

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against KELLY P. CALLAHAN,
an Attorney at Law of the
State of Minnesota.

**STIPULATION FOR DISPENSING
WITH PANEL PROCEEDINGS,
FOR FILING PETITION FOR
DISCIPLINARY ACTION,
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Kelly P. Callahan, 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 which may be summarized as follows:

a. Respondent neglected a client family's personal injury cases, failed to respond to discovery, failed to appear at a motion hearing, and failed to communicate information about the hearing to his clients, in violation of Rules 1.3, 1.4, and 3.2, Minnesota Rules of Professional Conduct (MRPC).

b. Respondent neglected another client's personal injury case, failed to settle or initiate a lawsuit within the statutory limitations period, and failed to communicate with the client, in violation of Rules 1.1, 1.3, and 1.4, MRPC.

c. Respondent's conduct in failing to cooperate with the disciplinary investigation for eight months and misleading the Director regarding the second neglected personal injury case violated Rules 8.1(a)(1), 8.1(a)(3) and 8.4(d), MRPC.

5. As mitigating factors, respondent sought treatment for depression and ceased practicing law on January 18, 2000. Respondent provided medical release of information forms to the Director on March 28, 2000. Respondent stated that he was taking medication for depression and that he did not intend to continue practicing law in the future. Respondent stipulates that he is not currently fit to practice law.

6. 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.

7. The Director and respondent join in recommending that the appropriate discipline is an indefinite suspension from the practice of law. Respondent may

petition for reinstatement at any time, but must comply with the petition and hearing provisions of Rules 18(a) through (d), RLPR. Respondent must also successfully complete the professional responsibility examination and satisfy the continuing legal education requirements, both pursuant to Rule 18(e), RLPR. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR.

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.

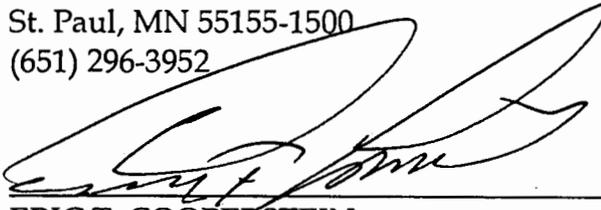
10. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

Dated: August 22, 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: August 22, 2000.


ERIC T. COOPERSTEIN
SENIOR ASSISTANT DIRECTOR
Attorney No. 210201

Dated: September 8, 2000.


KELLY P. CALLAHAN
RESPONDENT
Attorney No. 14230
137 North Broadway, Box 1009
Albert Lea, MN 56007