

FILE NO. A15-0139

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against KEVIN KENNETH SHOEBERG,  
a Minnesota Attorney,  
Registration No. 0204535.  
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**STIPULATION  
FOR DISCIPLINE**

WHEREAS, a hearing on the Director's January 12, 2015, petition for disciplinary action ("petition") and February 16, 2015, supplementary petition for disciplinary action ("supplementary petition") was held before Supreme Court Referee David E. Christensen on May 20, 2015, in St. Paul, Minnesota,

WHEREAS, Referee Christensen filed with this Court the Findings of Fact, Conclusions of Law, and Recommendation for Discipline dated June 22, 2015,

WHEREAS, neither the Director nor respondent has ordered a transcript of the hearing,

WHEREAS, the Director and respondent agree that the referee's recommendation for discipline is appropriate,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. The Director and respondent hereby waive briefing and oral argument to the Supreme Court.
2. The Director and respondent hereby stipulate that the referee's findings of fact and conclusions of law are conclusive with the following exceptions that do not affect the appropriate level of discipline as recommended by the referee:

- A. Respondent does not stipulate to finding of fact number 14 and conclusion of law number 1, as that misconduct was not alleged in the petition for disciplinary action.
- B. Respondent does not stipulate to finding of fact number 74 and conclusion of law number 8, regarding remorse. Respondent argues that his showing of remorse was limited by his decision to deny allegations of misconduct. *See In re Severson*, 860 N.W.2d 658, 676 fn. 2 (Minn. 2015). The Director and respondent also stipulate to paragraph 4.B.(4) below, which is a necessary probation requirement that was omitted from the referee's findings.

3. Respondent understands that based upon this stipulation, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), Rules on Lawyers Professional Responsibility (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.

4. The Director and respondent join in recommending the discipline recommended by Referee Christensen, namely that:

- A. Respondent is publicly reprimanded.
- B. Respondent shall be on supervised probation for two years, under the following conditions:
  - (1) 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 that 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.

- (2) Respondent shall abide by the Minnesota Rules of Professional Conduct.
- (3) Respondent shall be supervised by a licensed Minnesota attorney appointed by the Director to monitor compliance with the terms of this probation. Respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor within two weeks from the date this stipulation is executed. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall on the first day of each month provide the Director with an inventory of active client files described in paragraph (4) below. Respondent shall make active client files available to the Director upon request.
- (4) Respondent shall cooperate fully with the supervisor in his/her efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during

the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

- (5) Respondent shall initiate and maintain office procedures that ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts and other persons interested in matters that respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.
- (6) Respondent shall provide the Director, within 30 days of the date of filing of this order, and the probation supervisor, once one has been appointed, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

C. Respondent shall pay the Director \$900 in costs, plus disbursements, pursuant to Rule 24, RLPR.

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

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

8. 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.

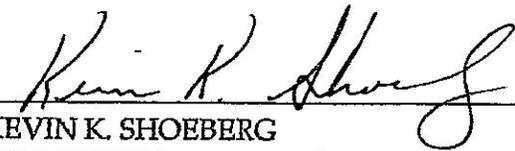
Dated: July 9, 2015.

  
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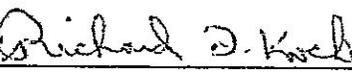
Dated: July 9, 2015.

  
KEVIN T. SLATOR  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 0204584

Dated: July 9, 2015.

  
KEVIN K. SHOEBORG  
RESPONDENT  
Attorney No. 0204535

Dated: 9 July, 2015.

  
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