

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against CHARLES ALAN RAMSAY,
a Minnesota Attorney,
Registration No. 260277.

**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 Charles Alan Ramsay, 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 which may be summarized as follows:

a. Respondent was convicted of a third degree charge for the possession of three or more grams of cocaine in violation of Minn. Stat. § 152.023, subdivs. 2(1) and 3(a).

b. Respondent's conviction arose from his possession of cocaine in the Winona County Courthouse.

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 90-day suspension pursuant to Rule 15, RLPR;

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. Upon reinstatement, respondent be subject to unsupervised probation for the full term of his criminal probation, subject to the following conditions:

(i) Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with the 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.

(iii) Respondent shall abide by the terms of his criminal probation and shall affirmatively submit to the Director the results of his random urinalysis testing and verification of his participation in a chemical dependency support group.

g. 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.

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: May 12, 2011.


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

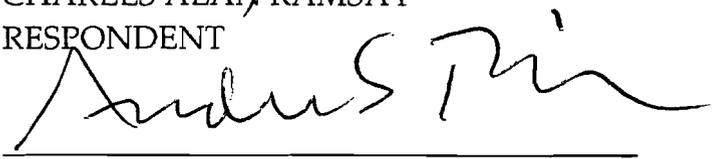
Dated: May 12, 2011.


JULIE E. BENNETT
SENIOR ASSISTANT DIRECTOR
Attorney No. 289474

Dated: May 3, 2011.


CHARLES ALAN RAMSAY
RESPONDENT

Dated: 5/3, 2011.


ANDREW S. BIRRELL
ATTORNEY FOR RESPONDENT
Attorney No. 133760
333 South Seventh Street, Suite 3020 2900
Minneapolis, MN 55402
(612) ~~871-7000~~
333-9500

MEMORANDUM IN SUPPORT OF STIPULATION

On January 15, 2009, respondent was arrested in the Winona County Courthouse and charged with possession of a controlled substance in the third and fifth degrees. Shortly after his arrest, respondent voluntarily entered and completed in-patient chemical dependency treatment. On August 18, 2010, respondent pled guilty to third degree possession of a controlled substance. Respondent was sentenced on September 20, 2010, and respondent received a stay of imposition provided that he comply with a ten-year probation which subjects him to, among other things, random urinalysis.

Pursuant to Rule 19(a), RLPR, an attorney's conviction is conclusive evidence the attorney engaged in the conduct for which the attorney was convicted. Respondent admits his misconduct; therefore, the only issue for the Court to determine is the appropriate level of discipline. Respondent's misconduct is serious and warrants public discipline.

The purpose of attorney discipline is not to punish the attorney, but rather to protect the public, to protect the judicial system, and to deter future misconduct by the disciplined attorney as well as by other attorneys. *In re Aitken*, 787 N.W.2d 152, 161-62 (Minn. 2010). The Court will look at the nature of the misconduct, the cumulative weight of the rule violations, the harm to the public, and the harm to the legal profession. *Id.* at 162. The Court will also take into account any mitigating or aggravating circumstances. *Id.* Although discipline is imposed on a case by case basis, the Court will look to prior decisions for guidance. *Id.*

This Court has imposed varying discipline for varying degrees of misconduct for criminal convictions related to controlled substances. In *Reutter*, the attorney was disbarred for two felony counts involving aiding and abetting the distribution of cocaine and conspiracy to distribute cocaine. *In re Reutter*, 361 N.W.2d 68 (Minn. 1985).

This Court disbarred an attorney for smuggling marijuana into the United States. *See Matter of Wegner*, 291 N.W.2d 678 (Minn. 1979). An attorney was suspended from the practice of law for five years or “until her successful discharge from criminal probation, whichever is later” for her felony conviction for possession of methamphetamines with intent to sell. *In re Hanson*, 592 N.W.2d 130 (Minn. 1999). In *Nolen*, this Court publicly reprimanded an attorney and placed the attorney on probation “for a term coextensive with his criminal probation” based on his conviction for the possession of cocaine. *In re Nolen*, 724 N.W.2d 14 (Minn. 2006).

Respondent’s misconduct is unlike the conduct in *Reutter*, *Wegner*, and *Hanson*, in that respondent did not have an intent to distribute controlled substances.

Respondent’s conduct is more akin to *Nolen*, as both respondent and Nolen possessed the controlled substance for their own use. However, Nolen’s arrest occurred at Nolen’s residence; whereas respondent’s arrest was on court property. While respondent’s misconduct is similar to Nolen’s, respondent’s misconduct warrants greater discipline because of where it occurred. Respondent’s misconduct does not rise to the level of misconduct present in *Reutter*, *Wegner* and *Hanson*, and therefore does not warrant the same level of discipline as imposed in those matters.

Prior to his conviction, respondent readily admitted and took responsibility for his misconduct. Immediately upon his release from custody in January 2009, respondent sought the assistance of Lawyers Concerned for Lawyers, and shortly thereafter respondent entered an in-patient chemical dependency program. Prior to entering the treatment program, respondent sent a letter to his clients advising them of his situation, and ensured that there was attorney coverage of his client’s cases. In February 2010, respondent slipped, self-reported his use and entered out-patient treatment. Since the completion of outpatient treatment, respondent has maintained his

sobriety and has actively participated in chemical dependency support groups. He has also assisted other attorneys with their addiction issues.

The conditions of respondent's probation serve to protect the public, the judicial system, and to deter further misconduct of respondent, as well as other attorneys. For the next ten years, among other things, respondent is subject to random urinalysis, must attend chemical dependency support groups at least once a week, and abstain from the use of alcohol and controlled substances. Additionally, unless related to representation, respondent is barred from bars, liquor stores and any other business where the primary business is the sale of alcohol. The conditions of respondent's criminal probation serve to promote the aims of the attorney discipline system. The conditions protect the public, protect the judicial system, and deter future misconduct.

The Director respectfully requests the Court to accept the stipulation to a ninety-day (90) suspension followed by probation which is consistent with respondent's criminal probation.