

FILE NO. A15-1357

STATE OF MINNESOTA

IN SUPREME COURT

OFFICE OF  
APPELLATE COURTS

JAN 11 2016

FILED

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In Re Petition for Disciplinary Action  
against MITCHELL ALAN ROBINSON,  
a Minnesota Attorney,  
Registration No. 0281359.

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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 Mitchell Alan Robinson, 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 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.

4. Respondent withdraws the answer filed herein and unconditionally admits the allegations of the July 28, 2015, petition for disciplinary action.

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 pursuant to Rule 15, RLPR, is a public reprimand and probation for a period of two years upon 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 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.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall pay \$900 in costs and disbursements in an amount to be determined pursuant to Rule 24, 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 by the undersigned counsel concerning this stipulation and these proceedings generally.

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

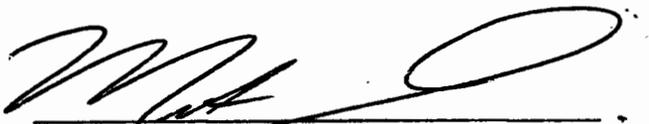
Dated: December 21, 2015.

  
MARTIN A. COLE  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 0148416  
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345 St. Peter Street  
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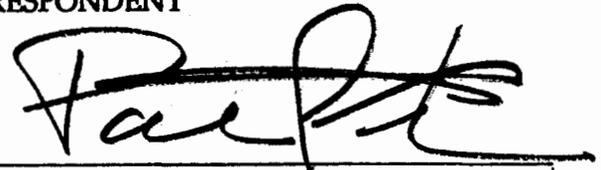
Dated: Dec. 21, 2015.

  
KEVIN T. SLATOR  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 0204584

Dated: 12/28/15

  
MITCHELL ALAN ROBINSON  
RESPONDENT

Dated: 12/30/15

  
PAUL C. PETERSON  
ATTORNEY FOR RESPONDENT  
Attorney No. 0151543  
1300 AT&T Tower  
901 Marquette Avenue South  
Minneapolis, MN 55402  
(612) 333-3637

## MEMORANDUM

A federal court in Texas determined that, in representing Maria Hernandez in a criminal matter that went to trial in January 2004, respondent "failed to perform at the level expected of an objectively reasonable attorney" and his "deficient performance resulted in significant prejudice to Maria Hernandez's case." Ms. Hernandez spent a little over nine years in prison. On March 31, 2014, the court vacated Ms. Hernandez's conviction and sentence and granted her a new trial. The United States Attorney dismissed the charges and did not re-try the case.

This matter did not come to the attention of the Director's Office, however, until a newspaper story appeared in 2014, over ten years after the trial. In Minnesota, there is no statute of limitations in attorney discipline matters, but in reaching this stipulation the Director took into account many factors, including the passage of time since the misconduct occurred and that no other complaints regarding respondent's representation in criminal law matters reached the Director in the interim.

In the Arevalo-Santiago immigration matter, the Director took into consideration that the outcome of the case would likely not have been different had respondent acted with diligence and had reasonably consulted with his client about the means by which the client's objectives were to be accomplished.