

FILE NO.
STATE OF MINNESOTA
IN SUPREME COURT

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NOV 29 2005
OFFICE OF LAWYERS
PROF. RESP.

In Re Petition for Disciplinary Action
against RICHARD A. CABRERA, STIPULATION
a Minnesota Attorney, FOR DISCIPLINE
Registration No. 17242X.

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Richard A. Cabrera, 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 waives his right to answer and allows the allegations of the petition to be deemed admitted. The allegations of the petition may be summarized as follows:
 - a. Respondent provided incompetent representation to a criminal defendant and failed to appear at a hearing after having been personally served in violation of Rules 1.1, 3.4(c), and

8.4(d), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent failed to pursue a criminal defendant client's defense, failed to properly withdraw and failed to return the unearned portion of the retainer in violation of Rules 1.3, 1.4, and 1.16(d), MRPC.

c. Respondent's conduct in failing to (1) have a written contingent fee agreement, (2) timely file motion papers in support of his request for a hearing, (3) appear timely for the November 10, 2004, hearing, (4) communicate Judge Porter's order to his clients, and (5) properly withdraw from representation and return the clients' files when he ceased practicing in January 2005, violated Rules 1.3, 1.4, 1.5(c), 1.16(d), and 8.4(d), MRPC.

d. Respondent's conduct in jointly representing four clients in their attempt to collect their Cyberstudy judgments without informed consent by each of the clients and his request that Savage not tell the other plaintiffs about his recovery violated Rule 1.7, 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 is an indefinite suspension pursuant to Rule 15, RLPR. The suspension shall be effective on the date of the Court's suspension order. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 plus interest and disbursements plus interest pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR; (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; (5) restitution to Leonard Goodloe of any unearned retainer; and (6) clear and convincing evidence of the physical and mental health necessary to practice law.

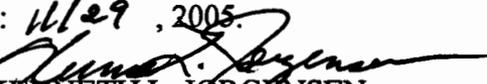
7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation. Respondent does not have a current mailing address and all communications between respondent and the Director's Office since January 2005 have been by e-mail. Respondent agrees that the Director's Office may serve him with all documents related to this proceeding, including the Court's suspension order, by e-mail at dickcabrera@yahoo.com.

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: 11/29, 2005.


KENNETH L. JØRGENSEN

DIRECTOR OF THE OFFICE OF LAWYERS

PROFESSIONAL RESPONSIBILITY

Attorney No. 159463

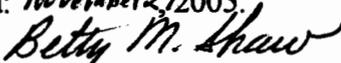
1500 Landmark Towers

345 St. Peter Street

St. Paul, MN 55102-1218

(651) 296-3952

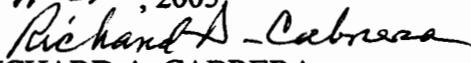
Dated: November 29, 2005.


BETTY M. SHAW

SENIOR ASSISTANT DIRECTOR

Attorney No. 130904

Dated: 11-25-, 2005.


RICHARD A. CABRERA

RESPONDENT

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