FILE NO. A12-740

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against THERESA A. FREEMAN,
a Minnesota Attorney,
Registration No. 150848.

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 Theresa A. Freeman, 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 and supplementary 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 and the supplementary petition.

5. Respondent has provided two medical reports from her psychiatrist to the Director that outline her mental health issues which were occurring at the time of the misconduct. Respondent has a diagnosis for major depressive disorder, single episode. Respondent also reported to the Director that she was under stress and experiencing medical problems at the time of the misconduct. *See* memorandum below.

6. 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 the appropriate discipline is an indefinite suspension, with a minimum of a six-month suspension, pursuant to Rule 15, RLPR. The suspension shall be effective 14 days from the date of the Court's suspension order. 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) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e); (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; and (5) proof that respondent's psychological illness is under control and that she is fit to practice law.

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 hereby admits service of the supplementary petition for disciplinary action.

11. 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 17, 2012.

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: August 17, 2012.

MEGAN ENGELHARDT
SENIOR ASSISTANT DIRECTOR
Attorney No. 329642

Dated: Sept. 24, 2012.

THERESA A. FREEMAN
RESPONDENT

Dated: October 5, 2012.

JOHN M. DEGNAN
ATTORNEY FOR RESPONDENT
Attorney No. 21817
Briggs and Morgan
80 South 8th Street, Suite 2200
Minneapolis, MN 55402
(612) 977-8660

MEMORANDUM

While the Director understands conduct such as respondent's misconduct and non-cooperation would typically warrant more severe discipline, in respondent's case the Director looked at several issues that respondent raised as mitigation. First, and most significantly, respondent has mental health issues, including a recent diagnosis for a severe major depressive disorder, single episode, beginning in approximately 2005. Respondent provided two letters from her psychiatrist stating that her misconduct was caused by her severe psychological problem. Respondent is currently in treatment. Second, respondent was experiencing health problems and was recently diagnosed with diabetes when the misconduct occurred. Third, respondent was under stress from caring for her elderly parents and then under stress from the death of her father.