FILE NO. A10-1519

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against NATHAN KENT McLEAN,
a Minnesota Attorney,
Registration No. 389532.

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 Nathan Kent McLean, 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 for disciplinary action and supplementary petition for disciplinary action; 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 has not submitted an answer to either the petition for disciplinary action or the supplementary petition for disciplinary action, and is in default. Respondent unconditionally admits the allegations of the petition for disciplinary action and the supplementary petition for disciplinary action.

5. Respondent asserts that he suffers from severe depression and anxiety which contributed to some of his misconduct and to the failure to respond to the petition for disciplinary action and the supplementary petition for disciplinary action. If this matter were litigated, the Director acknowledges that respondent may be able to meet some of the factors to establish a claim of mitigation warranting a lesser sanction than disbarment because of psychological disability. *See In re Weyhrich*, 339 N.W.2d 274 (Minn. 1983).

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 a three-year suspension pursuant to Rule 15, RLPR. The suspension shall be effective on 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), RLPR; (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; and (5) full cooperation with the Client Security Fund for any claims made involving respondent.

As part of the requisite reinstatement hearing, respondent shall establish through expert psychological testimony, that he is fit to resume the practice of 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 has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

Dated: Nov. 22, 2010.

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
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St. Paul, MN 55102-1218
(651) 296-3952

Dated: Nov. 22, 2010

KEVIN T. SLATOR
ASSISTANT DIRECTOR
Attorney No. 204584

Dated: Nov. 26th, 2010

NATHAN K. McLEAN
RESPONDENT
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(651) 468-1080