

FILE NO. A09-890

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against THOMAS ALLEN ROTHSTEIN,  
a Minnesota Attorney,  
Registration No. 217542.  
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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 Thomas Allen Rothstein, 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 admits service of the November 24, 2009, amended petition for disciplinary action and unconditionally admits the allegations of the amended petition which may be summarized as follows:

a. On October 14, 2009, respondent pled guilty to felony theft by swindle in an amount greater than \$35,000 in violation of Minn. Stat. § 609.52, subds. 2(4) and 3(1).

b. Respondent's guilty plea was based on his misappropriation of funds from the law firm in which he was a partner and his making of false entries into the law firm's books to conceal the misappropriation.

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 is disbarment pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR, and shall comply with the requirements of Rule 26, 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.

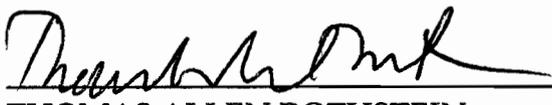
8. Respondent hereby acknowledges receipt of a copy of this stipulation.

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: \_\_\_\_\_, 2009.   
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: \_\_\_\_\_, 2009.   
CASSIE HANSON  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 303422

Dated: 12/5/09, 2009.   
THOMAS ALLEN ROTHSTEIN  
RESPONDENT

Dated: December 8, 2009.   
WILLIAM J. WERNZ  
ATTORNEY FOR RESPONDENT  
Attorney No. 11599X  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402-1498  
(612) 340-5679