FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against CHARLES W. DUFRESNE, 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 Charles W. DuFresne, 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.

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 sanction the Court will impose.

6. In mitigation of the sanction for respondent's misconduct, respondent has provided to the Director evidence that at all times material he suffered from significant or severe depression which caused or was a significant factor contributing to respondent's misconduct. In addition, there is not clear evidence that respondent's misconduct harmed any client.

7. The Director and respondent join in recommending that the appropriate discipline is a public reprimand and probation pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of $900 in costs pursuant to Rule 24, RLPR. The Director and respondent join in recommending that respondent be placed on probation upon the following conditions:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent has stated that he has not practiced law since before February 1, 2001, and that he does not intend to resume the active practice of law until the pending disciplinary proceeding is resolved and until he has made sufficient progress regarding his psychological issues.

d. Respondent will not engage in the practice of law during this probation except as provided in subparagraphs (f) through (m), below.

e. The probation shall end two years after the date respondent resumes the practice of law pursuant to subparagraph (f), below.

f. If respondent decides to practice law at any time during the period of this probation, respondent shall provide (1) written notice to the Director at least thirty (30) days prior to beginning the practice of law or the representation of any client, and (2) a written opinion from a licensed psychiatrist or other medical doctor acceptable to the Director certifying that respondent suffers from no mental health problems which would prevent him from competently practicing law in compliance with the Minnesota Rules of Professional Conduct, and this probation shall become supervised and subject to the conditions listed in sub-paragraphs (a) and (b), above, and (g) through (m), below.

g. 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 not less than two weeks before respondent begins to practice law. 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 (h), below. Respondent shall make active client files available to the Director upon request.

h. 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.

i. Before respondent begins to practice law, respondent shall initiate 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. Respondent shall maintain these procedures throughout the period of probation.

j. Before respondent begins to practice law, 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.

k. Respondent shall continue medical, therapy, or other treatment from a mental health professional and/or medical professional approved by the Director and abide by the courses of treatments recommended. Respondent shall execute any authorizations requested by the Director for release of medical information to ensure that information regarding respondent's mental health status is shared with the Director on a regular basis.

l. By the tenth day of each month, respondent shall provide to the Director a written report from respondent's mental health or medical professional which states whether respondent has abided by all courses of recommended treatments and sets forth respondent's progress since the date of the prior report.

m. Failure to abide by these conditions of probation will result in more severe sanctions, including the possibility of an immediate temporary

suspension pending a full evidentiary hearing on any alleged violations of probation or other violations of the Rules of Professional Conduct.

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 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: November 13, 2001.

EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
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Dated: November 13, 2001.

TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

Dated: _____, 2001.

CHARLES W. DUFRESNE
RESPONDENT
Attorney No. 24740

Dated: 11/9/01, 2001.

MICHAEL KLUTHO
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