

FILE NO. A05-1026
STATE OF MINNESOTA
IN SUPREME COURT

In Re Petition for Disciplinary Action
against WILLIAM ALBERT PLUMMER,
a Minnesota Attorney,
Registration No. 291365.

**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 William Albert Plummer, attorney, hereinafter respondent

WHEREAS, a hearing on the Director's May 4, 2005, Petition for Disciplinary Action was held before Supreme Court Referee the Honorable Lawrence T. Collins on September 1, 2005, in St. Paul, Minnesota,

WHEREAS, upon conclusion of the proceedings and before Referee Collins filed with this Court his Findings of Fact, Conclusions of Law, and Recommendation for Discipline, the parties reached an agreement upon a recommended disposition for presentation to the Court, and

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 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. Respondent temporarily misapplied and failed to safeguard funds that came into his possession as a representative payee for a minor Social Security beneficiary, commingled personal and client funds in his trust account, failed to maintain proper trust account books and records, deposited an advance fee payment into his business account instead of his trust account, disbursed client funds from the trust account by way of cash held back from a deposit rather than by check, and failed to fully cooperate in the disciplinary investigation, in violation of Rules 1.15(a), (b), (c), and (h), 8.1 (a)(3), 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC), and Rule 25, RLPR.

5. Respondent understands that based upon this stipulation, 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 sixty 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 subject to probation for a period of two years from the date of this Court's reinstatement order, 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 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.

iii. Respondent shall maintain law office and trust account books and records in compliance with Rule 1.15, MRPC, and LPRB Opinion No. 9. These books and records include the following: client subsidiary ledgers, checkbook register, monthly trial balances, monthly trust account reconciliations, bank statements, canceled checks, duplicate deposit slips and bank reports of interest, service charges and interest payments to the Lawyer Trust Account Board. Such books and records shall be made available to the Director within 30 days of the approval of this stipulation and thereafter shall be made available to the Director at such intervals as he deems necessary to determine compliance.

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: September 26, 2005.


KENNETH L. JORGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 159463
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345 St. Peter Street
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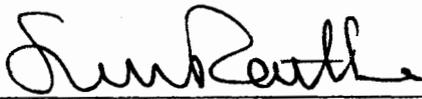
Dated: September 26, 2005.


PATRICK R. BURNS
SENIOR ASSISTANT DIRECTOR
Attorney No. 134004

Dated: Oct 9, 2005.


WILLIAM ALBERT PLUMMER
RESPONDENT

Dated: Sept 28, 2005.


STEPHEN C. RATHKE
ATTORNEY FOR RESPONDENT
2000 IDS Center
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Minneapolis, MN 55402
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DIRECTOR'S MEMORANDUM

The disposition recommended in this stipulation appears appropriate for the following reasons. After hearing respondent's testimony before the referee, the Director is convinced that respondent's misapplication of client funds was not intentional. Nevertheless, respondent's misconduct is serious. He was grossly negligent, if not reckless, in his handling of his client's funds. This reckless disregard for the obligations relating to the handling of client funds warrants suspension because of the risk it poses to the public. In entering into this stipulation the Director has taken into account the following factors: (1) Respondent did not intentionally misapply the funds entrusted to him; (2) The amount of funds at issue was relatively small; (3) The period of time in which the funds were at risk was relatively short; and (4) Respondent made restitution of the misapplied funds.

The recommended disposition appears appropriate to adequately protect the courts, the legal profession, and the public.

K.L.J.