

FILE NO. A06-0071

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against DONALD L. DeVAUGHN,
a Minnesota Attorney,
Registration No. 22391.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Donald L. DeVaughn, 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 admitted ¶¶ 1-7, 11 and 13 of the petition in his answer. As to the remaining paragraphs of the petition, respondent withdraws his answer filed herein, and thereby recognizes that the remaining paragraphs will be deemed admitted pursuant to Rule 13(b), RLPR. Respondent has presented evidence in mitigation that the Director has considered in entering into this stipulation, and that is more fully explained in the attached memorandum.

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, with no right to apply for reinstatement for at least eighteen months, 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 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); and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR.

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.

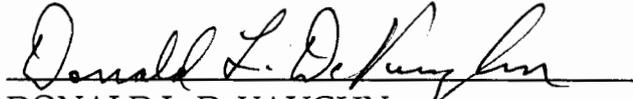
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: August 30, 2006.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: Sept. 12, 2006.



DONALD L. DeVAUGHN
RESPONDENT

Dated: 9-13-, 2006.



DAN C. O'CONNELL
ATTORNEY FOR RESPONDENT
Attorney No. 130138
W-1100 First National Bank Bldg.
332 Minnesota Street
St. Paul, MN 55101-1379
(651) 227-0611

DIRECTOR'S MEMORANDUM

Respondent in his answer to the petition admitted to the alleged misappropriations. The parties then agreed to resolve this matter following the Court's anticipated decisions in *In re Rooney*, A04-1959 (Minn., Feb. 16, 2006) (eighteen-month suspension for intentional misappropriation based upon mitigating circumstances), and *In re Wentzel, Jr.*, A05-846 (Minn., Apr. 6, 2006) (disbarment for intentional misappropriation). With those two matters now decided, and with respondent's claim of psychological mitigation investigated, the parties submit this stipulation to the Court.

The Director believes that this matter is more similar to the facts in the *Rooney* matter than the *Wentzel* matter. The factors considered by the Director include: respondent has no prior disciplinary history; he has exhibited remorse for his conduct; he has made complete restitution of all missing funds; he self-reported his misconduct to the Director (although it is likely that his misconduct eventually would have been detected); and he has cooperated in the Director's investigation.

Respondent also presented evidence that he suffers and has suffered for some extended period of time from depression. He has been treated on more than one occasion for depression. Although respondent acknowledges that depression did not cause him to misappropriate funds, it did affect his practice and contribute to the financial difficulties and personal stress respondent experienced.

For these reasons, the parties believe this matter reasonably resembles the facts that convinced the Court to impose an eighteen-month suspension in *Rooney*, and that a similar disposition is appropriate in this matter.