

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST LOUIS ANDREW
STOCKMAN, ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

CASE NO. 2014AP 516-D

Complainant;

LOUIS ANDREW STOCKMAN,

Respondent.

RECEIVED

MAR 07 2014

CLERK OF SUPREME COURT
OF WISCONSIN

COMPLAINT AND MOTION

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 and Motion is filed pursuant to SCR 22.22.

2. Respondent Louis Andrew Stockman (Stockman) is
an attorney who was admitted to the State Bar of Wisconsin
on August 24, 1999. Stockman is also admitted to practice
law in Minnesota.

3. On October 10, 2012, Stockman's Wisconsin law
license was suspended for five months as a result of
discipline reciprocal to that imposed in Minnesota.

Disciplinary Proceedings Against Louis A. Stockman, 2012 WI 110. The most recent address Stockman furnished to the State Bar of Wisconsin is Injury Law, 5 N 3rd Avenue W, 300 Beal Building, Duluth, Minnesota 55802-1614.

2013 Minnesota Discipline

4. On February 8, 2013, the Supreme Court of Minnesota suspended Stockman's Minnesota law license for six months for misconduct consisting of neglecting and failing to communicate with two clients; failing to respond to communication from opposing counsel, including discovery requests; making a false statement to opposing counsel; failing to properly supervise another lawyer in his law firm; failing to comply with and making false statements regarding his compliance with the notice requirements for a previous suspension from the practice of law; displaying signage and utilizing law firm and other designations falsely implying that respondent continued to be licensed to practice law while he was suspended; engaging in the unauthorized practice of law; and contracting for legal advertising in various telephone directories that would be distributed during the period of his suspension. The Minnesota Court found Stockman

violated Minn R. Prof. Conduct 1.1, 1.3, 1.4, 3.2, 3.4(c) and (d), 4.1, 5.1(a) and (c)(2), 5.5(a) and (b)(2), 7.1, 8.1(a), and 8.4(c) and (d), and Rule 26, Rules on Lawyers Professional Responsibility. After filing an answer denying the allegations, Stockman subsequently admitted the allegations and agreed that a six month suspension was appropriate discipline.

5. A packet of documents relating to the reprimand, *In re Petition for Disciplinary Action against Louis Andrew Stockman, a Minnesota Attorney*, Minnesota Supreme Court File No. A12-1295, are attached hereto and incorporated herein as Exhibit 1. Exhibit 1 contains certified copies of:

(a) *Petition for Disciplinary Action*, filed July 25, 2012;

(b) *Respondent's Answer*, filed August 17, 2012;

(c) *Supplementary Petition for Disciplinary Action*, filed November 16, 2012;

(d) *Stipulation for Discipline*, filed December 24, 2012; and

(e) *Order*, filed on February 8, 2013.

6. Stockman did not notify OLR of Minnesota's six month suspension within 20 days of its effective date.

COUNT ONE

7. By virtue of the Minnesota suspension, Stockman is subject to reciprocal discipline in Wisconsin pursuant to SCR 22.22.¹

¹ SCR 22.22 provides that:

- (1) An attorney on whom public discipline for misconduct or a license suspension for medical incapacity has been imposed by another jurisdiction shall promptly notify the director of the matter. Failure to furnish the notice within 20 days of the effective date of the order or judgment of the other jurisdiction constitutes misconduct.
- (2) Upon the receipt of a certified copy of a judgment or order of another jurisdiction imposing discipline for misconduct or a license suspension for medical incapacity of an attorney admitted to the practice of law or engaged in the practice of law in this state, the director may file a complaint in the supreme court containing all of the following:
 - (a) A certified copy of the judgment or order from the other jurisdiction.
 - (b) A motion requesting an order directing the attorney to inform the supreme court in writing within 20 days of any claim of the attorney predicated on the grounds set forth in sub.(3) that the imposition of the identical discipline or license suspension by the supreme court would be unwarranted and the factual basis for the claim.
- (3) The supreme court shall impose the identical discipline or license suspension unless one or more of the following is present:
 - (a) The procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.
 - (b) There was such an infirmity of proof establishing the misconduct or medical incapacity that the supreme court could not accept as final the conclusion in respect to the misconduct or medical incapacity.
 - (c) The misconduct justifies substantially different discipline in this state.
- (4) Except as provided in sub.(3), a final adjudication in another jurisdiction that an attorney has engaged in misconduct or has a medical incapacity shall be conclusive evidence of the attorney's misconduct or medical incapacity for purposes of a proceeding under this rule.
- (5) The supreme court may refer a complaint filed under sub. (2) to a referee for a hearing and a report and recommendation pursuant to SCR 22.16. At the hearing, the burden is on the party seeking the imposition of discipline or license suspension different from that imposed in the other jurisdiction to demonstrate that the imposition of identical discipline or license suspension by the supreme court is unwarranted.
- (6) If the discipline or license suspension imposed in the other jurisdiction has been stayed, any reciprocal discipline or license suspension imposed by the supreme court shall be held in abeyance until the stay expires."

COUNT TWO

8. By failing to notify OLR of his suspension in Minnesota for professional misconduct within 20 days of the effective date of its imposition, Stockman violated SCR 22.22(1).

Motion Requesting Order To Show Cause

NOW COMES the Office of Lawyer Regulation, by Assistant Litigation Counsel Julie M. Spoke, and moves the Supreme Court of Wisconsin, pursuant to SCR 22.22(2)(b), for an order that Louis Andrew Stockman inform the Court in writing within 20 days of any claim by him, predicated upon the grounds set forth in SCR 22.22(3), that the imposition of discipline reciprocal 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 Wisconsin Supreme Court to suspend Attorney Louis Andrew Stockman's Wisconsin law license for six months as discipline reciprocal to that imposed upon him 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 7 day of March, 2014.

OFFICE OF LAWYER REGULATION



JULIE M. SPOKE
Assistant Litigation Counsel
State Bar No. 1027701

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FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against LOUIS ANDREW STOCKMAN,
a Minnesota Attorney,
Registration No. 241210.

PETITION FOR
DISCIPLINARY ACTION

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

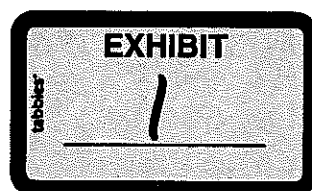
The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 22, 1993. Respondent is currently suspended from the practice of law.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

A. On February 17, 2012, respondent was suspended from the practice of law for a minimum period of five months effective March 2, 2012, for negligent misappropriation of client funds, mishandling of client funds, commingling of personal and client funds, failure to maintain required trust account books and records, sharing legal fees with a non-lawyer assistant, making loans to clients, failure to diligently resolve a client matter, failure to return a contingent fee to his client trust account, failure to clearly communicate the basis and rate of fees, failure to provide a client with



a settlement statement, remitting personal funds to a client, engaging in a pattern of client-related misconduct, in violation of Rules 1.1, 1.2(a), 1.3, 1.4(a)(1), 1.5(b) and (c), 1.7(a)(2), 1.8(a) and (e), 1.15(a), (b), (c)(5) and (h), 3.2, 3.4(a), 5.4(a), and 7.2(b), MRPC.

B. On January 15, 2009, respondent was issued an admonition for failing to obtain his client's consent before making a settlement demand to an insurer, failing to notify the client of the insurer's counter-offer, failing to diligently handle the client's case and failing to keep the client reasonably informed about the status of his case, in violation of Rules 1.2(a), 1.3, and 1.4(a)(1) and (3), Minnesota Rules of Professional Conduct.

FIRST COUNT

Hagen and Theisen Matters

Hagen Matter

1. On February 20, 2006, Saisunee Hagen was injured at work. On approximately February 28, 2006, Hagen's employer provided to its insurer Hagen's "First Report of Injury." On approximately March 22, 2006, the insurer served a "Notice of Insurer's Primary Liability Determination" denying liability for Hagen's injury. Both documents were filed with the Minnesota Department of Labor and Industry on March 22, 2006.

2. On or about June 12, 2006, Hagen retained respondent to represent her regarding her workers' compensation claim. At that time, Hagen signed a contingent fee retainer agreement and medical and other authorizations. Respondent took no action at that time to obtain Hagen's medical records.

3. On September 14, 2006, Hagen's chiropractor provided a report regarding her diagnosis and work capabilities. This report was faxed to respondent on September 21, 2006. The report concluded: "At the present time Mrs. Hagen is not capable of returning to a job description as physical as the demands required at USG

Corp. Mrs. Hagen is just beginning to show progress and a job of that physical nature poses a high degree of exacerbation risk due to the vulnerability level of her injury."

4. During the period September 2006 to July 2008, respondent failed to work diligently on Hagen's case and did not adequately communicate with Hagen regarding her case.

5. On July 25, 2008, Hagen met with respondent in his office. Respondent's notes of this meeting reflect that he intended to request Hagen's medical records from Duluth Clinic.

6. On September 25, 2008, respondent wrote to Duluth Clinic and requested Hagen's medical records. Respondent failed to attach a medical authorization to his letter. Duluth Clinic responded on approximately September 29, 2008, stating that it needed a medical authorization from Hagen. Respondent did not, at that time, forward a medical authorization to Duluth Clinic or take any further action to obtain Hagen's medical records.

7. The statute of limitations on Hagen's workers' compensation claim expired on March 22, 2009. *See* Minn. Stat. § 175.151(1).

8. At the time of the expiration of the statute of limitations, the only medical records in respondent's possession were (a) the September 14, 2006, report from Hagen's chiropractor referenced above, and (b) a June 28, 2008, letter from a medical doctor that addressed Hagen's termination of employment and had no bearing on her workers' compensation claim.

9. At no time did respondent advise Hagen of, or discuss with her, the statute of limitations applicable to her claim.

10. During the period September 2008 to May 2009, respondent did not work diligently on Hagen's case or adequately communicate with Hagen regarding her case.

11. On May 28, 2009, Hagen and respondent spoke by telephone.

Respondent's notes of the conversation read as follows:

[Hagen] told me she saw Dr. Ensley at the Duluth Clinic on May 19, 2009 and the doctor informed her that she cannot work anymore. Ms. Hagen is waiting to receive that letter from the doctor. I told her once she had this letter she should call our office and we should schedule an appointment so I could take a look at the doctor's letter.

Once and for all this letter may give us the ammunition that would be needed to go forward with a workers compensation claim.

12. On June 29, 2009, and July 10, 2009, respondent requested, and later received, Hagen's medical bills and records from Duluth Clinic and other providers.

13. During the period July 2009 and May 2010, respondent did not work diligently on Hagen's case or adequately communicate with Hagen regarding her case.

14. On May 25, 2010, respondent wrote to Dr. Nancy Ensley at Duluth Clinic, who, at one time, had treated Hagen. Respondent requested a narrative report from Dr. Ensley. Duluth Clinic thereafter responded by informing respondent that Dr. Ensley was no longer employed with Duluth Clinic.

15. On June 1, 2010, respondent wrote to Hagen and asked whether there was another doctor from whom he could request a narrative report.

16. On September 14, 2010, respondent wrote to Hagen and stated that they had requested updated medical records from Duluth Clinic. Respondent stated, "We would hope that Duluth Clinic will provide us with these important medical records by the middle of next month. After we obtain those records, we should than [sic] sit down and review those medical records and see it if would be appropriate for us to try and get a final report from Dr. Ekman."

17. On March 18, 2011, Dr. Ekman notified Hagen that he was retiring.

18. In August 2011 Hagen discharged respondent and obtained her client file from him.

19. Hagen consulted with another attorney, who informed her of the expiration of the statute of limitations on her workers' compensation claim.

Theisen Matter—2009 Accident

20. On June 18, 2009, Kristin Theisen (“Theisen”) was involved in a car accident (“2009 accident”). Theisen’s daughter, Amanda, a minor, was in the car with Theisen at the time of the accident. The driver of the other vehicle, who did not have insurance coverage, was completely at fault, having rear-ended Theisen’s car. Theisen was insured by American Family Insurance (“American Family”).

21. Theisen retained attorney J. Carver Richards to represent her and Amanda regarding the 2009 accident.

22. On approximately December 11, 2009, Richards commenced a lawsuit against American Family for uninsured motorist benefits arising from the 2009 accident.

23. On March 12, 2010, attorney Kenneth Kimber, who represented American Family, served interrogatories, demand for production of documents and statements and demand for medical records and authorizations (“discovery requests”) on Richards. These discovery requests required responses from both Theisen and Amanda.

24. On April 7, 2010, Theisen retained respondent to substitute for Richards as her attorney. At that time, respondent wrote to American Family regarding no-fault benefits and presented unpaid medical bills to Theisen’s medical insurer, Blue Cross Blue Shield.

25. Respondent did not timely respond to the discovery requests that Kimber had served on Richards or contact Kimber to request an extension of the deadline to respond.

26. On May 21, 2010, after learning from Richards that respondent had been substituted as Theisen’s attorney, Kimber wrote to respondent requesting responses to the discovery requests. Respondent did not respond.

27. On June 21, 2010, Kimber wrote again to respondent requesting responses to the discovery requests. Again, respondent did not respond.

28. On July 8, 2010, Kimber served and filed a motion to compel responses to discovery. The hearing on the motion was scheduled for August 11, 2010.

29. On August 6, 2010, Kimber received from respondent Theisen's responses to the discovery requests. These responses did not bear Theisen's signature and were incomplete in many respects, including that they did not include income information that had been requested. Respondent did not, at that time, provide Amanda's responses to the discovery requests.

30. On August 9, 2010, Kimber wrote to respondent and noted the deficiencies in his discovery responses, including the failure to provide any responses for Amanda. That same day, Brian Fischer, an associate attorney in respondent's office, responded to Kimber's letter. Fischer stated that he did not realize that discovery responses for Amanda were necessary and that he was attempting to collect the documents and information necessary to provide complete discovery responses for both Theisen and Amanda. Based on Fischer's letter, Kimber postponed the hearing on his motion to compel until September 15, 2010.

31. On September 3, 2010, respondent provided Kimber with Theisen's additional responses to the discovery requests and stated he was in the process of collecting the requested income information. Respondent further stated that Amanda's responses to the discovery requests were being finalized.

32. On September 14, 2010, Kimber served and filed a supplemental affidavit detailing what was still missing from respondent's discovery responses, i.e., respondent had not submitted any responses for Amanda, identified Theisen's medical providers, provided medical authorizations or provided Theisen's income information.

33. In a September 14, 2010, letter, respondent told Kimber that Theisen had prepared Amanda's responses to discovery, but that she had mailed them to respondent at an incorrect address, necessitating the re-mailing of the documents. Respondent's statement was false.

34. On September 15, 2010, the hearing on Kimber's motion to compel discovery was held.

35. On September 17, 2010, the court issued an order to compel discovery. The court's order required Theisen and Amanda to provide complete responses to the discovery requests within 30 days. A failure to do so would result in the assessment against them of \$500 in attorney's fees and costs.

36. On October 5, 2010, respondent provided Kimber with Amanda's responses to the discovery requests and produced copies of Theisen's tax returns for the years 2007 to 2009. (The discovery requests had actually requested tax returns for the years 2004 through 2009.)

37. On October 11, 2010, Kimber sent to respondent authorizations for Theisen's 2004 through 2006 income tax returns. Kimber asked respondent to obtain Theisen's signature on the authorizations and return them to him. Respondent thereafter returned signed income tax authorizations to Kimber.

38. A scheduling conference was scheduled for November 5, 2010. On November 4, 2010, Kimber wrote to the judge and stated that he still had not been provided complete responses to the discovery requests. In particular, Kimber stated that he had not received a list of medical providers or copies of any medical bills. Kimber requested that the issue be addressed at the scheduling conference.

39. On November 12, 2010, following the scheduling conference, the court issued another order regarding discovery. The court ordered Theisen and Amanda to provide complete responses to the discovery requests by December 15, 2010. A failure to do so would result in the assessment against them of \$500 in attorney's fees and costs.

40. Respondent provided complete responses to the discovery requests to Kimber by the December 15, 2010, deadline, i.e., more than eight months after the responses were originally due.

41. Theisen promptly provided respondent with all documents and information he requested, whether those materials were needed to respond to discovery or for other purposes. Respondent did not inform Theisen of the communications and proceedings regarding their discovery responses that are detailed above.

42. During respondent's representation of her, Theisen made multiple efforts to contact respondent by telephone and email, to which respondent did not respond. For example, on January 18, 2011, Theisen wrote to respondent. She referenced her previous efforts to contact respondent and stated, "It is very important that you get back with me right away so that we may discuss our case." Respondent failed to respond.

43. On March 25, 2011, Kimber wrote to respondent. Kimber stated he intended to take Theisen and Amanda's depositions and asked respondent to inform him of his and his clients' availability for the depositions during the first three weeks of April 2011. Respondent did not respond.

44. On April 5, 2011, Kimber, not having heard from respondent, served respondent with notices that Kristin and Amanda's depositions would be taken on April 19. Respondent did not inform Theisen of the deposition date.

45. On April 12, 2011, respondent wrote to Kimber confirming that "neither our clients nor I" were available on April 19 and providing Kimber with a series of alternative dates for the depositions, including May 5. On April 13, 2011, Kimber served amended notices of deposition setting the depositions for May 5, 2011.

46. Respondent called Kimber on April 13, 2011, and requested that the depositions be continued to May 17, 2011, to accommodate Theisen's husband's attendance. Inasmuch as Theisen's husband was not a party to the proceeding, Kimber refused to agree to reschedule the depositions.

47. On April 18, 2011, respondent wrote to Kimber and stated that "our clients will not be attending any May 5, 2011 depositions."

48. In the period after April 18, 2011, Kimber attempted to contact respondent to discuss the depositions, but respondent did not respond.

49. On April 28, 2011, Kimber served and filed a motion to compel the depositions and, given that the deadlines in the original scheduling order were not likely to be met, to amend the scheduling order. The hearing on the motion was scheduled for May 13, 2011.

50. On May 6, 2011, respondent called Kimber and stated that his clients would be available for depositions on either May 25 or 26, 2011, and that he would agree to the amendment of the scheduling order. Kimber asked respondent to provide him with confirmation of the deposition date and a signed stipulation to amend the scheduling order. Kimber stated that he would not cancel the May 13, 2011, hearing until he received these materials from respondent.

51. By May 11, 2011, respondent had not provided Kimber with confirmation of the deposition date or a stipulation to amend the scheduling order. At that time, Kimber informed respondent that he therefore intended to proceed with the May 13, 2011, hearing.

52. On May 11, 2011, respondent confirmed to Kimber that Theisen and Amanda's depositions could be taken on May 25, 2011.

53. On May 12, 2011, respondent provided Kimber with a stipulation to amend the scheduling order. Based on respondent's provision of these materials, Kimber cancelled the May 13, 2011, hearing.

54. Theisen attempted to reach respondent on multiple occasions regarding the scheduling of the depositions, but respondent failed to respond. Respondent did not inform Theisen of the communications or proceedings regarding the scheduling of the depositions that are detailed above.

55. On August 2, 2011, Kimber wrote to respondent regarding the appointment of a mediator. Respondent did not respond.

56. Kimber wrote again to respondent regarding the appointment of a mediator on August 23, 2011. Respondent did not respond.

57. On August 30, 2011, Kimber wrote to respondent for a third time regarding the appointment of a mediator. In his August 30 letter, Kimber stated that if respondent again failed to respond, he would schedule a motion to compel. Respondent did not respond.

58. As a result, on September 16, 2011, Kimber served and filed a motion to compel mediation and the appointment of a mediator. The hearing on the motion was scheduled for October 7, 2011, which was also the date of a pre-trial hearing in the matter.

59. On September 20, 2011, respondent called and emailed Kimber agreeing to the appointment of a mediator and stating that he would request a continuance of the trial, which had been scheduled for October 18, 2011. Respondent further stated that he would inform the mediator of the dates on which he and his clients were available for mediation. Respondent thereafter failed to contact the mediator or to request a continuance of the trial.

60. On September 27, 2011, Kimber wrote to respondent noting his failures to provide the mediator with dates of availability or to request a continuance of the trial date and asking him to do so. Once again, respondent neither contacted the mediator nor requested the continuance.

61. At some point, trial in the Theisen lawsuit had been scheduled for October 18, 2011. In the weeks leading up to the October 18, 2011, trial date, Theisen repeatedly attempted to contact respondent to discuss the trial. Respondent failed to respond. Finally, less than one week before the trial, Theisen was successful in reaching respondent. At that time, respondent informed Theisen that he had continued the trial date and that the matter would instead be mediated. Respondent had not consulted with Theisen regarding continuation of the trial or the scheduling of mediation.

62. On October 3, 2011, Kimber again wrote to respondent noting his failures to provide the mediator with dates of availability or to request a continuance of the trial date and asking him to do so. Kimber reminded respondent that the motion to compel mediation and the appointment of a mediator was still scheduled to be heard on October 7, 2011.

63. Also on October 3, 2011, respondent contacted the mediator and provided dates of availability. (Respondent provided a copy of this letter to Theisen.) Respondent also requested a continuance of the trial date. The continuance was granted and mediation was scheduled for November 9, 2011.

64. Respondent did not inform Theisen of most of the communications or proceedings regarding the scheduling of mediation and appointment of a mediator that are detailed above.

65. The parties were successful in reaching a settlement agreement of Theisen's and Amanda's uninsured claims at the November 9, 2011, mediation. Among other things, the agreement required American Family to pay Theisen \$8,250 in settlement of Amanda's claim and made Theisen responsible for paying all of Amanda's outstanding medical bills.

66. The agreement further provided:

[Theisen] will sign an appropriate Release, and all attorneys will sign a Stipulation of Dismissal with Prejudice. Amanda Theisen's attorneys will obtain court approval of the settlement. Upon receipt of notice of Court approval of the settlement, [American Family Insurance] will forward to [Theisen]'s attorney within 14 days, an appropriate release, Stipulation of Dismissal with Prejudice, and a draft payable to [Theisen] and her attorney in the amount of \$8,250.00."

67. On December 7, 2011, Fischer forwarded to Theisen a release regarding her claim and asked her to sign and return it to him. Fischer stated, "The resolution of Amanda's claim will require a petition to the court. I hope to have that petition

completed by the end of the weekend and will forward that to you for your review and signature.”

68. Later on December 7, Theisen responded to Fischer. Theisen had noted that the release would have covered not only uninsured benefits, but also future no-fault benefits. Fischer responded that he would obtain a replacement release from Kimber. Theisen signed a revised release on December 12, 2011. Respondent arranged for the release to be provided to Kimber on December 22, 2011.

69. Neither respondent nor Fischer thereafter proceeded to obtain the required court approval regarding settlement of Amanda’s claim.

70. Respondent failed to work competently or diligently on Theisen’s matter, and failed to adequately communicate with her, in a number of aspects additional to those detailed above:

a. Respondent requested a narrative report from Theisen’s doctor. On September 30, 2011, respondent received an invoice for pre-payment for the report. Respondent did not pay the invoice until after the mediation, however, so this narrative report was not available for presentation at the mediation.

b. Prior to the 2009 accident, Theisen had directed her American Family insurance agent to increase her uninsured motorist coverage to \$100,000, effective immediately. At that time, Theisen received a letter and policy declaration page reflecting the change. Other documents generated by American Family, however, continued to indicate a \$50,000 limit on uninsured motorist benefits and that the change was not effective until July 22, 2009. Theisen informed respondent of this discrepancy prior to the mediation. At the mediation, respondent stated to Theisen that addressing the discrepancy at that time would cause the mediation to fail and the parties would have to proceed to trial. Respondent instead proposed that they proceed with the mediation based on the \$50,000 limit and pursue action against the insurance agent who had

delayed implementation of the change in coverage. On November 15, 2011, following mediation, respondent wrote to the insurance agent and requested a copy of his file. The insurance agent did not respond and respondent took no further action regarding the matter.

c. At the time of mediation, Blue Cross Blue Shield had a subrogation claim in excess of \$6,000 for treatment provided to Theisen. Respondent did not inform Theisen of this claim or address it as part of the mediation.

d. During the course of respondent's representation, Theisen met with him on three occasions. During one of those meetings, respondent stated that he would investigate the liable driver's independent ability to pay damages. Respondent failed to conduct any such investigation.

e. During the course of his representation, respondent instructed Theisen to send him all medical bills and other documents she received arising from the 2009 accident. Theisen did so. Respondent failed to contact the medical providers with unpaid bills, resulting in those debts being referred for collection by Range Credit Bureau, Inc. ("Range Credit"). Among the debts so referred were those owed to "Range Reg Health Services UMCM/Mesaba Clinics." These bills totaled more than \$5,000.

f. On two occasions, Range Credit served Theisen with conciliation court hearing notices on behalf of her medical creditors. On both occasions, Theisen contacted respondent, who was able to obtain a postponement of the hearing. On November 17, 2011, the conciliation court sent Fischer notice of a January 23, 2012, default hearing in the matter. Theisen did not receive notice of this hearing, neither respondent nor Fischer informed her of it and no one attended the hearing on Theisen's behalf. As a result, a judgment for \$1,125.72 was entered against Theisen. This judgment included a \$75 filing fee for which

Theisen would not have been responsible if not for the conciliation court action. Theisen paid the judgment on February 5, 2012.

g. After learning of the default judgment, Theisen attempted to contact respondent and Fischer regarding it. Neither respondent nor Fischer responded to Theisen.

Theisen Matter—2011 Accident

71. On February 23, 2011, Theisen was involved in another automobile accident ("2011 accident"). Again, Jonathan Bird, the driver of the other vehicle, was fully at fault, having rear-ended Theisen's vehicle. Bird was insured through Progressive Insurance. Theisen was insured by Auto-Owners Insurance Company ("Auto-Owners").

72. On March 11, 2011, Theisen retained respondent to represent her regarding the 2011 accident.

73. On June 20, 2011, Auto-Owners wrote to respondent. In its letter, Auto-Owners offered \$1,500 to settle Theisen's no-fault claim based on the 2011 accident. Auto-Owners stated that the offer was in effect until July 1, 2011, and that if respondent neither accepted the offer nor obtained Theisen's signature on and returned an authorization for release of medical information and a list of medical providers by that date, "your client's PIP benefits will be suspended effective that day and will remain suspended until we have the properly completed authorization and provider list and an examination by a physician of our choice has taken place to see if the treatment your client is receiving is reasonable, necessary, and related to the incident in question." Respondent did not inform Theisen of nor respond to Auto-Owners' letter, and Auto-Owners suspended Theisen's no-fault benefits on July 1, 2011.

74. Respondent received letters dated October 4, October 6 and December 27, 2011, from Auto-Owners to various of Theisen's medical providers, by which Auto-Owners informed the medical providers of the suspension of Theisen's benefits.

Respondent did not inform Theisen of the letters, nor did he take any action on Theisen's behalf in response to the letters.

75. On February 7, 2012, Theisen terminated respondent as her attorney. At Theisen's request, respondent thereafter provided Theisen with her file. The file contained documents pertaining to at least four other of respondent's clients. The file also revealed multiple occasions on which respondent misspelled Theisen's name, provided incorrect social security numbers and made other errors in pleadings, authorizations and correspondence to third parties.

76. Respondent's conduct in failing to diligently pursue the Hagen and Theisen matters, failing to adequately communicate with the clients in those matters, failing to respond to communications from opposing counsel, including discovery requests, in the Theisen matter, making a false statement to opposing counsel in the Theisen matter, and failing to properly supervise Fischer, violated Rules 1.1, 1.3, 1.4, 3.2, 3.4(d), 4.1, and 5.1(a) and (c)(2), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Failure to Comply with Rule 26, RLPR, False Statements and Unauthorized Practice of Law

Failure to Comply with Rule 26, RLPR, and False Statements

77. By Supreme Court order dated February 17, 2012, respondent was suspended from the practice of law for a minimum period of five months, effective March 2, 2012.

78. Rule 26, RLPR, requires a suspended lawyer, within 10 days of the Court's suspension order, to provide notice by certified mail/return receipt requested of his suspension to clients, "opposing counsel (or opposing party acting *pro se*) and the tribunal involved in pending litigation or administrative proceedings." Rule 26, RLPR, further requires the suspended lawyer to, within 15 days of the effective date of the

Court's order, file with the Supreme Court an affidavit showing compliance with these notice requirements.

79. By letter dated February 21, 2012, the Director notified respondent of his Rule 26, RLPR, obligations.

80. On March 23, 2012, not having received respondent's affidavit pursuant to Rule 26, RLPR, the Director wrote to respondent and requested it.

81. On April 2, 2012, the Director received respondent's affidavit pursuant to Rule 26, RLPR. Respondent's affidavit reflected that on March 15, 2012, i.e., three days beyond the deadline set forth in Rule 26, RLPR, respondent provided notice of his suspension to clients and tribunals. Respondent attached to his affidavit certified mail receipts for the letters to his clients and tribunals. Respondent's affidavit gave no indication, however, that respondent had provided notice to opposing counsel or opposing parties acting *pro se*.

82. On April 3, 2012, the Director wrote to respondent and noted the absence of information in his Rule 26, RLPR, affidavit regarding notice to opposing counsel or opposing parties acting *pro se*. The Director asked respondent to provide notice to opposing parties and counsel and to provide an amended affidavit.

83. On April 20, 2012, the Director received another affidavit of respondent pursuant to Rule 26, RLPR. This affidavit reflected that on April 20, 2012, i.e., 39 days beyond the deadline set forth in Rule 26, RLPR, respondent provided notice of his suspension to opposing counsel and parties acting *pro se*.

84. In his April 20, 2012, affidavit, respondent stated, "Your affiant . . . identified or [sic] pending Workers' Compensation disputes in which your affiant is attorney of record and cause [sic] to be mailed, by US mail, certified, the notice of counsel attached hereto and incorporated herein as Exhibit B." Respondent did not attach any certified mail receipts for any of the letters he attached to his affidavit.

85. In fact, however, at least four of the opposing counsel to whom respondent claimed in his April 20, 2012, affidavit to have provided written notice of his suspension, and a copy of the suspension order, did not receive respondent's letter or the suspension order.

86. Respondent's statement in his April 20, 2012, affidavit that he "mailed, by US mail, certified, the notice to counsel attached hereto and incorporated herein as Exhibit B," was false.

Misleading Communications and Unauthorized Practice of Law

87. Following the effective date of his suspension, respondent continued to display signage and utilize law firm and other designations that gave the false impression that he continued to be licensed to practice law, as follows:

- a. A large sign outside respondent's office continued to read, "STOCKMAN LAW OFFICE . . . Attorney Louis A. Stockman."
- b. The name placard on the door to respondent's office continued to read, "Louis A. Stockman Attorney At Law."
- c. On at least two places on his office's Web site, respondent continued to identify himself as "Attorney at Law."
- d. Respondent continued to use letterhead that identified him as an "Attorney at Law."
- e. Respondent continued to use "Stockman Law Office" on the directory of the building in which he officed, on letterhead, on retainer agreements, on pleadings, on checks, on his Web site, as part of his email address and elsewhere.

88. On April 3, 2012, the Director wrote to respondent's counsel and stated that respondent's continued use of the "Stockman Law Office" designation falsely stated or implied that respondent was currently licensed to practice law.

89. During a telephone conference call with respondent, Fischer and counsel, the Director again informed respondent that his continued use of the "Stockman Law Office" designation was misleading and improper.

90. By letter dated May 8, 2012, respondent, through Fischer acting as his counsel, declined to discontinue use of the "Stockman Law Office" designation.

91. On March 14, 2012, respondent telephoned Becky Hedstrom, an Auto-Owners Insurance Company claim representative, regarding the status of a client's claim. Respondent left a voice mail message asking Hedstrom about the status of his client's claim for payment of the policy limits. Respondent did not state in his voice mail message that he was suspended from the practice of law and/or was contacting Hedstrom in a capacity other than attorney for the client. Hedstrom declined to return respondent's call, instead responding by email to Fischer.

92. On approximately March 22, 2012, respondent telephoned William Goetz, another Auto-Owners Insurance Company claim representative, to discuss settlement of a client's claim. Once again, respondent did not state that he was suspended from the practice of law and/or was contacting Goetz in a capacity other than attorney for the client.

93. On April 5, 2012, respondent appeared with Fischer for a mediation in a workers' compensation case. At that time, respondent had not provided notice of his suspension to opposing parties or counsel. As a result, opposing counsel was confused as to respondent's role and status in the mediation.

94. During the mediation, respondent spoke on behalf of the client and stated his opinion regarding an administrative ruling that a prior termination of the client was not for cause as claimed by the employer.


95. Neither respondent nor Fischer stated at any time that respondent was appearing as a legal assistant or in any capacity other than attorney for the client.

96. Respondent's conduct in failing to comply with the requirements regarding notification of his suspension, and making false statements in his April 20, 2012, affidavit violated Rules 3.4(c), 8.1(a), and 8.4(c), MRPC, Rule 26, RLPR, and the Supreme Court's February 17, 2012, order.

97. Respondent's conduct in displaying signage and utilizing law firm and other designations that gave the false impression that he continued to be licensed to practice law and otherwise engaging in the unauthorized practice of law, violated Rules 3.4(c), 5.5(a) and (b)(2), 7.1, and 8.4(d), MRPC.


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: July 24, 2012.



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

and



CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

JUL 25 2012

FILE NO. A12-1295

FILED

STATE OF MINNESOTA

IN SUPREME COURT

In Re Charges of Unprofessional
Conduct against Louis A. Stockman,
a Minnesota Attorney,
Registration No. 241210.

STIPULATION FOR DISPENSING WITH
PANEL PROCEEDINGS AND
FOR FILING PETITION FOR
DISCIPLINARY ACTION

This stipulation is entered into by and between Martin A. Cole, Director of
the Office of Lawyers Professional Responsibility, hereinafter Director, and Louis A.
Stockman (Respondent).

The undersigned parties stipulate and agree as follows:

1. It is understood that respondent has the right to have charges of
unprofessional conduct heard by a Lawyers Professional Responsibility Board
Panel prior to the filing of a petition for disciplinary action, as set forth in the
Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a),
RLPR, the parties agree to dispense with panel proceedings under Rule 9,
RLPR, and respondent agrees to the immediate filing of a petition for
disciplinary action, hereinafter petition, in the Minnesota Supreme Court.
2. Respondent understands that upon the filing of this stipulation
and the petition, this matter will be of public record.

3. The respondent hereby agrees that the petition may be served by mailing or delivering the petition to respondent's counsel, Eric T. Cooperstein, at 1700 U.S. Bank Plaza South, 220 South Sixth Street, Minneapolis, MN 55402.

4. Except as otherwise provided herein, respondent expressly preserves each and every other right under the RLPR to contest the allegations of the petition. Nothing herein shall be construed as an admission by respondent of any allegation contained said petition.

5. Respondent understands that the Director reserves the right to recommend the imposition of any sanction, either to a referee appointed by the Court or to the Court itself, or both, in these disciplinary proceedings. Respondent also understands that pursuant to Rule 10(e), RLPR, the Director at any time may amend the petition to include additional charges based upon conduct committed before or after the petition is filed.

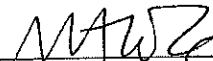
6. Respondent hereby acknowledges receipt of copies of this stipulation.

7. This stipulation is entered into by respondent freely and voluntarily, without any coercion or duress, and with no commitment on the part of any court, board, committee or other persons concerning the right to practice law in Minnesota.

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

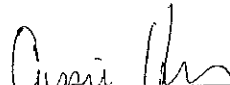
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: July 24, 2012



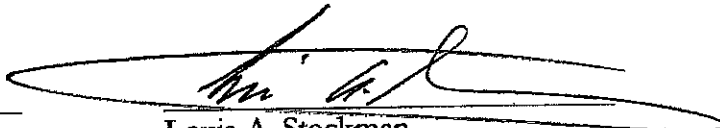
Martin A. Cole
Director of the Office of Lawyers
Professional Responsibility
Attorney no. 148416

Dated: July 24, 2012



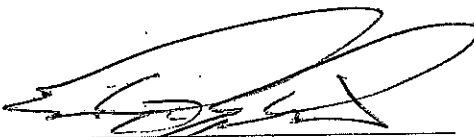
Cassie B. Hanson, Sr. Asst. Director
Attorney No. 303422
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: 7/18/12



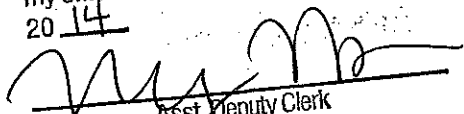
Louis A. Stockman
Respondent

Dated: 7/18/12



Eric T. Cooperstein, Atty. Reg. No. 210201
Law Office of Eric T. Cooperstein, PLLC
1700 U.S. Bank Plaza South
220 South Sixth St.
Minneapolis, MN 55402
612-436-2299
ATTORNEY FOR RESPONDENT

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 31 day of January
20 14



Asst. Deputy Clerk

AUG 17 2012

FILED

File No. A12-1295
STATE OF MINNESOTA
IN SUPREME COURT

In Re Petition for Disciplinary Action
against Louis A. Stockman,
a Minnesota Attorney,
Registration No. 241210.

RESPONDENT'S ANSWER

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

For his answer in the above-captioned matter, Respondent Louis A. Stockman denies every allegation of the Petition for Disciplinary Action dated July 24, 2012, except as specifically admitted, qualified, or otherwise answered as follows:

A. Hagen Matter

1. Respondent admits the allegations of all but the first sentence of paragraph 1. Although Saisunee Hagen complained of back pain on February 20, 2006, and consulted with her employer's physician on that date, she was not "injured at work" as alleged in the first sentence of paragraph 1 and could not identify any particular incident that led to an injury other than pain from pre-existing medical conditions.

2. Respondent admits the allegations of paragraph 2. Respondent affirmatively alleges that Ms. Hagen continued to work full-time at her job between February 20, 2006, and May 9, 2006, when she was fired for repeated tardiness. Hence, although the basis for Ms. Hagen hiring Respondent on June 12, 2006 was regarding a workers compensation claim, Respondent soon learned that no medical opinion stated that she had a work injury on or about February 20, 2006, nor did she have an actionable workers compensation claim based on a single injury.

3. Respondent admits the allegations of paragraph 3 but affirmatively alleges that the chiropractor's report did not provide an opinion that a work incident caused Ms. Hagen's medical condition.

4. Respondent admits, regarding paragraph 4, that there was a period of inactivity in the case. Respondent affirmatively alleges that Ms. Hagen visited his office multiple times during this period and that to the best of his knowledge, Ms. Hagen had not returned to work, was in the process of applying for social security disability insurance, and that there was no work he was expected to do regarding Ms. Hagen's case. Further, he indicated that they would need a helpful medical opinion regarding causation in order to make a valid workers compensation claim. In addition, Respondent affirmatively alleges that in June 2008 he assisted Ms. Hagen with her appeal of the denial of General Assistance Medical Care (GMAC) benefits.

5. Respondent admits the allegations of paragraphs 5 and 6.

6. Respondent denies the allegations of paragraph 7. Ms. Hagen did not have a viable workers compensation claim since there was no medical opinion that her work activities caused, contributed to, or aggravated her condition. To the extent that Ms. Hagen may have had a repetitive injury claim (also known as a "*Gillette*" claim, see *Gillette v. Harold, Inc.*, 101 N.W.2d 200 (Minn. 1960)), the statute of limitations would not have begun to run until the date Ms. Hagen knew of a medical opinion stating that she had a repetitive injury claim. The limitations period for such a claim may be as long as six years. See Minn. Stat. § 176.151(a).

7. Respondent admits, regarding paragraph 8, the Director's description of the contents of his file on or about March 22, 2009, but denied that the statute of limitations had expired.

8. Respondent denies the allegations of paragraphs 9 and 10.

9. Respondent admits the allegations of paragraphs 11 and 12. Respondent affirmatively alleges that Ms. Hagen's medical records confirmed that Ms. Hagen's medical conditions were not caused by a work injury other than an injury that might have occurred in 1995 or 1996.

10. Regarding paragraph 13, Respondent admits that no work was done during the period in question but states that no work needed to be done.

11. Respondent admits the allegations of paragraphs 14 and 15. Respondent had contacted Dr. Ensley at Ms. Hagen's suggestion.

12. Respondent admits the allegations of paragraph 16 through 18.

13. Regarding paragraph 19, Respondent admits that he is aware that another lawyer advised Ms. Hagen that the statute of limitations had expired on her workers compensation claim. Respondent affirmatively alleges that he notified his malpractice carrier of the claim and that he has not been notified of any malpractice claim being filed against him on behalf of Ms. Hagen.

B. Theisen Matter

14. Respondent admits the allegations of paragraphs 20 through 40.

15. Respondent denies the first sentence of paragraph 41 and admits the second sentence.

16. Regarding paragraph 42, the first sentence is too vague for Respondent to admit or deny. Respondent admits that Ms. Theisen wrote to Respondent on January 18, 2011. Respondent denies that he failed to respond. At a minimum, as alleged in paragraphs 71 and 72 of the Petition, Respondent spoke with Ms. Theisen in late February or early March in connection with her second car accident.

17. Respondent admits the allegations of paragraphs 43 through 53.

18. Regarding paragraph 54, the first sentence is too vague for Respondent to admit or deny. Respondent admits the second sentence of paragraph 54.

19. Respondent admits the allegations of paragraphs 55 through 58.

20. Respondent admits the first sentences of paragraphs 59 and 60 and denies the remainder of both paragraphs. Respondent affirmatively alleges that his associate, Brian Fischer, wrote to the mediator and the presiding judge on October 3, 2011, regarding proposed mediation dates and amending the scheduling order.

21. Respondent admits the first sentence of paragraph 61 and denies the remainder of the paragraph. Respondent affirmatively alleges that the allegations in paragraph 61 are contradicted by the Director's allegations in paragraph 63 that Mr. Fisher sent copies to Ms. Theisen on October 3, 2011, of his correspondence to the mediator and the judge of that same date.

22. Respondent admits the allegations of paragraphs 62 and 63.

23. Respondent denies the allegations of paragraph 64.

24. Respondent admits the allegations of paragraphs 65 to 68. Respondent affirmatively states that the first release would have permitted Ms. Theisen to submit claims for future no-fault benefits but that Mr. Fischer agreed to obtain an amended release to more specifically address the client's concerns.

25. Respondent admits the allegations of paragraph 69 but affirmatively alleges that judges in St. Louis county require medical records to be filed with petitions to approve minor settlements and Respondent had to obtain those records before filing the petition.

26. Regarding paragraph 70, Respondent

a. admits the allegations of subparagraph (a) but asserts that the absence of the narrative report had no effect on the mediation;

b. admits the allegations of subparagraph (b) except for the last sentence. Respondent obtained a copy of the declarations page that was provided to Ms. Theisen two months before her accident and long before she

hired Respondent. The declarations page clearly stated that the effective date of the change in Ms. Theisen's policy was after the date of her accident;

c. admits that Blue Cross / Blue Shield has a subrogation interest but denies the remainder of the allegations of subparagraph (c). Blue Cross / Blue Shield's payment of medical expenses was identified in discovery responses that Ms. Theisen signed. Mr. Fischer discussed Ms. Theisen's outstanding medical bills with her at the mediation, including during a caucus with the mediator, Jeffrey Peterson. Both at the mediation and after Ms. Theisen raised the subrogation issue, Respondent offered to negotiate with Blue Cross/Blue Shield regarding the claim and if necessary bring a no-fault action in district court regarding her outstanding medical bills.

d. admits the allegations of subparagraph (d) that Respondent may have initially suggested that the liable driver could be pursued for damages in excess of Ms. Theisen uninsured liability coverage but that point became moot when it was determined that her coverage was sufficient to cover her claims.

e. admits the allegations of the first two sentences of subparagraph (e). Respondent affirmatively alleges that the purpose of obtaining the medical bills was to use them in Ms. Theisen's personal injury case. Respondent instructed Ms. Theisen to send her bills to Blue Cross/Blue Shield for payment. Respondent did not agree that he would contact the providers regarding her outstanding bills.

f. admits the allegations of subparagraphs (f) and (g), except that Respondent did not personally receive or have knowledge of the notice of the January 23, 2012 hearing date. In addition, Ms. Theisen would have been liable for the \$75.00 filing fee for the conciliation court case in any event, because she owed the money and the case had been set on for hearing before she contacted Respondent or Mr. Fischer.

27. Respondent admits the allegations of paragraphs 71 to 75.

28. Respondent admits that his conduct in the Theisen matter violated Rules 1.3 and 3.2, MRPC, and denies the other charges.

C. Rule 26, RLPR

29. Respondent admits the allegations of paragraphs 77 to 83.

30. Respondent admits the allegations of paragraph 84 and affirmatively alleges that Mr. Fischer, who took over the operations of Respondent's law firm upon Respondent's suspension, prepared the April 20, 2012 affidavit and attachments for Respondent. Respondent signed the affidavit based on Mr. Fischer's representations that the letters would be sent out by certified mail. Upon receiving the Director's Charges, Respondent first learned that the letters had not been received by the intended parties. Mr. Fischer investigated and determined that the letters had never been sent out and promptly issued and sent new letters by certified mail on July 13, 2012.

31. Respondent admits the allegations of paragraph 85 and 86 but, as explained above, the statement based on the affidavit was based on his good-faith belief that the letters were being mailed.

D. Misleading communications

32. Regarding paragraph 87, Respondent

a. Admits the allegations of subparagraph (a) that a large sign has remained outside his building. Respondent affirmatively alleges that he was initially advised that as long as he changed all other signage, he could maintain the larger sign, which would have been difficult for him to remove personally and given that Respondent was permitted to apply for reinstatement two months after the effective date of his suspension. The sign was removed on July 18, 2012.

b. Denies the allegation of subparagraph (b).

c. Admits the allegation of subparagraph (c) but alleges that the law firm's website (www.stockmanlawoffice.com) was taken down on March 14, 2012. Another website, www.plaintiffschoice.com, was owned by Mr. Fischer and used as a place to experiment with a new web presence for the firm. That site was taken down May 17, 2012.

d. Admits the allegations of subparagraph (d) that on two occasions within two weeks of the effective date of his suspension, Respondent mistakenly used letterhead that contained the caption "Attorney at Law" below the law firm name.

e. Admits the allegations of subparagraph (e) but states that Mr. Fischer, who took over the law firm from Mr. Stockman, believed that Mr. Fischer could continue to use the law firm name as a trade name as long as Respondent was not identified as an attorney. Since the issuance of the Director's Charges, Mr. Fischer has registered an assumed name for the law firm ("Injury Law") and changed all of the firm's letterhead, signature blocks, pleadings, checks, and e-mail addresses to reflect the new name of the firm.

33. Respondent admits the allegations of paragraph 88.

34. Respondent admits the allegations of paragraph 89 but asserts that Senior Assistant Director Timothy M. Burke was unable to provide any legal reference that prohibited the use of the trade name "Stockman Law Office."

35. Respondent admits the allegations of paragraphs 90 to 92.

36. Respondent admits the first two sentences of paragraph 93 and denies the remainder of the paragraph.

37. Respondent admits the allegations of paragraphs 94 and 95.

38. Respondent admits, regarding paragraph 96, that he did not timely comply with the requirements of Rule 26, RLPR; specifically denies making a

knowingly false statement in his April 20, 2012 affidavit, and denies the other charges.

39. Respondent denies the allegations of paragraph 97.

AFFIRMATIVE DEFENSES / MITIGATION

1. Respondent is remorseful for his misconduct in the Theisen matter and for his initial errors in complying with the terms of his suspension.
2. Respondent is otherwise of good character.
3. Respondent has volunteered his time to nonprofit groups assisting the disabled.

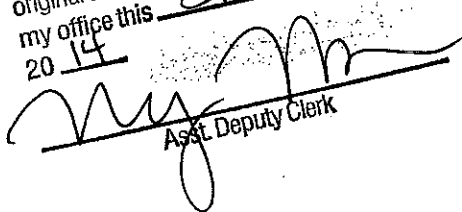
WHEREFORE, Respondent respectfully requests that any discipline the Court imposes for Respondent's misconduct run concurrently with Respondent's current and ongoing suspension from the practice of law.

Dated: August 16, 2012



Eric T. Cooperstein, Atty. Reg. No. 210201
Law Office of Eric T. Cooperstein, PLLC
1700 U.S. Bank Plaza South
220 South Sixth St.
Minneapolis, MN 55402
612-436-2299
ATTORNEY FOR RESPONDENT

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 31 day of January
20 14



Asst. Deputy Clerk

FILE NO. A12-1295

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against LOUIS ANDREW STOCKMAN,
a Minnesota Attorney,
Registration No. 241210.

**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 July 24, 2012, 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:

THIRD COUNT

Misleading Advertisements and Additional Unauthorized Practice of Law

Misleading Advertisements—Introduction

98. On September 27, 2011, respondent signed a stipulation for discipline agreeing to a five-month suspension from the practice of law, effective 14 days from the Court's order. The stipulation further provided for a reinstatement hearing pursuant to Rule 18, RLPR. The Director filed the stipulation with the Court on October 6, 2011.

99. The Director received the complaint of Saisunee Hagen (alleging the conduct pled in paragraphs 1 through 19 of the Director's July 24, 2012, petition for

disciplinary action) on November 9, 2011. On November 15, 2011, the Director sent to respondent a notice of investigation of Hagen's complaint.

100. On December 6, 2011, the Court directed respondent to provide within 14 days an affidavit addressing certain aspects of the matters underlying the stipulation for discipline. The Court allowed the Director an opportunity to respond to respondent's affidavit within ten days after its receipt.

101. Respondent filed and served his affidavit on December 19, 2011, and the Director responded to respondent's affidavit on December 21, 2011.

102. On February 17, 2012, the Court issued its order suspending respondent from the practice of law for a period of five months, effective 14 days from the date of the order, i.e., effective March 2, 2012. The order required a reinstatement hearing pursuant to Rule 18, RLPR.

103. The Director received the complaint of David Johnson (alleging the conduct pled in paragraphs 91 and 92 of the Director's July 24, 2012, petition for disciplinary action) on March 22, 2012. On March 23, 2012, the Director sent to respondent a notice of investigation of Johnson's complaint.

104. The Director received the complaint of the Department of Labor and Industry (alleging the conduct pled in paragraphs 93 through 95 of the Director's July 24, 2012, petition for disciplinary action) on April 6, 2012. On April 12, 2012, the Director sent to respondent a notice of investigation of the complaint.

105. The Director received the complaint of Kristin Theisen (alleging the conduct pled in paragraphs 20 through 75 of the Director's July 24, 2012, petition for disciplinary action) on April 19, 2012. On April 20, 2012, the Director sent to respondent a notice of investigation of Theisen's complaint.

106. Also on April 20, 2012, after obtaining approval to do so from the Executive Committee of the Lawyers Professional Responsibility Board, the Director sent to respondent a notice of investigation regarding his continued use of the firm name "Stockman Law Offices, P.A."

107. On May 4, 2012, respondent served and filed a petition for reinstatement. On May 22, 2012, the Director sent to respondent a six-page letter requesting extensive information and documents necessary to the Director's consideration of respondent's reinstatement petition.

108. On June 21, 2012, the Director issued charges of unprofessional conduct against respondent incorporating the complaints of Hagen, Theisen, Johnson and the Department of Labor and Industry, his continued use of the firm name "Stockman Law Offices, P.A.," and other matters. On July 18, 2012, respondent signed a stipulation for dispensing with Panel proceedings and for filing petition for disciplinary action. The Director filed the petition for disciplinary action on July 24, 2012.

109. On July 19, 2012, the Director spoke with respondent's counsel regarding withdrawal of his petition for reinstatement. On August 8, 2012, respondent's counsel confirmed to the Director's representative that respondent would be withdrawing his petition for reinstatement.

110. On August 16, 2012, respondent notified the Court that he was withdrawing his petition for reinstatement.

Misleading Advertisements—Dex

111. On September 28, 2011, one day after signing the stipulation for discipline referenced above, respondent signed a contract with Dex for publication of advertisements in its Barnum/Cloquet/Carlton/Moose Lake, Twin Ports and Twin Ports Plus telephone directories. These Dex telephone directories were scheduled for circulation in mid-June 2012. The final sales date for advertisements to appear in Dex's mid-June 2012 Barnum/Cloquet/Carlton/Moose Lake, Twin Ports and Twin Ports Plus directories was May 2, 2012.

112. Respondent's contract with Dex provided for (a) a back-cover advertisement in its Barnum/Cloquet/Carlton/Moose Lake directory, (b) front- and back-cover advertisement in its Twin Ports directory, (c) a quarter-page advertisement under "Attorneys" in the Barnum/Cloquet/Carlton/Moose Lake directory, and (d) a

half-page advertisement under "Attorneys" in the Twin Ports directory.¹ All of these advertisements were to include respondent's name and picture, and the firm name "Stockman Law Office."

113. In fact, respondent's cover advertisements in Dex's Barnum/Cloquet/Carlton/Moose Lake and Twin Ports directories, quarter-page advertisement under "Attorneys" in Dex's Barnum/Cloquet/Carlton/Moose Lake directory, and half-page advertisement under "Attorneys" in Dex's Twin Ports directory appeared in the telephone directories circulated in mid-June 2012. All of these advertisements included respondent's name and picture, and the firm name "Stockman Law Office."

114. With the issuance of the Court's February 17, 2012, suspension order, respondent knew that his advertisements in Dex's June 2012 Barnum/Cloquet/Carlton/Moose Lake and Twin Ports telephone directories would appear several weeks prior to the earliest possible date of his reinstatement. Nevertheless, respondent took no action to cancel or revise his advertisements in those directories prior to the May 2, 2012, final sales date.

115. On July 10, 2012, respondent signed a contract with Dex for publication of advertisements in its Grand Rapids and Chisholm/Hibbing telephone directories. Dex's Grand Rapids telephone directory was scheduled for circulation in August 2012, and its Chisholm/Hibbing telephone directory was scheduled for circulation in September 2012.² The final sales date for advertisements to appear in Dex's August 2012 Grand Rapids directory was August 9, 2012. The final sales date for advertisements to appear in Dex's September 2012 Chisholm/Hibbing director was August 20, 2012.

¹ Respondent's advertisements in the Twin Ports Plus directory were identical to his advertisements in the Twin Ports directory.

² Respondent's July 10, 2012, contract with Dex also covered one or more advertisements in its Virginia telephone directory. Those advertisements reflected the name and photograph of Brian Fischer and the firm name "Injury Law."

116. Respondent's contract with Dex provided for (a) a back-cover advertisement in its Grand Rapids directory, (b) front- and back-cover advertisements in its Chisholm/Hibbing directory, (c) a half-page advertisement under "Attorneys" in the Grand Rapids directory, and (d) a half-page advertisement under "Attorneys" in the Chisholm/Hibbing directory. All of these advertisements were to include respondent's name and picture, and the firm name "Stockman Law Office."

117. In fact, respondent's back-cover advertisement and half-page advertisement under "Attorneys" in Dex's Grand Rapids directory appeared in the directories circulated in August 2012. Respondent's front- and back-cover advertisements and half-page advertisement under "Attorneys" in Dex's Chisholm/Hibbing directory appeared in the directories circulated in September 2012. All of these advertisements included respondent's name and picture, and the firm name "Stockman Law Office."

118. At the time he signed the July 10, 2012, contract with Dex for advertisements in its August 2012 Grand Rapids directory, and September 2012 Chisholm/Hibbing directory, respondent knew, or should have known, that there was a significant likelihood that his advertisements in those directories would appear some period prior to his reinstatement.

119. More than 200,000 of the various Dex directories reflecting respondent's advertisements as described above were circulated.

Misleading Advertisements—Ports Pages

120. On February 6, 2012, respondent signed a contract with the Ports Pages for publication of advertisements in its Duluth/Superior telephone directories. The Ports Pages' Duluth/Superior telephone directories reflecting respondent's advertisements were scheduled for circulation in October 2012. The final sales date for advertisements to appear in the October 2012 Ports Pages' Duluth/Superior telephone directories was July 31, 2012.

121. The advertisements respondent purchased would appear on both the front and back covers of the Ports Pages' Duluth/Superior telephone directories.

122. In fact, respondent's advertisements did appear on the front and back covers of the Ports Pages' Duluth/Superior telephone directories circulated in October 2012. Approximately 80,000 such directories were circulated.

123. Respondent's advertisements on the front and back covers of the Ports Pages' Duluth/Superior telephone directories included respondent's name and picture, and the firm name "Stockman Law Office."

124. At the time he signed the February 6, 2012, contract with Ports Pages for advertisements in its October 2012 Duluth/Superior directory, respondent knew, or should have known, that there was a significant likelihood that his advertisements in that directory would appear some period prior to his reinstatement.

125. Certainly, by the time respondent signed the stipulation for dispensing with Panel proceedings and filing of petition for disciplinary action on July 18, 2012, respondent knew, or should have known, that his advertisements in the Ports Pages' Duluth/Superior telephone directories would begin to appear some period prior to his reinstatement. Nevertheless, respondent took no action to cancel or revise his advertisements in those directories prior to the July 31, 2012, sales deadline.

Misleading Advertisements—Yellow Book

126. On February 10, 2012, respondent signed a contract with Yellow Pages for publication of advertisements in its Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories. Yellow Book's telephone directories reflecting respondent's advertisements were scheduled for circulation in September 2012.

127. Respondent's contract with Yellow Book provided for (a) front-cover advertisements on its Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior directories, (b) back-cover advertisement on its Duluth/Superior directory, and (d) half-page advertisements under "Attorneys" in both the Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories.

All of these advertisements were to include respondent's name and picture, and the firm name "Stockman Law Office."

128. In fact, respondent's (a) front-cover advertisements on Yellow Book's Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior directories, (b) back-cover advertisement on Yellow Books' Duluth/Superior directory, and (d) half-page advertisements under "Attorneys" in Yellow Book's Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories appeared in the directories circulated in September 2012. All of these advertisements included respondent's name and picture, and the firm name "Stockman Law Office."

129. At the time he signed the February 10, 2012, contract with Yellow Book for advertisements in its September 2012 Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories, respondent knew, or should have known, that there was a significant likelihood that his advertisements in those directories would appear some period prior to his reinstatement.

130. Certainly, by the time respondent signed the stipulation for dispensing with Panel proceedings and filing of petition for disciplinary action on July 18, 2012, respondent knew, or should have known, that his advertisements in Yellow Book's Hibbing/Virginia/Grand Rapids/Chisholm and Duluth/Superior telephone directories would begin to appear some period prior to his reinstatement. Nevertheless, respondent took no action to cancel or revise his advertisements in those directories.

131. Respondent's advertisements in the Dex, Ports Pages and Yellow Book telephone directories identified above were misleading in that they incorrectly implied that respondent was properly licensed to practice law.

Continued Unauthorized Practice of Law

132. On February 1, 2012, Nancy St. Marie was involved in an automobile accident.

133. On March 22, 2012, during a physical therapy session, St. Marie suffered a fracture to a vertebra. After the hospital informed St. Marie of its conclusion that its

physical therapist had done nothing wrong, St. Marie determined to consult with a lawyer.

134. St. Marie found respondent's advertisement in one of the telephone directories in which he advertised. Based on the advertisement, and because respondent's name was already familiar to her, St. Marie called respondent's office, asked for respondent and spoke with a staff member. After St. Marie related the history of events resulting in her injury, the staff member asked St. Marie to hold while she consulted with respondent. When the staff member returned, she stated that respondent would see her. St. Marie scheduled an appointment with respondent for May 11, 2012. The staff member asked St. Marie to bring with her to the appointment all documents pertaining to her accident. At no time during their conversation did the staff member inform St. Marie that respondent was suspended or otherwise unable to represent her.

135. When St. Marie arrived for her May 11, 2012, appointment with respondent, he greeted her in the office lobby and they conversed regarding family and other matters. During their conversation:

- Respondent reviewed a police report St. Marie had brought with her, noting that a witness identified in the report had stated that St. Marie's vehicle and the other vehicle involved in the accident were both traveling at 35 miles per hour at the time of the accident. St. Marie stated to respondent that she believed her speed was less than 35 miles per hour. Respondent told St. Marie that they might be able to prove that the other driver was speeding.
- Respondent mentioned that name of a doctor that he believed would assist them in obtaining St. Marie's x-rays and other medical records.
- Respondent did not inform St. Marie that he was a suspended lawyer or otherwise unable to represent her.

- Respondent introduced St. Marie to Brian Fischer and stated that Fischer would be helping with her case.
- Fischer did not inform St. Marie that respondent was a suspended lawyer or otherwise unable to represent her.

136. On May 18, 2012, using letterhead in the name of "Stockman Law Office, P.A.," Fischer wrote letters to St. Marie and the insurers involved, providing copies of his letters to the insurers to St. Marie.

137. On June 29, 2012, using letterhead in the name of "Stockman Law Office, P.A.," Fischer wrote letters to St. Marie and one of the insurers involved, providing a copy of his letter to the insurer to St. Marie.

138. In early July 2012, respondent telephoned St. Marie and stated that they should meet in August 2012.

139. On July 11, 2012, using letterhead in the name of "Stockman Law Office, P.A.," Fischer wrote a letter to St. Marie. Among other things, the letter informed St. Marie that an appointment "in our office" had been scheduled for August 16, 2012.

140. At all times during the period from at least May 11 to July 11, 2012, St. Marie understood that respondent was a properly licensed lawyer and would be leading her legal representation.

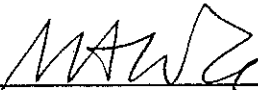
141. On July 27, 2012, while reading an article in her local newspaper, St. Marie learned for the first time that respondent's law license had been suspended.

142. Respondent's conduct violated Rules 3.4(c), 5.5(a), 7.1, and 8.4(c) and (d), Minnesota Rules of Professional Conduct, and the Supreme Court's February 17, 2012, suspension order.

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: Nov. 2, 2012.



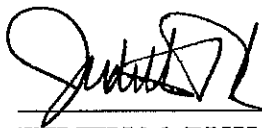
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



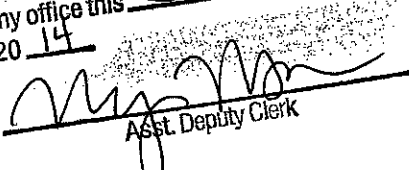
CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

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

Dated: November 7, 2012. 

JUDITH M. RUSH
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD

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 31 day of January
20 14



Asst. Deputy Clerk

FILE NO. A12-1295

STATE OF MINNESOTA

IN SUPREME COURT

OFFICE OF
APPELLATE COURTS

NOV 16 2012

FILED

In Re Petition for Disciplinary Action
against LOUIS ANDREW STOCKMAN,
a Minnesota Attorney,
Registration No. 241210.

NOTICE

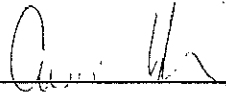
TO: The Above-Named Respondent Attorney:

YOU ARE HEREBY NOTIFIED, pursuant to Rule 13, Rules on Lawyers Professional Responsibility, that you must file your answer to the attached supplementary petition for disciplinary action within twenty (20) days of its service upon you. The original answer and seven copies must be filed with the Clerk of Appellate Courts. The answer must also be served, by mail or in person, upon the Director of the Office of Lawyers Professional Responsibility. Failure to file and serve the answer as required shall cause the allegations in the supplementary petition for disciplinary action to be deemed admitted.

Dated: November 2, 2012.

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

By


CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

FILE NO. A12-1295

STATE OF MINNESOTA

IN SUPREME COURT

OFFICE OF
APPELLATE COURTS

DEC 24 2012

FILED

In Re Petition for Disciplinary Action
against LOUIS ANDREW STOCKMAN,
a Minnesota Attorney,
Registration No. 241210.

**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 Louis Andrew Stockman, 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 withdraws the answer filed herein and unconditionally admits the allegations of the petition and supplementary petition.

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 a six-month suspension 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. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900, plus interest, 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.

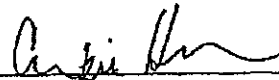
9. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

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


Dated: December 7, 2012.


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

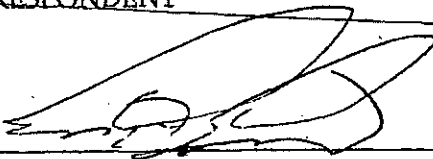
Dated: December 7, 2012.


CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422


Dated: 12/10, 2012.


LOUIS A. STOCKMAN
RESPONDENT

Dated: 12/10, 2012.


ERIC T. COOPERSTEIN
ATTORNEY FOR RESPONDENT
Attorney No. 210201
800 Nicollet Avenue, Suite 2600
Minneapolis, MN 55402
(612) 436-2299

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 31 day of January
20 14


Asst. Deputy Clerk

STATE OF MINNESOTA

IN SUPREME COURT

A12-1295

OFFICE OF
APPELLATE COURTS

FEB 8 2013

FILED

In re Petition for Disciplinary Action against
Louis Andrew Stockman, a Minnesota Attorney,
Registration No. 241210.

ORDER

The Director of the Office of Lawyers Professional Responsibility filed a petition and a supplementary petition for disciplinary action against respondent Louis Andrew Stockman alleging that respondent committed professional misconduct warranting public discipline, namely, neglect and non-communication in two client matters, failing to respond to communications from opposing counsel, including discovery requests, making a false statement to opposing counsel, failing to properly supervise another lawyer in his law firm, failing to comply with and making false statements regarding his compliance with the notice requirements for a previous suspension from the practice of law, displaying signage and utilizing law firm and other designations falsely implying that respondent continued to be licensed to practice law while he was suspended, engaging in the unauthorized practice of law, and contracting for legal advertising in various telephone directories that would be distributed during the period of his suspension, in violation of Minn. R. Prof. Conduct 1.1, 1.3, 1.4, 3.2, 3.4(c) and (d), 4.1, 5.1(a) and (c)(2), 5.5(a) and (b)(2), 7.1, 8.1(a), and 8.4(c) and (d), Rule 26, Rules on Lawyers Professional Responsibility (RLPR), and this court's February 17, 2012, order

suspending respondent. Respondent waives his procedural rights under Rule 14, RLPR, withdraws his previously filed answer, and admits the allegations of the petition and supplementary petition. The parties jointly recommend that the appropriate discipline is a 6-month suspension.

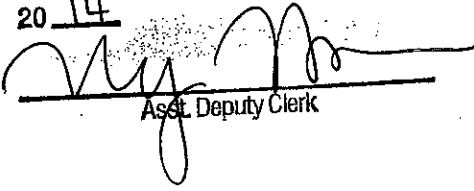
This court has independently reviewed the file and approves the jointly recommended disposition.


Based upon all the files, records, and proceedings herein,

IT IS ORDERED that respondent Louis Andrew Stockman is indefinitely suspended from the practice of law, effective from the date of filing of this order, with no right to petition for reinstatement for a minimum of 6 months from the date of this order. Respondent may petition for reinstatement pursuant to Rule 18(a)-(d), RLPR. Reinstatement is conditioned on successful completion of the professional responsibility portion of the state bar examination and satisfaction of continuing legal education requirements, pursuant to Rule 18(e), RLPR. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals), and shall pay \$900 in costs pursuant to Rule 24, RLPR.

Dated: February 8, 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 31 day of January
20 14

Asst. Deputy Clerk



Alan C. Page
Associate Justice