

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST BRAIN
CAMPBELL FISHER, ATTORNEY AT
LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

CASE NO. 2014AP 517 -D

Complainant;

BRIAN CAMPBELL FISCHER,

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 Brian Campbell Fischer (Fischer) is an attorney who was admitted to the State Bar of Wisconsin on April 23, 2002. Fischer's Wisconsin law license is currently in good standing. Fischer is also admitted to practice law in Minnesota. The most recent address Fischer 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

3. On September 6, 2013, the Supreme Court of Minnesota publicly reprimanded Fischer for misconduct consisting of failing to supervise a suspended attorney and assisting a suspended attorney in the unauthorized practice of law, failing to provide the Minnesota Director of the Office of Lawyers Professional Responsibility with timely notice of employment of a suspended attorney, and using misleading advertising and law firm signage and letterhead; neglecting and failing to communicate with two clients; failing to comply with a court order; failing to return client files; failing to expedite litigation; and noncooperation in disciplinary investigations. The Minnesota Court found Fischer violated Minn R. Prof. Conduct 1.3, 1.4, 1.15(c)(1) and (2), 1.16(d), 3.2, 3.4(c), 5.3(b) and (c)(1), 5.5(a), 5.8(d), 7.1, 8.1(b), and 8.4(d), and Rule 25, Rules on Lawyers Professional Responsibility. Fischer admitted the allegations and agreed that a public reprimand and two years of supervised probation was appropriate discipline.

4. A packet of documents relating to the reprimand, *In re Petition for Disciplinary Action against Brian Campbell Fischer, a Minnesota Attorney*, Minnesota Supreme Court File No. A13-1431, are attached hereto and incorporated herein as Exhibit 1. Exhibit 1 contains certified copies of:

(a) *Petition for Disciplinary Action*, filed August 5, 2013;

(b) *Stipulation for Discipline*, filed August 5, 2013;

(c) *Order*, filed September 6, 2013.

5. Fischer did not notify OLR of the Minnesota reprimand within 20 days of its effective date.

COUNT ONE

6. By virtue of the Minnesota reprimand, Fischer 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.

COUNT TWO

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

Motion Requesting Order To Show Cause

NOW COMES the OLR, 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 Brian Campbell Fischer 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

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- (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."

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 publicly reprimand Attorney Brian Campbell Fischer 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

110 East Main Street, Room 315
Madison, Wisconsin 53703
Telephone: 608-266-8334

FILE NO. ALB-1431

STATE OF MINNESOTA

IN SUPREME COURT

OFFICE OF
APPELLATE COURTS

AUG 05 2013

FILED

In Re Petition for Disciplinary Action
against BRIAN CAMPBELL FISCHER,
a Minnesota Attorney,
Registration No. 318097.

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 (RLPR). The Director alleges:

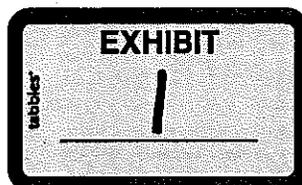
The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on July 17, 2002. Respondent currently practices law in Duluth, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Misleading Advertising and Law Firm Signage and Letterhead, Failure to Provide Timely Notification of Employment of a Suspended Lawyer, Failure to Supervise a Suspended Lawyer, and Assisting a Suspended Lawyer in the Unauthorized Practice of Law

1. Respondent was employed as an attorney by Stockman Law Offices, PA ("SLO"), which was owned and operated by attorney Louis Andrew Stockman ("Stockman"). No other attorneys were employed by SLO during any period of time relevant to this petition.



2. By Supreme Court order dated February 17, 2012, Stockman was suspended from the practice of law for a period of five months, effective March 2, 2012. *In re Stockman*, 811 N.W.2d 584 (Minn. 2012).

3. After the effective date of Stockman's suspension, respondent and Stockman signed an ownership transfer agreement whereby respondent assumed ownership of SLO.¹ Respondent continued to operate and advertise using the SLO name.

4. At all times immediately following the effective date of Stockman's suspension, respondent employed Stockman as a legal assistant.

5. After the effective date of Stockman's suspension, respondent continued to display signage and utilize law firm and other designations that gave the false impression that Stockman continued to be licensed to practice law.²

6. On April 3, 2012, the Director wrote to Stockman's then-counsel and stated that the continued use of the SLO designation falsely stated or implied that Stockman was currently licensed to practice law.

7. During an April 13, 2012, telephone conference call between Stockman, his then-counsel, respondent and the Director, the Director reiterated that continued use of the SLO designation was misleading and improper.

8. On April 19, 2012, the Director mailed respondent a notice of investigation regarding concerns that Stockman was engaging in the unauthorized practice of law and that respondent was failing to adequately supervise Stockman.

¹ The ownership transfer agreement indicates that it was "[m]ade of July 20, 2012," but the cover letter by which respondent purportedly attempted to file the document with the Secretary of State's Office is dated May 10, 2012.

² The specific form and content of this signage and designations are more fully described in paragraph 87 of the Director's July 24, 2012, petition for disciplinary action against Stockman, a copy of which is attached. In a December 10, 2012, stipulation, Stockman admitted the allegations of the petition for disciplinary action and, on February 3, 2013, the Supreme Court approved the stipulation and imposed further discipline on Stockman based thereon.

9. On May 1, 2012, pursuant to Rule 5.8(d), Minnesota Rules of Professional Conduct (MRPC), respondent served the Director with notice of his employment of Stockman as a legal assistant.³

10. By letter dated May 8, 2012, respondent, who had assumed Stockman's representation regarding the Director's investigation, argued to the Director that the continued use of the SLO designation was not improper and proposed an "accommodation" under which the designation could continue to be used.

11. On approximately June 28, 2012, after Stockman retained new counsel, a certificate of assumed name was filed with the Secretary of State's office on SLO's behalf, and SLO began operating under the name "Injury Law." At that time, respondent discontinued use of the SLO designation and changed the firm's letterhead, checks and other documents to reflect the "Injury Law" designation.

12. After the effective date of Stockman's suspension, respondent failed to properly supervise Stockman's activities as a legal assistant, resulting in Stockman's engagement in the unauthorized practice of law.⁴

13. After the effective date of Stockman's suspension, respondent also failed to properly supervise Stockman as he entered into contracts for advertising SLO in various telephone directories that would be circulated during the period of Stockman's suspension and that falsely implied that Stockman was authorized to practice law.⁵

³ Rule 5.8(d), MRPC, requires such notice to be provided "[p]rior to or at the time of employing . . . a . . . suspended . . . lawyer."

⁴ The specific instances of Stockman's unauthorized practice of law are described in paragraphs 91 through 95 of the Director's July 24, 2012, petition for disciplinary action against Stockman, and paragraphs 132 through 141 of the Director's November 7, 2012, supplementary petition for disciplinary action against Stockman, copies of which are attached. In a December 10, 2012, stipulation, Stockman admitted the allegations of the petition and supplementary petition for disciplinary action and, on February 3, 2013, the Supreme Court approved the stipulation and imposed further discipline on Stockman based thereon.

⁵ The specifics regarding Stockman's advertisements are described in paragraphs 98 through 131 of the Director's November 7, 2012, supplementary petition for disciplinary action, a copy of which is attached. In a December 10, 2012, stipulation, Stockman admitted the allegations of the supplementary petition for disciplinary action and, on February 3, 2013, the Supreme Court approved the stipulation and imposed further discipline on Stockman based thereon.

14. Respondent's conduct in failing to promptly discontinue use of the SLO designation after the effective date of Stockman's suspension, failing to timely notify the Director of his employment of Stockman, failing to properly supervise Stockman's activities and assisting Stockman in the unauthorized practice of law violated Rules 5.3(b) and (c)(1), 5.5(a), 5.8(d) and 7.1, MRPC.

SECOND COUNT

Failure to Timely Return Client Files

B.S. Matter

15. Respondent represented B.S. in a workers' compensation claim. Attorney Sean Quinn represented B.S. regarding a related claim for social security disability benefits.

16. On May 7, 2012, Quinn wrote to respondent and requested B.S.'s medical records and other documents from his workers' compensation file. Quinn enclosed an authorization for release of such records signed by B.S. Respondent failed to provide Quinn with the requested medical and other records or otherwise respond to Quinn.

17. On August 29, 2012, Quinn wrote to respondent a second time to request B.S.'s medical records and other documents. Respondent failed to provide Quinn with the requested medical and other records or otherwise respond to Quinn.

18. On December 20, 2012, Quinn wrote to respondent a third time to request B.S.'s medical records and other documents. Respondent failed to provide Quinn with the requested medical and other records or otherwise respond to Quinn.

19. Respondent did not provide B.S.'s medical records and other documents to Quinn until March 8, 2013, after Quinn filed a complaint against him with the Director.

S.G. Matter

20. Quinn was also retained by S.G. to replace respondent as her attorney regarding a workers' compensation claim.

21. By letter dated November 28, 2012, Quinn notified respondent that S.G. had retained him and requested that respondent forward S.G.'s file to him. Quinn enclosed an authorization for release of such records signed by S.G. Respondent failed to provide Quinn with S.G.'s file or otherwise respond to Quinn.

22. On December 20, 2012, Quinn wrote to respondent a second time requesting S.G.'s file. Respondent again failed to provide Quinn with S.G.'s file or otherwise respond to Quinn.

23. Respondent did not provide S.G.'s file materials to Quinn until March 8, 2013, after Quinn filed a complaint against him with the Director.

24. Respondent's conduct in failing to timely provide Quinn with B.S. and S.G. file materials as requested by Quinn and authorized by the clients violated Rule 1.16(d), MRPC.

THIRD COUNT

Neglect, Non-Communication, Failure to Comply with a Court Order, Failure to Timely Deposit Settlement Funds and Related Misconduct

John Kelly Complaint

25. Respondent represented B.H., a minor, in a personal injury claim resulting from a dog bite. Attorney John Kelly represented General Casualty Insurance Company, the insurer of the dog's owner.

26. On June 7, 2012, the district court issued an order for approval of minor settlement regarding B.H.'s personal injury claim. B.H.'s claim had been settled for \$100,000, of which \$61,068.23 was to be deposited into certificates of deposit with Beacon Bank.

27. On June 19, 2012, Kelly wrote to respondent enclosing three checks, one of which was in the amount of \$61,068.23 and made payable to Beacon Bank for the benefit of B.H. Respondent did not, at that time, deposit the check into a certificate of deposit with Beacon Bank as required by the court's June 7, 2012, order.

28. On or about July 19, 2012, Beacon Bank called Kelly and informed him that the settlement check had not been deposited. Also on July 19, 2012, Kelly wrote to respondent and informed him of his telephone conversation with Beacon Bank. Respondent failed to respond.

29. On September 21, 2012, Kelly received an executed stipulation of dismissal from respondent. Kelly filed the stipulation with the court that day. On September 26, 2012, the court issued an order for dismissal. At this time, respondent had still not deposited the \$61,068.23 check with Beacon Bank.

30. On December 17, 2012, Kelly received an inquiry from General Casualty Insurance Company regarding the \$61,068.28 check, which had been issued on June 19, 2012, but not yet negotiated. On December 18, 2012, Kelly wrote to Beacon Bank inquiring whether the check had been deposited. Respondent was copied on the letter. Also on December 18, 2012, Beacon Bank called Kelly to confirm that the check had not been deposited. Respondent failed to respond to Kelly's December 18, 2012, letter.

31. As a result, on December 21, 2012, Kelly filed a complaint against respondent with the Director. Kelly subsequently reissued the settlement check, which respondent deposited with Beacon Bank on January 9, 2013. The only response Kelly ever received from respondent regarding his failure to timely deposit the check was respondent's March 12, 2013, response to Kelly's complaint.

James Ward Matter

32. On September 30, 2012, James Ward retained respondent to represent him in a medical malpractice matter. Respondent represented Ward until May 24, 2012, when he withdrew as Ward's attorney.

33. During the eight months in which he represented Ward, respondent failed to diligently pursue Ward's medical malpractice claim.

34. During the eight months in which he represented Ward, respondent also failed to adequately communicate with Ward.

35. Respondent's conduct in failing to timely deposit B.H.'s settlement check as required by the court's order and failing to respond to Kelly's multiple inquiries regarding the check violated Rules 1.3, 1.15(c)(1) and (2), 3.2, 3.4(c) and 8.4(d), MRPC.

36. Respondent's conduct in failing to diligently pursue Ward's claim and failing to adequately communicate with Ward violated Rules 1.3 and 1.4, MRPC.

FOURTH COUNT

Failure to Cooperate with the Director's Investigations

37. On August 2, 2012, the Director mailed respondent a notice of investigation of James Ward's complaint. The notice requested respondent's written response to the complaint within 14 days. Respondent failed to timely respond.

38. The Director wrote to respondent on September 7 and 20, 2012, to request his response to the Ward complaint.

39. Respondent responded to Ward's complaint by a letter dated September 19, 2012, but not received by the Director until September 24, 2012. Respondent's response was untimely.

40. On September 26, 2012, the Director wrote to respondent to request additional information regarding his handling of the Ward matter. In particular, the Director requested information about respondent's communication with Ward and what legal work, if any, respondent had performed on Ward's behalf. The Director's letter requested respondent's response within three weeks. Respondent failed to respond.

41. On October 23, 2012, the Director wrote to respondent a second time to request his response to the Director's September 26, 2012, letter. The Director's letter requested that, within ten days, respondent either provide his response, or, in the alternative, contact the Director to request an extension. Respondent failed to either respond or request an extension.

42. On November 7, 2012, the Director wrote to respondent a third time to request his response to the Director's September 26, 2012, letter. The Director stated that if respondent again failed to respond, the Director would have no choice but to request respondent's appearance at a meeting. Respondent responded by facsimile transmission dated November 20, 2012.

43. On November 21, 2012, the Director wrote to respondent and requested copies of the research materials respondent referenced in his November 20, 2012, facsimile transmission. The Director's letter requested respondent's response within two weeks. Respondent failed to respond.

44. On February 27, 2013, the Director wrote to respondent and requested that he provide the research materials by no later than March 13, 2013. The Director also requested respondent's appearance at a meeting on March 30, 2013.

45. Respondent provided the research materials by letter dated March 12, 2013, which was not received by the Director until March 18, 2013. Respondent's response was untimely. The meeting scheduled for March 30, 2013, was continued.

John Kelly Complaint

46. On January 3, 2013, the Director sent respondent a notice of investigation of John Kelly's complaint. The notice requested respondent's written response to the complaint within 14 days. Respondent failed to respond.

47. On January 31, 2013, the Director wrote to respondent to again request his response to the notice of investigation. The Director's letter requested respondent's response within ten days. Respondent failed to respond.

48. On February 27, 2013, the Director wrote to respondent for a third time to request his response to the notice of investigation. Finally, on March 12, 2013, respondent provided his written response to the notice of investigation.

Sean Quinn Complaint

49. On February 4, 2013, the Director sent respondent a notice of investigation of Sean Quinn's complaint. The notice requested respondent's written response to the complaint within 14 days. Respondent failed to respond.

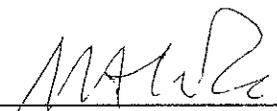
50. On February 27, 2013, the Director wrote to respondent to again request his response to the notice of investigation. Finally, on March 12, 2013, respondent provided his written response to the notice of investigation.

51. Since March 12, 2013, respondent has cooperated in the Director's investigation and been responsive to the Director's requests.

52. Respondent's conduct in failing to cooperate in the Director's disciplinary investigation violated Rules 8.1(b) and 8.4(d), MRPC, and Rule 25, RLPR.

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

Dated: July 10, 2013.



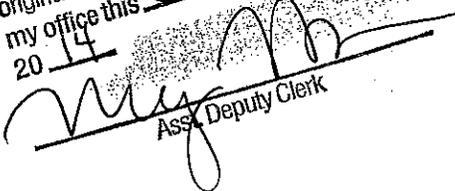
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

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

Ass. Deputy Clerk

FILE NO. _____

OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

AUG 05 2013

IN SUPREME COURT

FILED

In Re Petition for Disciplinary Action
against BRIAN CAMPBELL FISCHER,
a Minnesota Attorney,
Registration No. 318097.

**STIPULATION FOR DISPENSING
WITH PANEL PROCEEDINGS,
FOR FILING PETITION FOR
DISCIPLINARY ACTION,
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Brian Campbell Fischer, 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. 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. 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. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the 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 sanction the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is a public reprimand and two years of supervised probation pursuant to Rule 15, RLPR. Respondent's probation shall be subject to the following terms:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention.

Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director to monitor compliance with the terms of this probation. Respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor within two weeks from the date of the Court's order. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, the respondent shall on the first day of each month provide the Director with an inventory of active client files described in paragraph (d) below. Respondent shall make active client files available to the Director upon request.

d. Respondent shall cooperate fully with the supervisor in his/her efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

e. Respondent shall initiate and maintain office procedures which ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts and other persons interested in matters which respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

f. Within thirty days from the filing of the Court's order, respondent shall provide to the Director and to the probation supervisor, if any, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

g. Respondent shall initiate or continue current treatment by a licensed consulting psychologist or other mental health professional acceptable to the Director, and shall complete all therapy programs recommended by the therapist.

7. Respondent also agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR.

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

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

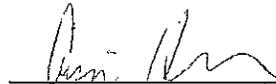
10. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

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

Dated: July 10, 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: July 10, 2013.


CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

Dated: _____, 2013.

BRIAN CAMPBELL FISCHER
RESPONDENT

Dated: _____, 2013.

CHARLES E. LUNDBERG
ATTORNEY FOR RESPONDENT
Attorney No. 6502X
33 South Sixth Street, Suite 3800
Minneapolis, MN 55402
(612) 333-3000

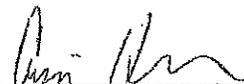
10. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

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

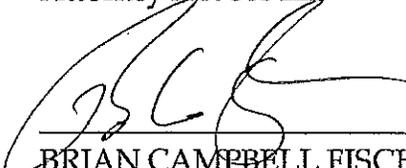
Dated: July 10, 2013.


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

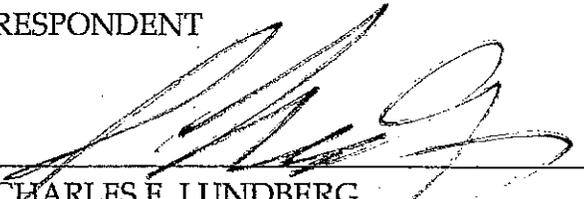
Dated: July 10, 2013.


CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 303422

Dated: 21 July 2013, 2013.


BRIAN CAMPBELL FISCHER
RESPONDENT

Dated: 29 July, 2013.


CHARLES E. LUNDBERG
ATTORNEY FOR RESPONDENT
Attorney No. 6502X
33 South Sixth Street, Suite 3800
Minneapolis, MN 55402
(612) 333-3000

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

MEMORANDUM

Respondent provided, as mitigation, medical records indicating that he has been diagnosed with depression and that he has treated for depression consistently since 2006, including taking prescribed medication and consulting with a treating physician. Respondent's diagnosis of depression predates the misconduct set forth in the petition.

Respondent provided further documentation that his father passed away in August of 2012, which exacerbated his depression and hindered his ability to respond to clients and to the Director during the disciplinary investigation. Although respondent initially failed to cooperate in the Director's investigation, he eventually provided all documentation requested and has since cooperated with the Director.

Finally, respondent is charged with failing to supervise a suspended attorney, who was employed as a non-lawyer assistant in his law firm. Respondent provided the Director with documentation that he no longer employs the suspended attorney. Respondent's disassociation from the suspended attorney has alleviated much of the Director's concern regarding respondent's former inability to adequately supervise the suspended attorney.

Based upon the mitigating factors listed above, the Director determined that a public reprimand and supervised probation for a period of two-years was an appropriate discipline in this matter.

STATE OF MINNESOTA

IN SUPREME COURT

A13-1431

OFFICE OF
APPELLATE COURTS

SEP 6 2013

FILED

In re Petition for Disciplinary Action against
Brian Campbell Fischer, a Minnesota Attorney,
Registration No. 318097.

ORDER

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Brian Campbell Fischer committed professional misconduct warranting public discipline, namely, failure to supervise a suspended attorney and assisting a suspended attorney in the unauthorized practice of law, failure to provide the Director with timely notice of employment of a suspended attorney, using misleading advertising and law firm signage and letterhead, neglect and noncommunication with two clients, failure to comply with a court order, failure to return client files, failure to expedite litigation, and noncooperation in disciplinary investigations, in violation of Minn. R. Prof. Conduct 1.3, 1.4, 1.15(c)(1) and (2), 1.16(d), 3.2, 3.4(c), 5.3(b) and (c)(1), 5.5(a), 5.8(d), 7.1, 8.1(b) and 8.4(d), and Rule 25, Rules on Lawyers Professional Responsibility (RLPR).

Respondent waives his procedural rights under Rule 14, RLPR, unconditionally admits the allegations in the petition, and, with the Director, recommends that the appropriate discipline is a public reprimand and 2 years of supervised probation. The Director further states that as mitigation of a portion of respondent's misconduct,

respondent provided evidence of a history of mental illness that predated the misconduct, extreme personal stress, and that he had dissociated from the suspended attorney.

The court has independently reviewed the file and approves the recommended disposition.

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

IT IS HEREBY ORDERED that respondent Brian Campbell Fischer is publicly reprimanded and placed on probation for a period of 2 years, subject to the following terms and conditions:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director's correspondence by its due date. Respondent shall provide the Director with a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify respondent's compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director, to monitor compliance with the terms of this probation. Within 2 weeks from the date of the filing of this order, respondent shall provide the Director with the names of four attorneys who have agreed to be nominated as respondent's supervisor. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director shall seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall, on the first day of each month, provide the Director with an inventory of client files as described in paragraph d below. Respondent shall make active client files available to the Director upon request.

d. Respondent shall cooperate fully with the supervisor's efforts to monitor compliance with this probation. Respondent shall contact the

supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as the Director may reasonably request.

e. Respondent shall initiate and maintain office procedures that ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that respondent is handling and that will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

f. Within 30 days from the filing of this order, respondent shall provide to the Director and to his supervisor, if any, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

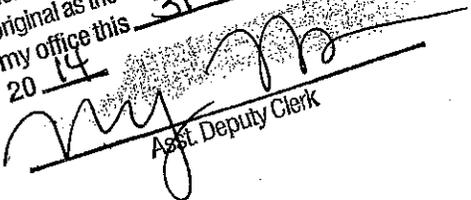
g. Respondent shall initiate or continue current treatment by a licensed consulting psychologist or other mental health professional acceptable to the Director and shall complete all therapy programs recommended by the therapist.

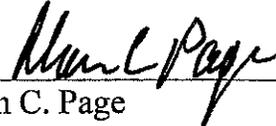
IT IS FURTHER ORDERED that respondent shall pay \$900 in costs, pursuant to

Rule 24, RLPR.

Dated: September 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 31 day of January
20 14

Asst. Deputy Clerk



Alan C. Page
Associate Justice