

FILE NO. C0-00-1850  
STATE OF MINNESOTA  
IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against CHRISTOPHER JAMES BIANCO,  
an Attorney at Law of the  
State of Minnesota.

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**STIPULATION  
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Christopher James Bianco, 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 the answer filed herein and unconditionally admits the allegations of the petition which may be summarized as follows:

a. Respondent failed to cooperate with the Director's investigation, in violation of Rule 8.1(a)(3), Minnesota Rules of Professional Conduct (MRPC), Rule 25, RLPR, and the Minnesota Supreme Court's holding in *In re Cartwright*, 282 N.W.2d 548 (Minn. 1979).

b. Respondent consumed alcohol in violation of his criminal probation and pretrial release orders, in violation of Rule 3.4(c), MRPC.

c. Respondent represented a client after suspension of his license for nonpayment of attorney registration fees, in violation of Rule 5.5(a), 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 the appropriate discipline pursuant to Rule 15, RLPR, is a 60-day suspension followed by a two-year probation. The suspension and reinstatement are upon the following conditions:

a. Respondent is currently suspended for non-payment of attorney registration fees; therefore, respondent may not be reinstated by payment of his attorney registration fee until 60 days after the legal suspension order and upon completion of the requirements herein.

b. Respondent shall comply with Rule 26, RLPR.

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

d. Respondent may be reinstated following the expiration of the suspension provided that respondent files an affidavit with the Clerk of Appellate Courts and the Director's Office, in accordance with Rule 18(b), RLPR, establishing that respondent is current with continuing legal education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions

imposed by the Court in its decision. Respondent may file said affidavit 15 days before the expiration of the suspension period in order to be reinstated at the end of the 60-day suspension.

7. Upon reinstatement, respondent agrees to a two-year probation period, under the following conditions:

a. 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 of reinstatement. 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 b. below. Respondent shall make active client files available to the Director upon request.

b. 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.

c. 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.

d. Within 30 days from reinstatement, 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.

e. Prior to reinstatement, and if respondent has not already done so, respondent agrees to undergo a chemical dependency evaluation by a treatment center acceptable to the Director and to follow all recommendations of the evaluating treatment center.

f. Respondent shall 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.

g. Respondent shall attend weekly meetings of Alcoholics Anonymous or another out-patient alcohol treatment program acceptable to the Director. Respondent shall, by the tenth day of each month, without a specific reminder or request, submit to the Director an attendance verification on a form provided by the Director, which provides the name, address and telephone number of the person personally verifying the attendance. Such attendance verification shall also, upon request, be provided to the respondent's supervisor, if any.

h. Respondent shall, at his own expense, no more than four times per month, submit to random urinalysis for drug screening at a facility approved by the Director and shall direct the drug screening facility to provide the results of all urinalysis testing to the Director's Office. If, after six months, all such tests have been negative, the frequency of the random tests may be reduced. Respondent shall cooperate with the phone-in program established by the Director for the random

tests. Any failure to phone-in in accordance with the random test program shall be considered the same as receipt of a positive test result. Any positive test result will be grounds for revoking this probation.

i. Respondent shall be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of reinstatement.

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.

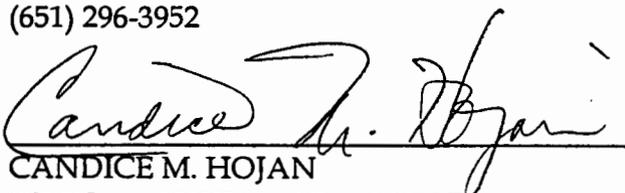
10. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

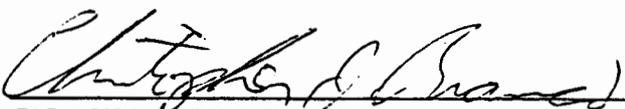
Dated: December 13, 2000.

  
EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 17267  
25 Constitution Avenue, Suite 105  
St. Paul, MN 55155-1500  
(651) 296-3952

Dated: Dec 13, 2000.

  
CANDICE M. HOJAN  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 125982

Dated: Feb. 20, 2000.

  
CHRISTOPHER J. BIANCO  
RESPONDENT  
Attorney No. 171785  
4518 - 13<sup>th</sup> Avenue N.W.  
Rochester, MN 55901