

FILE NO. A04-1941

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JEFF D. BAGNIEFSKI,
a Minnesota Attorney,
Registration No. 149329.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Jeff D. Bagniefski, 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 his answer herein and unconditionally admits the allegations of the petition except for the allegation that he intentionally sent a client an inflated billing statement. Respondent admits that parts of the bill were in error and that his attempting to collect on this bill without first reviewing the billing for errors was reckless. Respondent acknowledges that the recommended discipline would be the same whether or not he unconditionally admitted the paragraphs relating to his overbilling as alleged. The allegations in the petition may be summarized as follows:

a. Respondent's disciplinary history includes two private probations and five admonitions.

b. Respondent failed to file a brief in support of his client's position resulting in the court signing an order adverse to his client, in violation of Rule 1.3, Minnesota Rules of Professional Conduct (MRPC). Respondent also failed to return phone calls and keep appointments and failed to explain the matter adequately so that the client could make informed decisions, in violation of Rule 1.4, MRPC.

c. Respondent filed a motion with the court that included no facts constituting a reasonable basis for that motion resulting in a \$1,500 award of attorney fees to adverse counsel. Respondent's conduct violated Rules 3.1 and 8.4(d), MRPC.

d. Respondent allowed his client to sign a blank signature page, which his paralegal notarized and which he later attached to the client's affidavit, added language to the affidavit, which was not accurate, and filed the altered affidavit with the court without consulting with the client, in violation of Rules 1.4 and 8.4(c) and (d), MRPC.

e. Respondent sent his client an unreviewed bill containing billing errors, in violation of Rules 1.5(a) and 8.4(d), MRPC.

f. Respondent made a contingent fee agreement in a marriage dissolution matter and then failed to honor that agreement, in violation of Rules 1.5(d) and 8.4(c) and (d), MRPC.

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:

a. The appropriate discipline is a 90-day suspension pursuant to Rule 15, RLPR, effective 14 days from the date of the Court's suspension order;

b. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, is not waived and respondent shall not be eligible to petition for reinstatement prior to the expiration of the suspension period;

c. Respondent shall be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

d. Respondent shall comply with Rule 26, RLPR;

e. Respondent shall pay \$900 in costs pursuant to Rule 24(a), RLPR;

and

f. Respondent shall make restitution to Ed Flueger for the \$1,500 paid by Flueger to adverse counsel pursuant to the district court's January 30, 2001, order.

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*.

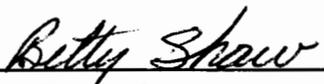
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: November 9, 2004.



KENNETH L. JORGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
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Dated: November 12, 2004.



BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR
Attorney No. 130904

Dated: 11/23/04, 2004.



JEFF D. BAGNIEFSKI
RESPONDENT
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