

FILE NO. \_\_\_\_\_

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against JILL JOHNSON PENNINGTON,  
a Minnesota Attorney,  
Registration No. 130321.

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**STIPULATION  
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Jill Johnson Pennington, 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 12(d), RLPR. Respondent waives these rights, which include the right to a hearing before the Supreme Court upon the record, briefs and arguments.

4. Respondent understands that the Maryland Court of Appeals June 22, 2005, decision (*Attorney Grievance Comm'n of Md. v. Pennington*, 387 Md. 565, 876 A.2d 642 (Md. Ct. App. 2005)) conclusively establishes the misconduct identified in that decision for purposes of this disciplinary proceeding, pursuant to Rule 12(d), RLPR.

5. Respondent understands that pursuant to Rules 12(d) and 15, RLPR, and based upon the Maryland Court of Appeals disciplinary decision, this Court may impose any discipline it deems appropriate.

6. The Director and respondent join in recommending that the appropriate discipline is a 24-month suspension pursuant to Rule 15, RLPR. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e); and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR.

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.

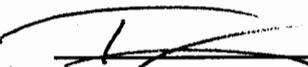
9. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

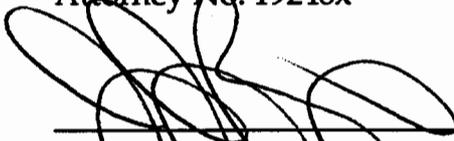
Dated: October 19, 2005.

  
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KENNETH L. JORGENSEN  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 159463  
1500 Landmark Towers  
345 St. Peter Street  
St. Paul, MN 55102-1218  
(651) 296-3952

Dated: October 14, 2005.

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

Dated: Oct 30, 2005.

  
\_\_\_\_\_  
JILL JOHNSON PENNINGTON  
RESPONDENT  
9200 Basil Court, Suite 111  
Upper Marlboro, MD 20774  
(301) 322-8840

## DIRECTOR'S MEMORANDUM

This Court and the Director traditionally give great deference to discipline imposed on a Minnesota lawyer by another jurisdiction. Very frequently, this Court imposes identical discipline in Minnesota reciprocal discipline proceedings. In this matter, however, the discipline imposed in Maryland appears disproportionate to that which has been imposed for similar offenses in Minnesota. There are two Minnesota discipline cases involving misconduct similar to respondent's. In *In re Freidson*, 426 N.W.2d 188 (Minn. 1988), the attorney was publicly reprimanded and placed on probation. In *In re Iliff*, 487 N.W.2d 234 (Minn. 1992), the attorney was suspended for 90 days. Iliff had a prior admonition for neglect and also made false statements about the matter in his response to an ethics complaint. Respondent's history of prior discipline is more serious than *Iliff* in that she was publicly reprimanded in Maryland in 1999. *Attorney Grievance Commission of Maryland v. Pennington*, 355 Md. 61, 733 A.2d 1029 (1999).<sup>1</sup> The recommended two-year suspension appears sufficient to protect the public, deter other members of the bar from similar misconduct and promote uniformity in lawyer discipline sanctions in Minnesota.

K.L.J.

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<sup>1</sup> Reciprocal discipline at that time in Minnesota was not imposed because the Director was unaware of this public discipline proceeding or decision. Cf. Rule 12(d), RLPR.