FILE NO. C7-00-274

STATE OF MINNESOTA

IN SUPREME COURT

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

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 Kevin P. Carroll, 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 unconditionally admits the allegations of the petition except as follows:

a. With respect to Count 1, respondent denies misappropriating or otherwise improperly retaining funds belonging to Cynthia Henry. Respondent contends, and the Director concedes there is evidence that respondent continued to provide legal representation to Cynthia Henry after December 4, 1995.

b. Respondent claims that he was entitled to the additional funds received from Henry's ex-husband for the services rendered to Henry after December 5, 1995, but admits that he failed to maintain time records for the services performed.

c. Respondent also acknowledges that he failed to provide proper accountings to Henry for the funds received from her ex-husband. Respondent acknowledges that his failure to do so constitutes violations of Rules 1.4, 1.15(c)(1), (2) and (4), and Rules 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 the appropriate discipline is an indefinite suspension from the practice of law for a minimum of period of three years pursuant to Rule 15, RLPR. 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 pursuant to Rule 24(d), RLPR; (2) successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR; (3) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; and (4) reimbursement to Cynthia Henry of $1,982.00 representing the amount of funds received from her ex-husband and for which respondent failed to provide her with an accounting.

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 by the undersigned counsel concerning this stipulation and these proceedings generally.

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

Dated: April 28, 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: April 27, 2000.

KENNETH L. JORGENSEN
FIRST ASSISTANT DIRECTOR
Attorney No. 159463

Dated: 5/22/00, 2000.

KEVIN P. CARROLL
RESPONDENT
Attorney No. 134090

Dated: 5/23, 2000.

MICHAEL J. HOOVER
ATTORNEY FOR RESPONDENT
Attorney No. 47053
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