

FILE NO. C4-99-1827

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against STANLEY JAMES LEINO,
an Attorney at Law of the
State of Minnesota.

**STIPULATION
FOR DISCIPLINE**

WHEREAS, a hearing on the Director's August 7, 2000, Petition for Disciplinary Action and October 17, 2000, Amended and Supplementary Petition for Disciplinary Action was held before Supreme Court Referee, The Honorable David E. Christensen, on November 15, 2000, in St. Paul, Minnesota,

WHEREAS, respondent did not attend the November 15, 2000, hearing or, at that time, assert any factors in mitigation of the misconduct alleged,

WHEREAS, Referee Christensen filed with this Court his Findings of Fact, Conclusions of Law, and Recommendation for Discipline dated November 29, 2000, recommending that respondent be disbarred from the practice of law,

WHEREAS, on June 6, 2001, the Minnesota Supreme Court, pursuant to stipulation between the Director and respondent, ordered a stay of the disciplinary proceedings and a remand of the proceedings to the Referee for the purpose of taking further evidence regarding whether respondent's mental health and respondent's mental illness, if any, ought to be considered in mitigation sufficient to recommend a sanction less than disbarment,

WHEREAS, Dr. Carole Mannheim, Ph.D., a licensed psychologist, has evaluated respondent's mental health and the Director has had the opportunity to review her written reports and consult with her regarding respondent,

WHEREAS, it appears to the Director after consultation with Dr. Mannheim that respondent does suffer from a severe psychological problem that was, in significant part, the cause of the misconduct found in the Referee's November 29, 2000, Findings of Fact, Conclusions of Law, and Recommendation for Discipline, but it does not appear that substantial progress towards recovery has been made and it is uncertain that treatment has fully arrested the misconduct,

WHEREAS, the Director accepts that, despite the fact it does not appear respondent could establish by clear and convincing evidence all of the elements set forth in *In re Weyhrich*, 339 N.W. 2d 274, 279 (Minn. 1983) that must be proven to establish psychological disability as a mitigating factor, the unique circumstances of this case justify some consideration of respondent's psychological disability as mitigation,

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 the June 6, 2001, Order and 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 the June 6, 2001, Order and Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before the Referee on the question of mitigation; 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 understands that based upon this stipulation, 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.

5. Respondent enters into this stipulation freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

6. The Director and respondent join in recommending that the appropriate discipline is a two-year suspension pursuant to Rule 15, RLPR, to run consecutively with the three-year suspension ordered by the Court in *In re Leino*, 609 N.W. 2d 616 (Minn. 2000). The reinstatement hearing provided for in Rule 18, RLPR is not waived and respondent may not petition for reinstatement prior to March 2, 2005.

Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 plus interest and disbursements in the amount of \$663.68 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), RLPR; (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; and (5) establishment by clear and convincing evidence that respondent is subject to no mental disability which will impair his ability to practice law in compliance with the Minnesota Rules of Professional Conduct, after first submitting, at his expense, to an independent medical examination if so requested by the Director.

7. Respondent hereby acknowledges receipt of a copy of this stipulation.

8. 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.

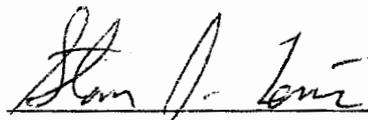
Dated: November 19, 2001.


EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

Dated: November 16, 2001.


PATRICK R. BURNS
SENIOR ASSISTANT DIRECTOR
Attorney No. 134004

Dated: November 27, 2001.


STANLEY JAMES LEINO
RESPONDENT
Attorney No. 272292

Dated: 11/27/, 2001.


WILLIAM J. HANLEY
ATTORNEY FOR RESPONDENT
Attorney No. 40459
1900 Hennepin Avenue South
Minneapolis, MN 55403
(612) 872-0222