

FILE NO. A030404

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against RICHARD S. ESKOLA,  
a Minnesota Attorney,  
Registration No. 123699.  
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**STIPULATION  
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Richard S. Eskola, 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 withdraws the answer filed herein and unconditionally admits the allegations of the petition. Respondent and his former partners have agreed

to an amount respondent shall pay in restitution, and one of respondent's former partners is holding funds sufficient to cover respondent's restitution obligation.

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.

7. The Director and respondent join in recommending that:

a. The appropriate discipline is a thirty (30) day suspension pursuant to Rule 15, RLPR. See *In re Haugan*, 486 N.W.2d 761 (Minn. 1992), and *In re McFarland*, 652 N.W.2d 536 (Minn. 2002);

b. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, be waived;

c. Respondent be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

d. Respondent comply with Rule 26, RLPR;

e. Respondent pay \$900 in costs pursuant to Rule 24(a), RLPR;

f. Respondent be reinstated at any time after thirty (30) days of suspension upon the filing of an affidavit with the Clerk of Appellate Courts and the Director's Office establishing that respondent is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court in its decision.

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.

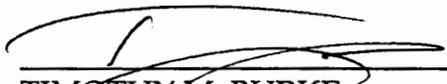
10. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

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

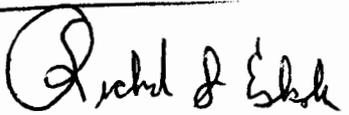
Dated: July 9, 2003.

  
KENNETH L. JORGENSEN  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 159463  
1500 Landmark Towers  
345 St. Peter Street  
St. Paul, MN 55102-1218  
(651) 296-3952

Dated: July 9, 2003.

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

Dated: 7/10, 2003.

   
RICHARD S. ESKOLA  
RESPONDENT

Dated: 7/28, 2003.

  
EDWARD E. KAUTZER  
ATTORNEY FOR RESPONDENT  
Attorney No. 54112  
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1600 University Avenue West  
St. Paul, MN 55104-3829  
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