

FILE NO. A14-1553

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against KRISTI DANNETTE McNEILLY,
a Minnesota Attorney,
Registration No. 341265.

**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 Kristi Dannette McNeilly, 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 which can be summarized as follows:

a. Respondent's representation of a client in a criminal matter while also representing an adverse witness constituted a concurrent conflict of interest and violated Rule 1.7(a)(2), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent's failure, after termination, to promptly return the client's original documents and to inform the client of upcoming deposition and trial dates and in making misrepresentations to the District Ethics Committee investigator violated Rules 1.3, 1.4(a), 1.16(d), 8.1(a), and 8.4(c), MRPC.

c. Respondent's failure to surrender file materials to a former criminal client violated Rule 1.16(d), MRPC.

d. Respondent's conduct in bringing a civil lawsuit based in part on damages allegedly sustained as a result of an ethics complaint filed with the Director violated Rule 21, RLPR, and Rules 3.1 and 8.4(d), MRPC.

e. Respondent's failure to provide diligent representation, failure to adequately communicate the status of the matters, requesting the clients pay to have their files copied without the appropriate agreement and making misrepresentations in three mortgage matters, and failing to promptly return the clients' file in two matters constituted a pattern of misconduct which violated Rules 1.3, 1.4, 1.16(d), 1.16 (f), and 8.4(c), MRPC.

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 three years upon the following conditions:

a. 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 shall immediately notify the Director of any change of address. 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.

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

c. 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 four 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 d. below. Respondent shall make active client files available to the Director upon request.

d. 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.

e. Respondent shall undergo a complete psychological evaluation by a licensed psychiatrist, licensed psychologist or other mental health professional acceptable to the Director and shall comply with all resulting recommendations.

f. Respondent shall initiate or continue current treatment by a licensed consulting psychologist or other mental health professional acceptable to the Director.

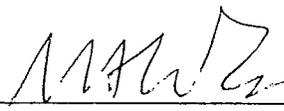
7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

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

9. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

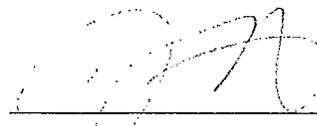
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: January 13, 2015.



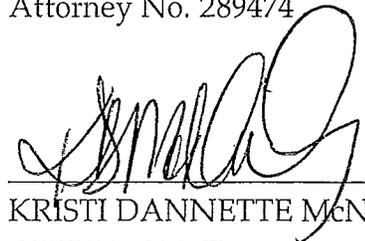
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: January 13, 2015.



JULIE E. BENNETT
SENIOR ASSISTANT DIRECTOR
Attorney No. 289474

Dated: January 14, 2015.



KRISTI DANNETTE McNEILLY
RESPONDENT

MEMORANDUM

There is no question that respondent committed serious misconduct.

Respondent acknowledges the misconduct was serious and could warrant discipline more severe than a public reprimand followed by three years of supervised probation.

In determining discipline, the Court weighs both the aggravating and mitigating circumstances of a particular case. *See In re Fairbairn*, 802 N.W.2d 734, 746 (Minn. 2011); *See In re Mayne*, 783 N.W.2d 153, 160-161 (Minn. 2012). Finally, extraordinary stress in a lawyer's personal life, such as the illness of a loved one, can be a mitigating factor for the Court to consider. *In re Rooney*, 709 N.W.2d 263, 272 (Minn. 2006).

Respondent raised several matters which if proven would serve to mitigate her misconduct. Respondent provided medical information which indicates she suffers from Post-Traumatic Stress and anxiety disorders related to her military service. Additionally, there were extreme stressors in respondent's life which included a very public dispute with her father, her father's death and the dissolution of her marriage.

Based on respondent's personal circumstances, there is likely sufficient mitigation present to make the public reprimand and supervised probation which includes psychological counseling for a period of three years an appropriate disposition.