLERK OF SUPREME COURT
OF WISCONSIN

NOW COMES the Wisconsin Supreme Court - Office of Lawyer Regulation (OLR) by Assistant Litigation Counsel Julie M. Spoke, and alleges as follows:

1. The OLR was established by the Wisconsin Supreme Court and operates pursuant to Supreme Court Rules. This complaint is filed pursuant to SCR 22.22.

2. Respondent, Christopher Stephen Petros (Petros), is an attorney who was admitted to the State Bar of Wisconsin on June 18, 2009.

3. The most recent address furnished by Petros to the State Bar of Wisconsin is 1275 Ramsey Street, Suite 600, Shakopee, Minnesota 55379-3138.

4. On August 6, 2013, the State of Minnesota Supreme Court suspended Christopher Stephen Petros' Minnesota law license for ninety (90) days.

5. Petros' misconduct upon which his Minnesota suspension was based consisted of submitting false evidence and making false statements to the Director's Office; failing to notify a client about a hearing; lying to a court through an associate and failing to correct the misrepresentations he caused to be made to the court; failing to timely notify clients of their appeal rights and that he would not file an appeal on their behalf; and failing to diligently pursue a client's case, communicate with that client, and timely return the clients property, in violation of Minn. R. Prof. Conduct 1.3, 1.4, 1.16(d), 3.3(a)(1), 8.1(a), and 8.4(c) and (d).

6. A copy of the documents relating to the Minnesota disciplinary action, *In re Petition for Disciplinary Action against Christopher Stephen Petros*, No. A13-1003, are attached hereto and incorporated herein as Exhibit 1. Exhibit 1 consists of a true and correct copy of the *Petition*

for Disciplinary Action, Stipulation for Discipline, and a certified copy of the Order dated August 6, 2013.

COUNT ONE

7. By virtue of having received public discipline imposed in Minnesota for his violation of the Minnesota Rules of Professional Conduct, Petros is subject to reciprocal discipline in Wisconsin pursuant to SCR 22.22.

Motion Requesting Order To Show Cause

NOW COMES the OLR, by Julie M. Spoke, and moves the Supreme Court of Wisconsin, pursuant to SCR 22.22(2)(b), for an order that Christopher Stephen Petros inform the Court in writing within 20 days of any claim by Petros, predicated upon the grounds set forth in SCR 22.22(3), that the imposition of identical discipline to that imposed in Minnesota would be unwarranted, and of the factual basis for any such claim.

WHEREFORE, the Office of Lawyer Regulation asks the Supreme Court of Wisconsin to suspend Attorney Christopher Stephen Petros' license to practice law in Wisconsin for a period of 90 days as discipline reciprocal to that imposed upon Petros in Minnesota, and that the Court grant such other

and further relief as may be just and equitable, including an award of costs.

Dated this 19 day of September, 2013.

OFFICE OF LAWYER REGULATION



Julie M. Spoke
Assistant Litigation Counsel
State Bar No. 1027701

ADDRESS:

110 East Main Street, Room 315
Madison, Wisconsin 53703

Toll-free telephone: 1-877-315-6941 - Ext. 4

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against CHRISTOPHER STEPHEN PETROS,
a Minnesota Attorney,
Registration No. 32131X.

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 petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

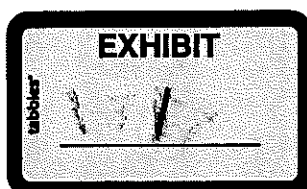
The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 25, 2002. Respondent currently practices law in Shakopee, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

A.A. Matter

1. In or about June 2010, A.A. retained respondent for representation in a dissolution and custody matter. The judgment and decree was filed on May 2, 2011.
2. In a letter to respondent dated May 20, 2011, opposing counsel scheduled a motion hearing for July 15, 2011, at 10:30 a.m. to modify A.A.'s parenting time and notified respondent of the hearing date. Opposing counsel, however, did not serve the motion upon respondent until July 1, 2011.



3. In a letter dated May 27, 2011, respondent purportedly sent opposing counsel's May 20, 2011, letter to A.A. A.A. denies receiving a May 27, 2011, letter from respondent. As more fully set forth below, respondent fabricated the May 27, 2011, letter.

4. On or about June 30, 2011, respondent called A.A. and informed her that her ex-husband intended to file a motion to adjust parenting time. Respondent also informed A.A. that he had not yet been served with the motion and that the opposing party had until July 1 to file it.

5. On July 1, 2011, A.A. attempted to contact respondent to inquire whether the motion had been served; however, A.A. was unable to reach respondent.

6. On July 1, 2011, opposing counsel served the motion upon respondent. Respondent did not provide A.A. with a copy of the motion papers, or any written notification of the hearing date.

7. In a letter dated July 5, 2011, respondent purportedly notified A.A. of the upcoming hearing by enclosing the motion and asked A.A. to contact him immediately. A.A. denies receiving a July 5, 2011, letter from respondent. As more fully set forth below, respondent fabricated the July 5, 2011, letter.

8. As the hearing date approached, respondent made no efforts to communicate with A.A., other than to send her a text message on July 11. A.A.'s mobile telephone was disconnected at this time and she could not receive or send text messages. Respondent did not attempt to reach A.A. at her work telephone number, by email or in writing.

9. Respondent did not submit a response to the motion, did not formally request a continuance and did not withdraw from the representation.

10. On July 15, 2011, the opposing party's motion was heard. Neither A.A. nor respondent appeared for the hearing. Instead, respondent sent an associate from his firm to attend the hearing.

11. During the hearing, the court inquired of respondent's associate as to the efforts made to notify A.A. of the hearing. Respondent's associate called respondent to obtain that information for the court. Respondent informed his associate that he had mailed the motion to A.A. This statement was false.

12. Respondent's associate then relayed this false information to the court.

13. After the hearing, the court issued an order which was unfavorable to A.A. Prior to the hearing, the parties had joint legal and physical custody of their three minor children and alternated custody weekly. After the hearing, the court ordered that A.A.'s ex-husband was permitted to retain the children in his custody until the parties agreed otherwise in writing and obtained a court order, or after further court order. A.A. was awarded parenting time with the children, which was to be supervised at her ex-husband's discretion.

14. The order stated, "Unfortunately, [A.A.] did not appear at the hearing and did not serve or file any responsive evidence." The order further stated, "[Respondent's associate] advised the undersigned at the hearing that [respondent], [A.A.'s] attorney of record, mailed the Petitioner's motion and affidavit evidence to her and that it was not returned."

15. Respondent failed to correct the misrepresentation made to the court.

16. A.A. learned of the hearing for the first time when her ex-husband contacted her after the hearing and notified her that she had missed a court appearance that day.

17. Respondent's conduct in the A.A. matter violated Rules 1.3, 1.4, 3.3(a)(1), and 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

N.H. and R.H. Matter

18. On or about May 26, 2010, N.H. and R.H. retained respondent for representation in a child in need of protection or services (CHIPS) matter.

19. On October 6, 2010, N.H. and R.H. lost their CHIPS case and their parental rights were terminated. Thereafter, respondent appealed to the Court of Appeals. On April 12, 2011, the Court of Appeals affirmed the district court. N.H. and R.H. had 30 days from April 12, 2011, within which to petition the Minnesota Supreme Court for review. *See* Minn. R. App. P. 117.

20. In a letter dated April 12, 2011, respondent purportedly provided N.H. and R.H. with a copy of the Court of Appeals' decision. N.H. and R.H. deny receiving an April 12, 2011, letter from respondent. As more fully set forth below, respondent fabricated the April 12, 2011, letter.

21. Respondent did not actually notify N.H. and R.H. of the Court of Appeals' decision until he sent them a letter dated May 5, 2011 (which was not postmarked until May 6, 2011). Respondent's May 5, 2011, letter did not inform N.H. and R.H. of the deadline to petition for review and did not inform them that he would not file the petition for review on their behalf. As of May 6, 2011, N.H. and R.H. had approximately five business days remaining to timely petition for review.

22. In a separate letter dated May 6, 2011, respondent purportedly advised N.H. and R.H. that they had 30 days from April 12 to petition the Minnesota Supreme Court for review, which he would not be filing on their behalf due to their inability to obtain financing. N.H. and R.H. deny receiving a letter dated May 6, 2011, from respondent. As more fully set forth below, respondent fabricated the May 6, 2011, letter.

23. Respondent's conduct in the N.H. and R.H. matter violated Rules 1.3, 1.4, and 1.16(d), MRPC.

THIRD COUNT

Submitting False Evidence and Making False Statements

A.A. Matter

24. On July 21, 2011, the Director received the complaint of A.A. On August 3, 2011, the Director issued a notice of investigation of A.A.'s complaint. The matter was assigned to the district ethics committee (DEC) for investigation.

25. In response to A.A.'s complaint, respondent stated that he sent opposing counsel's May 20, 2011, letter to A.A. on May 27, 2011. This statement was false.

26. The metadata associated with the electronic version of respondent's May 27, 2011, letter to A.A. indicates that respondent created the letter on November 2, 2011, at 9:14 a.m. Respondent fabricated the May 27, 2011, letter and submitted this false evidence to the DEC investigator on or about November 2, 2011.

27. In his response to A.A.'s complaint, respondent stated that his firm provided A.A. with two letters that informed her of the date and time of the hearing. This statement was false.

28. The metadata associated with the electronic version of respondent's July 5, 2011, letter to A.A. (the second of the two letters respondent claims to have sent to A.A. regarding the hearing) indicates that respondent created the letter on July 15, 2011, at 11:08 a.m. The hearing was underway at the time respondent fabricated the July 5, 2011, letter. Respondent submitted this false evidence to the DEC investigator on or about November 2, 2011.

29. Additional indicators that respondent fabricated the May 27 and July 5, 2011, letters are that A.A. denies receiving the letters and the letters do not appear on respondent's billing statements.

30. In a February 6, 2012, letter to the Director, respondent repeated his false statement that he sent a May 27, 2011, letter to A.A. with which he provided her with

opposing counsel's letter. With his February 6, 2012, letter to the Director, respondent resubmitted his fabricated May 27, 2011, letter.

31. In his February 6, 2012, letter to the Director, respondent falsely stated that he sent A.A. "numerous letters . . . in regards to the time and date of the hearing." Respondent also repeated his false statement that he sent a letter with the motion paperwork to A.A. With his February 6, 2012, letter to the Director, respondent resubmitted his fabricated July 5, 2011, letter.

32. On October 30, 2012, the Director received a letter from respondent. In the letter, respondent repeated his false statements that he informed A.A. of the hearing in letters dated May 27 and July 5, 2011.

N.H. and R.H. Matter

33. On July 25, 2011, the Director received the complaint of N.H. and R.H. On August 15, 2011, the Director issued a notice of investigation concerning their complaint. The matter was investigated by the Director's Office without referral to a DEC.

34. In response to the complaint of N.H. and R.H., respondent stated to the Director's Office that the Court of Appeals' decision was mailed to N.H. and R.H. on April 12, 2011. This statement was false.

35. The metadata associated with the electronic version of respondent's April 12, 2011, letter indicates that respondent created the letter on July 17, 2011, at 8:41 a.m. Respondent fabricated the April 12, 2011, letter and submitted this false evidence to the Director on September 14, 2011.

36. In his response, respondent further stated that in a May 6, 2011, letter he advised N.H. and R.H. of his inability to proceed with their petition for review to the Minnesota Supreme Court due to their inability to obtain financing and that he advised them of the short time remaining to petition for review. This statement was false.

37. The metadata associated with the electronic version of respondent's May 6, 2011, letter indicates that respondent created the letter on July 17, 2011, at 9:19 a.m. Respondent submitted this false evidence to the Director on September 14, 2011.

38. Additional indicators that respondent fabricated the April 12 and May 6, 2011, letters are that N.H. and R.H. deny receiving the letters, the letters do not appear on respondent's billing statements and the letters are printed on "Tuttle Bergeson Petros, P.A. Law Office" letterhead, which had not been proofed for printing until May 9, 2011.¹

39. In a November 1, 2011, letter to the Director respondent stated that he sent the Court of Appeals' decision to N.H. and R.H. twice. This statement was false as respondent had only sent the decision to N.H. and R.H. on May 5, 2011.

40. In his December 21, 2011, letter to the Director, respondent repeated his false statement that he sent a letter to N.H. and R.H. dated April 12, 2011.

41. In a December 21, 2011, letter to the Director, respondent repeated his false statement that he sent a letter to N.H. and R.H. dated May 6, 2011.

42. In a March 21, 2013, letter to the Director, respondent repeated his false statement that he sent N.H. and R.H. a letter advising them of his inability to move forward with their case due to their inability to obtain financing.

43. Respondent's conduct in submitting false evidence and making false statements to the Director's Office and the DEC investigator violated Rules 8.1(a) and 8.4(c) and (d), MRPC.

¹ In early 2011, the firm began the process of changing its name from "Tuttle Bergeson Law Office" to "Tuttle Bergeson Petros, P.A. Law Office."

FOURTH COUNT

J.L. Matter

44. In or about June 2010, J.L. was concerned that he had overpaid child support and contacted respondent who agreed to look into the matter at no cost. No retainer agreement was signed or drafted.

45. In late March or early April 2011, respondent reviewed the matter, but did not believe J.L. had a case. Respondent claims he left J.L. a message to that effect in late March or early April 2011; J.L. denies receiving a message from respondent. Respondent did not write to J.L. to inform him of his opinion.


46. Respondent's file consisted only of the documents J.L. supplied to respondent and a January 26, 2011, email string. In the email string, someone from respondent's office emailed respondent and informed him that J.L. "[s]aid he has been trying to reach [respondent] for 3 months now." Respondent replied to the email and stated, "He's not a client don't worry about him" Even after receiving notice on January 26, 2011, that J.L. was trying to contact him, respondent waited approximately two months (or longer) before he claims to have left a message for J.L.

47. On December 1, 2011, J.L. filed a complaint with the Director's Office. J.L. in his complaint stated, "[I]f he is not going to represent me, [I] need all my original documents returned immediately." Despite this very clear request, respondent did not return J.L.'s documents until March 2, 2012, when specifically asked to do so by the DEC investigator. This was nearly one year after respondent says he reviewed the matter and determined that he did not think J.L. had a case and nearly three months after J.L.'s complaint was mailed to respondent.

48. Respondent's conduct in the J.L. matter violated Rules 1.3, 1.4, and 1.16(d), MRPC.

WHEREFORE, the Director respectfully prays for an order of this Court 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: June 6, 2013.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
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and



SIAMA Y. CHAUDHARY
SENIOR ASSISTANT DIRECTOR
Attorney No. 350291

FILE NO. A13-1003

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against CHRISTOPHER STEPHEN PETROS,
a Minnesota Attorney,
Registration No. 32131X.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Christopher Stephen Petros, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. Pursuant to the Rules on Lawyers Professional Responsibility (RLPR), the parties agree to dispense with further proceedings under Rule 14, RLPR, and respondent agrees to the immediate disposition of this matter by the Minnesota Supreme Court under Rule 15, RLPR.
2. Respondent understands this stipulation, when filed, will be of public record.
3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a

recommended disposition; to contest such findings and conclusions; and to a hearing before the Supreme Court upon the record, briefs and arguments.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition which may be summarized as follows:

a. Respondent represented A.A. in a dissolution and custody matter. Respondent failed to notify A.A. of a motion served and filed by the opposing party, which resulted in A.A.'s failure to appear for the hearing on the motion. Respondent failed to submit any responsive evidence on A.A.'s behalf and did not request a continuance of the hearing. Respondent, through his associate, falsely represented to the court that he had mailed the motion papers to A.A. and subsequently failed to correct the misrepresentation made to the court.

b. Respondent represented N.H. and R.H. in a child in need of protection or services matter. After N.H. and R.H. lost their appeal in the Court of Appeals, respondent failed to timely notify them of the Court of Appeals' decision. Respondent also failed to advise N.H. and R.H. of the deadline to petition the Minnesota Supreme Court for review and failed to advise them that he would not file the petition on their behalf.

c. In the course of the Director's investigation into the complaints of A.A. and N.H. and R.H., respondent submitted four fabricated letters evidencing his purported communications with the clients. Respondent also made multiple false statements to the district ethics committee investigator and the Director.

d. In a third client matter, respondent agreed to review J.L.'s child support matter. Respondent failed to communicate with J.L., failed to diligently pursue J.L.'s matter and failed to timely return J.L.'s file.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanctions the Court will impose.

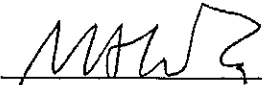
6. The Director and respondent join in recommending that the appropriate discipline is indefinite suspension from the practice of law for a minimum period of ninety (90) days pursuant to Rule 15, RLPR. The suspension shall be effective on the date of the Court's suspension order. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Respondent shall be permitted to apply for reinstatement forty-five (45) days after the suspension becomes effective. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR; and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR.


7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.


8. Respondent hereby acknowledges receipt of a copy of this stipulation.


9. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: June 19, 2013. 
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: June 19, 2013. 
SIAMA Y. CHAUDHARY
SENIOR ASSISTANT DIRECTOR
Attorney No. 350291

Dated: June 24, 2013. 
CHRISTOPHER STEPHEN PETROS
RESPONDENT

Dated: June 21, 2013. 
THOMAS M. KELLY
ATTORNEY FOR RESPONDENT
Attorney No. 54914
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Minneapolis, MN 55402-1427
(612) 339-5055

STATE OF MINNESOTA

IN SUPREME COURT

A13-1003

OFFICE OF
APPELLATE COURTS

AUG 06 2013

FILED

In re Petition for Disciplinary Action against
Christopher Stephen Petros, a Minnesota Attorney,
Registration No. 32131X.

ORDER

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent Christopher Stephen Petros committed professional misconduct warranting public discipline, namely, submitting false evidence and making false statements to the Director's Office; failing to notify a client about a hearing; lying to a court through an associate and failing to correct the misrepresentation he caused to be made to the court; failing to timely notify clients of their appeal rights and that he would not file an appeal on their behalf; and failing to diligently pursue a client's case, communicate with that client, and timely return the client's property, in violation of Minn. R. Prof. Conduct 1.3, 1.4, 1.16(d), 3.3(a)(1), 8.1(a), and 8.4(c) and (d). Respondent admits the allegations of the petition, waives his procedural rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR), and, with the Director, recommends that the appropriate discipline is a 90-day suspension and that respondent be required to petition for reinstatement.

This court has independently reviewed the file and approves the jointly recommended disposition.

IT IS HEREBY ORDERED that respondent Christopher Stephen Petros is indefinitely suspended from the practice of law for a minimum of 90 days, effective upon the filing of this order. Respondent shall pay \$900 in costs pursuant to Rule 24, RLPR, and shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals). Respondent may petition for reinstatement pursuant to Rule 18(a)-(d), RLPR, not less than 45 days after the suspension becomes effective. Reinstatement is conditioned on successful completion of the professional responsibility portion of the state bar examination, satisfaction of continuing legal education requirements, pursuant to Rule 18(e), RLPR, payment of costs in the amount of \$900, and compliance with Rule 26, RLPR.

Dated: August 6, 2013

BY THE COURT:

State of Minnesota, Supreme Court
I hereby Certify that the foregoing Instru-
ment is a true and correct copy of the
original as the same appears on record in
my office this 29th day of August
20 13

Kevala Skirrell
Asst. Deputy Clerk

Alan C. Page
Alan C. Page
Associate Justice