

FILE NO. A08-1207

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against JOEL C. MONKE,  
a Minnesota Attorney,  
Registration No. 74445.  
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**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 Joel C. Monke, 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 may be summarized as follows:

a. On July 25, 2000, Michael Martinez was suspended from the practice of law. Beginning in August 2000, respondent agreed to undertake the representation of Martinez' clients, and to employ Martinez as a non-lawyer assistant, during the period of Martinez' suspension. In that capacity, respondent failed to determine the extent of his responsibilities for Martinez' former clients, failed to fully communicate with those clients to determine the nature and extent of legal work required, failed to timely enter into fee agreements with some of the clients, failed to properly supervise Martinez' work in his capacity as respondent's legal assistant, thus enabling Martinez to engage in the unauthorized practice of law, and improperly shared legal fees with Martinez, in violation of Rules 1.3, 1.4, 1.5(b), 5.3, 5.5(a), 5.4(a) and 5.7(b), MRPC.

b. One of the individuals whose representation respondent undertook after Martinez' suspension was Dianne Ward. Respondent neglected Ward's workers' compensation case, failed to communicate with Ward during the period December 2000 to October 2001, failed to discuss with Ward the statute of limitations applicable to her claims and failed to clarify whether respondent or Ward was responsible for the advancement of costs, in violation of Rules 1.1, 1.3, 1.4 and 1.5(b), MRPC.

c. Another of the individuals whose representation respondent undertook after Martinez' suspension was Delia Granados. During the period after February 2003, respondent neglected Granados' slip-and-fall case and failed to adequately communicate with Granados, in violation of Rules 1.3 and 1.4, MRPC.

d. During the period May 2001 to October 2004, respondent routinely deposited earned workers' compensation attorney fees into, and frequently failed to withdraw earned attorney's fees in other matters from, his trust account, thus commingling his own funds with client funds, allowed the balance in his trust account to fall below that necessary to cover client balances during the periods April 17 to May 15, 2001, and January 16 to 20, 2004, and failed to maintain the

required trust account books and records, including client subsidiary ledgers and monthly trial balances and reconciliations, in violation of Rule 1.15(a), (b), (c)(1) and (h), MRPC, as interpreted by Lawyers Professional Responsibility Board 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 sanctions the Court will impose.

6. The Director and respondent join in recommending that:

a. The appropriate discipline is a 30-day suspension pursuant to Rule 15, RLPR, effective 14 days from the date of the Court's suspension order;

b. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, be waived;

c. Respondent be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

d. Respondent comply with Rule 26, RLPR;

e. Respondent pay \$900 in costs pursuant to Rule 24(a), RLPR; and

f. Respondent be reinstated following the expiration of the suspension provided that at least 15 days before the expiration of the suspension period, respondent files an affidavit with the Clerk of Appellate Courts and the Director's Office establishing that respondent is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court in its decision.

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 by the undersigned counsel concerning this stipulation and these proceedings generally.

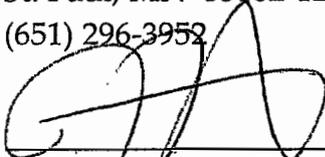
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: December 12, 2008.

  
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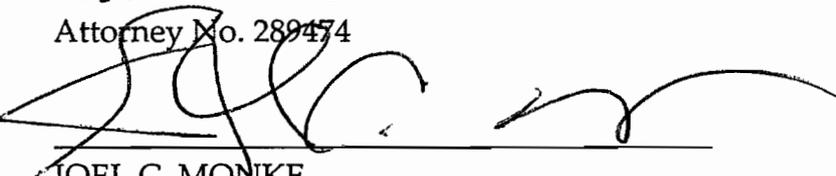
MARTIN A. COLE  
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Dated: December 12, 2008.

  
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JULIE E. BENNETT  
ASSISTANT DIRECTOR  
Attorney No. 289474

Dated: 12/4/08, 2008.

  
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JOEL C. MONKE  
RESPONDENT

Dated: 11/21, 2008.

  
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