
In the Matter of the Complaint of
JOHN GREGORY LAMBROS, #00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, KS 66048-1000
against PETER J. THOMPSON,
an Attorney at Law of
the State of Minnesota.

**DETERMINATION THAT
DISCIPLINE IS NOT
WARRANTED, WITHOUT
INVESTIGATION**

TO: Complainant and the Respondent Attorney Above-Named:

After reviewing the documents submitted by the complainant, the Director has determined not to investigate this complaint pursuant to Rule 8(d)(1), Rules on Lawyers Professional Responsibility. The reasons for the Director's decision not to investigate this complaint are as follows:

Complaint Summary

In 1976 complainant pled guilty to two criminal indictments in federal district court. Complainant is currently serving time in Leavenworth, Kansas, on non-related offenses. Complainant retained respondent to represent him on the 1976 criminal matters. Complainant alleges that respondent provided him with ineffective assistance of counsel.

Reasons for Decision not to Investigate

This complaint basically alleges that the attorney did not adequately represent a criminal defendant. Ineffective assistance of counsel claims are best raised in a post-conviction proceeding, as provided under Minn. Stat. §§ 590.01-.06, or by appeal, or through the federal courts, or through other post-conviction remedies. Courts presume that attorneys' conduct falls within "the wide range of reasonable professional assistance." *Strickland v. Washington*, 104 S. Ct. 2052 (1984). The Minnesota Supreme Court, to which this Office is accountable, in 1986 adopted the recommendation of its Advisory Committee that this Office should not normally be involved in post-conviction claims of ineffective assistance of counsel unless a court first finds impropriety.

Furthermore, the Director notes that post-conviction relief may not be available to complainant due to the fact that complainant has already served out his sentence on the above-charged matters and the fact that more than 25 years have elapsed since complainant pled guilty.

The Director's Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys. It cannot represent complainants in any legal matter or give legal advice. Complainant must retain an attorney if either legal advice or representation is desired.

NOTICE OF COMPLAINANT'S RIGHT TO APPEAL.

If the complainant is not satisfied with the Director's determination not to investigate this complaint, an appeal may be made by notifying the Director in a letter postmarked no later than fourteen (14) days after the date of this notice. The letter of appeal should state the reason(s) why the complainant believes the matter should be investigated. A Lawyers Professional Responsibility Board member will review the appeal. The Lawyers Board is comprised of 14 lawyers and 9 non-lawyers appointed by the Minnesota Supreme Court. Appeals are assigned to individual Lawyers Board members in rotation according to when they are received. The Board members' options on appeal are limited to either approving the Director's decision not to investigate the complaint or directing that the complaint or some portion of the complaint be investigated. This determination will generally be based upon the information which is already contained in the file.

Enclosed with this notice to the respondent attorney is a copy of complainant's complaint.

Dated: April 12, 2002.

EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

By


Kenneth L. Jorgensen
First Assistant Director