

FILE NO. A12-574

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against TIMOTHY THOMAS NIPPER,  
a Minnesota Attorney,  
Registration No. 221387.  
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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 Timothy Thomas Nipper, 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. Respondent unconditionally admits the allegations of the attached petition served on respondent on June 29, 2012, with the following corrections:
  - a. In paragraph 1, the May 23, 2006, incident involved respondent's wife.

b. In paragraph 10, the March 31, 2010, Dakota County charge was dismissed.

Respondent also waives his right to submit an answer to the petition.

4. It is understood that respondent has certain other rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition for disciplinary action; 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.

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 is a 90-day suspension pursuant to Rule 15, RLPR, followed by probation for two years as set forth in paragraphs 8(a) through (g) below. Respondent agrees to the imposition of \$900 in costs pursuant to Rule 24(a), RLPR.

7. When submitting an affidavit for reinstatement under Rule 18(f), RLPR, respondent shall also provide proof of the following:

a. That respondent has established an ongoing relationship with a treating physician and is compliant with recommended care;

b. That respondent is compliant with any recommended chemical dependency treatment and aftercare;

c. That respondent is compliant with any recommended psychological treatment;

d. That respondent has regularly attended Alcoholics Anonymous or an equivalent group (including verification of attendance).

8. Respondent's probation shall be subject to 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 total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing the prescription.

d. Respondent shall follow all chemical dependency treatment and aftercare recommendations.

e. Upon returning to the practice of law 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.

f. Respondent shall not commit the same or similar offenses, shall remain law-abiding, and shall follow the conditions of his probation.

g. 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.

9. Respondent agrees that his reactivation of his Minnesota lawyer registration status or resumption of the practice of law at any time in the future without first contacting the Director and establishing conditions for resuming practice shall constitute a violation of the conditions of this probation. Respondent agrees that any conditions established for his resuming law practice shall be subject to an extension of this probation for an additional two years. If respondent does not resume practice within two years, he agrees that the conditions set forth for probation may be automatically renewed for an additional two years.

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

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

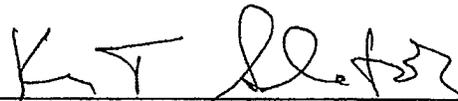
12. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

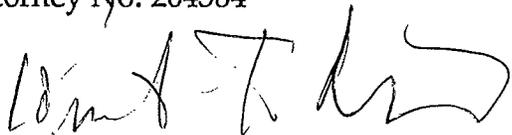
Dated: Oct. 26, 2012.

  
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: Oct 26, 2012.

  
KEVIN T. SLATOR  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 204584

Dated: Oct. 30, 2012.

  
TIMOTHY T. NIPPER  
RESPONDENT  
635 Prairie Center Drive, Apt. 312  
Eden Prairie, MN 55344  
(612) 272-4482