

FILE NO. C6-99-1781

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against BARRIE S. SCHUMACK,
an Attorney at Law of the
State of Minnesota.

**STIPULATION FOR
DISCIPLINE**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

THIS STIPULATION is entered into by and between Martin A. Cole, Acting Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Barrie S. Schumack, 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 petition which may be summarized as follows:

a. Respondent's discipline history includes an August 2000 Supreme Court public reprimand and two year supervised probation based upon a pattern of neglect and non-communication, failing to return client files, failing to provide accountings and return unearned fees, failing to properly pay court-ordered judgments against him and failing to cooperate in the investigation of disciplinary complaints filed against him in violation of Rules 1.3, 1.4, 1.15(d), 8.1(a)(3), and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent neglected a client matter and failed to adequately communicate with the client in violation of Rules 1.3 and 1.4, MRPC.

c. Respondent failed to obey a court order requiring him to respond to post-judgment discovery and failed to make reasonable efforts to pay a law-related judgment in violation of Rules 3.4(c) and 8.4(d), MRPC.

d. Respondent failed to abide by the conditions of his probation and failed to cooperate with his supervisor and the Director's Office in violation of Rule 8.1(a)(3), MRPC, Rule 25, RLPR, and the Court's probation order.

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 six-month suspension. The parties also recommend that in light of respondent's renewed psychological treatment, the suspension be stayed subject to the following probation conditions:

a. Respondent shall abide by each of the conditions set out in the Court's August 21, 2000, disciplinary opinion.

b. Respondent shall limit his practice to criminal defense, implied consent matters, license plate impoundments and any property forfeiture cases based on alleged illegal activity of the client. The Respondent may complete all civil matters currently pending and cited in his November 2002 case inventory supplied to the Director's office. In addition, the Respondent may represent himself in any civil action and, with the prior consent of the Director's office and his supervisor, any other civil matter. Nothing in this restriction shall prevent the Respondent from acting as a qualified neutral or arbitrator.

c. Respondent shall respond to communications from the Director's Office and his supervisor within three business days of receipt of the communication. Respondent shall file his client inventories timely during the first week of each month without a reminder from his supervisor. Respondent's supervisor shall call the Director's Office in the second week of each month if the inventory has not been received.

d. Respondent shall continue to treat with Dr. Dan Barron on behavior modification techniques and shall authorize Dr. Barron to communicate with his supervisor and the Director's Office regarding his treatment. Respondent shall attend all appointments recommended by Dr. Barron. Respondent shall not discontinue treatment with Dr. Barron until he has found another counselor approved by the Director's Office. Respondent shall authorize Dr. Barron to notify the Director's Office immediately by telephone regarding any failed appointment or failure to cooperate with his treatment plan.

e. Respondent shall remain compliant with medication and treatment regimens prescribed by his physicians.

f. Respondent's public probation continue until the later of two years from the date of this order or until respondent has,

(i) satisfied the Weller and US West Dex judgments against him,

and

(ii) his treating psychologist, Dan Barron, certifies that probation is no longer necessary or helpful.

g. Failure to comply with any of the terms of this stayed suspension shall result in automatic suspension upon the motion of the Director's Office.

7. Respondent agrees to the imposition and payment of \$900 in costs and disbursements pursuant to Rule 24, RLPR.

8. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

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

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

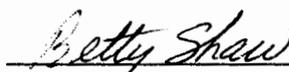
IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: November 27, 2002.



MARTIN A. COLE
ACTING DIRECTOR OF THE OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY
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Dated: November 27, 2002.



BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR

Attorney No. 130904

Dated: 11/25/, 2002.



BARRIE S. SCHUMACK

RESPONDENT

Attorney No. 140478

2605 East Cliff Road

Burnsville, MN 55337