

FILE NO. C3-97-2009

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ALBERTO O. MIERA, JR.,
an Attorney at Law of the
State of Minnesota.

**STIPULATION FOR DISPENSING
WITH PANEL PROCEEDINGS,
FOR FILING PETITION FOR
DISCIPLINARY ACTION,
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Alberto O. Miera, Jr., 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. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the petition, this matter 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. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition which may be summarized as follows:

a. Respondent failed during the course of his public probation to timely and sufficiently respond to reasonable requests from the Director's Office that he create and provide proper trust account books and records.

b. Respondent failed during the course of his public probation to create and maintain trust account books and records to sufficiently comply with Rule 1.15, Minnesota Rules of Professional Conduct (MRPC), and Lawyers Professional Responsibility Board (LPRB) Opinion No. 9.

c. Respondent's conduct violated the terms of his March 11, 1998, public probation, Rules 1.15 and 8.1(a)(3), MRPC, Rule 25, RLPR, and LPRB Opinion No. 9.

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 sanction the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is a 30-day suspension pursuant to Rule 15, RLPR, followed by two years unsupervised probation under 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 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 maintain law office and trust account books and records in compliance with Rule 1.15, MRPC, and LPRB Opinion No. 9. These books and records include the following: client subsidiary ledger, checkbook register, monthly trial balances, monthly trust account reconciliation, bank statements, canceled checks, duplicate deposit slips and bank reports of interest, service charges and interest payments to the Lawyer Trust Account Board. Such books and records shall be made available to the Director within 30 days of the approval of this stipulation and thereafter shall be made available to the Director at such intervals as he deems necessary to determine compliance.

7. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR.

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*.

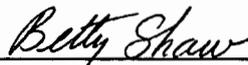
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: September 27, 2000.



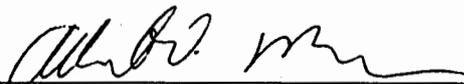
EDWARD J. CLEARY
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PROFESSIONAL RESPONSIBILITY
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(651) 296-3952

Dated: September 27, 2000.



BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR
Attorney No. 130904

Dated: September 29, 2000.



ALBERTO O. MIERA, JR.
RESPONDENT
Attorney No. 72874
956 Birchview Court
St. Paul, MN 55119