

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JOHN NORMAN NELSON, JR.,
a Minnesota Attorney,
Registration No. 296120.

**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 the Office of Lawyers Professional Responsibility, hereinafter Director, and John Norman Nelson, 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.

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:

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;

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; and

g. Upon reinstatement, respondent shall be placed on probation for two years upon the following conditions:

(i) 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;

(ii) Respondent shall abide by the Minnesota Rules of Professional Conduct.

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: March 18, 2009.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

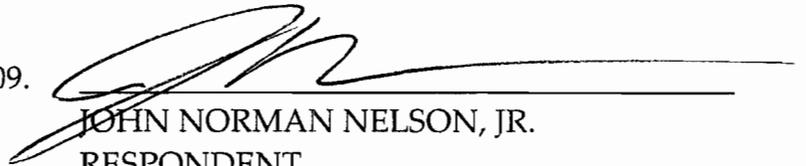
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: March 17, 2009.



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

Dated: April 1, 2009.



JOHN NORMAN NELSON, JR.
RESPONDENT

Dated: March 31, 2009.



ERIC J. RIENSCHKE
ATTORNEY FOR RESPONDENT
Attorney No. 309126
222 South 6th Street, Suite 2200
Minneapolis, MN 55402-4504
(612) 339-6321

MEMORANDUM

The Director's research revealed no Minnesota authority directly on point. In the matters of *In re Thole*, 707 N.W.2d 368 (Minn. 2005), and *In re Lillie*, 707 N.W.2d 367 (Minn. 2005), each lawyer was issued a public reprimand for communicating with a prison inmate in violation of prison regulations, and in helping the inmate establish a new business, which also violated prison regulations. Neither lawyer brought prohibited substances into the prison facility, as respondent did. Therefore, in this matter discipline greater than in *Thole* and *Lillie* seems appropriate.

The Director considered other factors in this matter, as well. Respondent self-reported his conduct to the Director's Office. No other person or entity filed a complaint. Respondent states that much of the money he received from Smith's frozen assets was spent to assist his extended family, including a brother who suffers from fetal alcohol syndrome and bipolar disorder. Respondent has repaid \$100,000 of that money and has agreed to repay the balance, plus interest. Although not required by law, respondent cooperated with the federal authorities investigating the matter.

For these reasons, the Director believes that the recommended discipline is appropriate on the facts of this matter, and requests the Court to accept the parties' stipulation.