

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against SHARON ELIZABETH ARBEITER,
a Minnesota Attorney,
Registration No. 209648.

**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 Sharon Elizabeth Arbeiter, 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 pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs.

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 of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

Dated: March 30, 2009. 
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: March 30, 2009. 
TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

Dated: 4/10, 2009. 
SHARON ELIZABETH ARBEITER
RESPONDENT
7804 Florida Circle North
Brooklyn Park, MN 55445
(763) 503-2821

DIRECTOR'S MEMORANDUM

The Director recognizes and believes that in almost all instances, conduct as set forth in the petition for disciplinary action in this matter should and does result in some period of suspension. Nevertheless, in this matter the recommended discipline is appropriate for the following reasons.

Respondent self-reported her misconduct. Upon receiving records pursuant to the forged authorization, respondent promptly informed her supervisor of her conduct. It is not certain that her conduct would otherwise have been discovered. *See In re Simonson*, 365 N.W.2d 259, 262 (Minn. 1985) (stating that voluntary disclosure of misconduct that would otherwise have gone undetected can constitute a mitigating factor).

To the Director, respondent expressed recognition of the fullness of her wrongdoing, and remorse for it.

Respondent has not engaged in the practice of law. Respondent's actions were taken not as a lawyer, but as a paralegal. Respondent states that before she was admitted to practice she was employed as a paralegal with the firm referenced in the petition, and remained continuously in that employment until after the conduct set forth in the petition occurred. (Respondent was terminated from employment because of this conduct.)