

FILE NO. C8-01-536

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary  
Action against CHARLES T. NIXON,  
an Attorney at Law of the  
State of Minnesota.  
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**STIPULATION FOR DISPENSING  
WITH PANEL CHAIR  
AUTHORIZATION, FOR FILING  
SUPPLEMENTARY PETITION AND  
FOR TRANSFER TO DISABILITY  
INACTIVE STATUS**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Charles T. Nixon, 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 is presently subject to a petition for disciplinary action, on which he has been found in default, and has until August 20, 2001, to file a brief with the Minnesota Supreme Court regarding appropriate sanctions. Respondent also understands that he has the right to have any supplementary petition authorized by the Panel Chair prior to the filing of the supplementary petition, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with the authorization and respondent agrees to the immediate filing of the supplementary petition in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the supplementary petition, these documents will also be of public record, as is the petition for disciplinary action.

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 supplementary 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 on both the petition and supplementary petition. Respondent hereby admits service of the supplementary petition.

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

a. Respondent failed to communicate with Mr. McFarlan and to promptly return the company's files as requested in violation of Rules 1.3 and 1.4, Minnesota Rules of Professional Conduct (MRPC).

b. Respondent collected a filing fee to file Mr. DeLaittre's dissolution of marriage action and thereafter failed to take action on the case, file the original marital termination agreement (MTA) and obtain a decree of dissolution, return Mr. DeLaittre's phone calls or keep him advised of the status of the matter in violation of Rules 1.3 and 1.4, MRPC.

c. Respondent failed to promptly respond to the DEC investigator investigating the McFarlan ethics complaint and to the Director in investigating the McFarlan and DeLaittre complaints of unprofessional conduct in violation of Rule 8.1(a), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility.

d. Respondent's conduct in this matter, together with his prior disciplinary history, constitutes a pattern of related unprofessional conduct the cumulative effect of which calls for transfer to disability inactive status.

5. Respondent asserts as follows in support of his transfer request:

a. Respondent has recently sought counsel, and has through counsel's urging finished the DeLaittre matter, paying the filing fee and filing the action and MTA with the court.

b. Respondent's mental condition does not prevent him from assisting in his own defense in the discipline proceedings, although it prevents him from competently practicing law in a diligent manner.

c. Respondent has twice been on private probation for misconduct related to his diagnosed clinical depression and has now committed additional misconduct which can be attributed to a recurrence of depression, which is being treated with medication and counseling. Respondent's present psychological condition prevents him from competently representing clients.

6. 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 transferring respondent to disability inactive status or 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.

7. The Director and respondent join in recommending the following:

a. That the Court transfer respondent to disability inactive status pursuant to Rule 28, RLPR.

b. That the reinstatement hearing provided for in Rules 18 and 28(d), RLPR, not be waived.

c. That further proceedings on the Director's petition for disciplinary action be held in abeyance while respondent is on disability inactive status.

d. That the Court specifically order that as part of any reinstatement proceeding under Rules 18 and 28, RLPR, the allegations of misconduct in the

Director's petition admitted herein shall be considered and a recommendation as to the appropriate disciplinary sanction be made to the Court at that time.

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

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

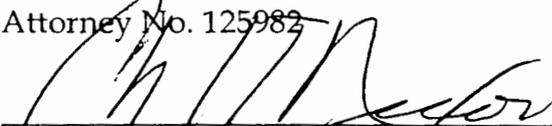
Dated: August 14, 2001.

  
EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
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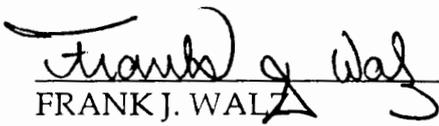
Dated: August 14, 2001.

  
CANDICE M. HOJAN  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 125982

Dated: August 14, 2001.

  
CHARLES T. NIXON  
RESPONDENT  
Attorney No. 79339

Dated: August 14, 2001.

  
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