

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ROBERT D. MILLER,
a Minnesota Attorney,
Registration No. 20626X.

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

THIS STIPULATION is entered into by and between Martin A. Cole, Director of
Office of Lawyers Professional Responsibility, hereinafter Director, and Robert D.
Miller, 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.

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 public reprimand pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR. Respondent shall be placed on unsupervised probation until April 15, 2016, upon the following terms and 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 maintain total abstinence from alcohol and controlled substances, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician or nurse practitioner who is fully advised of respondent's chemical dependency before issuing the prescription.

d. Respondent shall complete the chemical dependency assessment required as a condition of his criminal probation and participate in and complete all therapy, aftercare or other programs recommended or prescribed as a result of the evaluation.

e. Respondent shall attend weekly meetings of Alcoholics Anonymous or another out-patient abstinence-based alcohol treatment program acceptable to the Director. Respondent shall, by the tenth day of each month, without a specific reminder or request, submit to the Director an attendance verification on a form provided by the Director, which provides the name, address and telephone number of the person personally verifying the attendance. Such attendance verification shall also, upon request, be provided to the respondent's supervisor, if any.

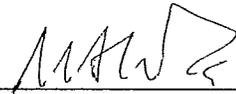
f. Respondent shall comply with all conditions of his criminal sentence and probation. If requested by the Director, respondent shall, at his own expense, no more than four times per month, submit to random urinalysis for alcohol and drug screening at a facility approved by the Director and shall direct the drug screening facility to provide the results of all urinalysis testing to the Director's Office. If, after six months, all such tests have been negative, then the frequency of the random tests may be reduced. Respondent shall cooperate with the phone-in program established by the Director for the random test. Any failure to phone-in in accordance with the random test program shall be

considered the same as receipt of a positive test result. Any positive test result will be grounds for revoking this probation.

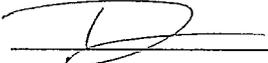
7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.
8. Respondent hereby acknowledges receipt of a copy of this stipulation.
9. Respondent has been advised of the right to be represented herein 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: July 17, 2013.


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: July 17, 2013.


TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

Dated: July 31, 2013.


ROBERT D. MILLER
RESPONDENT
2915 Wayzata Boulevard
Minneapolis, MN 55405
(612) 338-8678

DIRECTOR'S MEMORANDUM

The Director believes the most apposite prior case is *In re Nolen*, 724 N.W.2d 14 (Minn. 2006). Cases involving greater discipline for drug-related offenses have involved more serious conduct under the criminal law. *See, e.g., In re Ramsay*, 799 N.W.2d 604 (Minn. 2011).