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LAWYERS PROF. RESP. BOARD

STATE OF MINNESOTA

IN SUPREME COURT

CX-83-912

In the Matter of the Application for the Discipline of Randall E. Kroening, an Attorney at law of the State of Minnesota.

ORDER

The Director of Lawyers Professional Responsibility in June 1983 filed a petition for disciplinary action against the respondent. Subsequent to the respondent's filing of an answer to the petition, respondent was judicially determined to be chemically dependent within the meaning of Minn. Stat. 253B.02, subd. 2 (1982). In November of 1983 this court transferred respondent to disability inactive status pursuant to Rule 28(b)(1), Rules on Lawyers Professional Responsibility, and stayed the disciplinary proceedings pending further order of the court. On August 17, 1984, the Brown County Court terminated respondent's commitment proceeding and discharged and released respondent from the St. Peter State Hospital. Thereafter respondent filed a petition for transfer to active status. The matter now comes before this court upon the stipulation of the parties in which the respondent withdraws his August 1, 1983, answer to the petition for disciplinary action and admits Counts I and III of the petition, to-wit: that respondent filed a false affidavit of attendance for two continuing legal education programs with the Minnesota State Board of Continuing Legal Education in violation of DR 1-102(A)(4) and (6), Minnesota Code of Professional Responsibility (MCPR) and respondent failed to return telephone calls, respond to correspondence, and to appear at meetings with the Director during the disciplinary investigation in violation of DR 1-102(A)(5) and (6), Minnesota Code of Professional

Responsibility (MCPR) and the holding of In re Cartwright, 282 N.W.2d 548 (Minn. 1979), and Rule 25, RLPR. Based upon the stipulation of the Director and the respondent,

IT IS HEREBY ORDERED:

1. The November 8, 1983, order staying disciplinary proceedings is lifted.

2. Respondent is given a public reprimand and five-year probation pursuant to Rule 15, Rules on Lawyers Professional Responsibility. The first three years of respondent's probation shall be supervised and the last two years shall be unsupervised.

3. Respondent shall pay to the Lawyers Professional Responsibility Board $500 in costs pursuant to Rule 24(a), Rules on Lawyers Professional Responsibility, within three years.

4. Respondent's probation shall be subject to the following conditions:

   a. Respondent shall abide by the Minnesota Code of Professional Responsibility or such other rules governing attorney conduct as this court may promulgate. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which have or may come to the Director's attention. Either respondent's admission or a referee finding of further unprofessional conduct shall constitute conclusive evidence of a breach of the stipulation.

   b. Within three weeks of the date of this order, the Director shall appoint a supervisor who shall monitor respondent's compliance with the terms of this probation. The supervisor shall be a licensed Minnesota lawyer. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such other more frequent intervals as may reasonably be requested by the Director.

c. The Director shall also appoint a second supervisor who shall monitor respondent's continuing treatment and counseling for chemical dependency.

d. Respondent shall cooperate fully with the supervisors and with the Director's office in their efforts to monitor compliance with this stay and in any investigations of further unprofessional conduct which may arise during the probation.

e. Respondent shall continue chemical dependency counseling and maintain total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing the prescription.

f. Respondent shall attend meetings of Alcoholics Anonymous at least weekly. Respondent shall verify his weekly attendance to the Director, by submitting on a weekly basis a signed voucher card.

g. Respondent shall, upon the Director's request, execute such authorizations, including medical authorizations, as may be necessary for the Director or the supervisors to verify respondent's compliance with the terms of this order.

h. Respondent shall initiate and maintain office procedures which insure 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 insure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

i. Respondent shall timely comply with all continuing legal education requirements and provide the Director and/or the lawyer supervisor with proof of his compliance. Respondent shall also timely pay all attorney registration fees required by this court.

j. During his probation, respondent shall at all times keep the Director and his supervisors informed of the address and telephone number of respondent's law office and his residence.

k. If respondent fails to comply with any of the terms and conditions of probation, the Director may without the necessity of panel proceedings, move the court for an order immediately suspending respondent from the practice of law until respondent complies with such terms and conditions.

Dated: June 25, 1985.

BY THE COURT:

Douglas K. Amdahl, Chief Justice

OFFICE OF
APPELLATE COURTS
FILED
JUN 25 1985

WAYNE TSCHIMPERLE
CLERK