

**FILE NO. A09-1443**  
STATE OF MINNESOTA  
IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against JOHN D. ELLENBECKER,  
a Minnesota Attorney,  
Registration No. 13465X.  
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**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 John D. Ellenbecker, 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 supplementary petition, withdraws his answer to the initial petition for disciplinary action filed with the Court, and admits the allegations of the initial petition, except as follows:

a. The Director withdraws the allegations contained in paragraph 21 of the petition for disciplinary action.

b. The Director withdraws the allegation in the first sentence of paragraph 22 of the petition for disciplinary action; that respondent called on or about April 22, 2009. The Director and respondent stipulate that respondent called on April 13, 2009. Respondent admits the balance of paragraph 22.

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 pursuant to Rule 15, RLPR, is a public reprimand and probation for a period of two years upon the following conditions:

a. Respondent agrees to the imposition and payment of \$900 in costs and \$50 in disbursements pursuant to Rule 24, RLPR.

b. 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 provide to the Director a current mailing address and telephone number and shall immediately notify the Director of a change of either. 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.

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

d. 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 three attorneys who have agreed to be nominated as respondent's supervisor within two weeks from the date of the Court's order. 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 e. below. Respondent shall make active client files available to the Director upon request.

e. 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.

f. Respondent shall initiate and maintain 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.

g. Respondent shall be assessed by a licensed psychologist or other mental health professional acceptable to the Director for issues relating to depression and shall complete all therapy programs (including, but not limited to, those involving depression) recommended by the therapist.

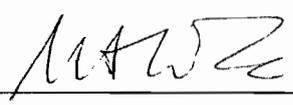
7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation and the supplementary petition for disciplinary action.

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: January 13, 2010.

  
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: January 13, 2010.

  
CRAIG D. KLAUSING  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 202873

Dated: January 22, 2010.

  
JOHN D. ELLENBECKER  
RESPONDENT

Dated: January 22, 2010.

  
DANIEL ALLEN BENSON  
ATTORNEY FOR RESPONDENT  
Attorney No. 209120  
803 West St. Germain Street  
St. Cloud, MN 56301  
(320) 202-8046