**FILE NO. C5-02-987**

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action against RONALD P. SMITH, an Attorney at Law of the State of Minnesota.

**STIPULATION FOR DISCIPLINE**

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THIS STIPULATION is entered into by and between Martin A. Cole, Acting Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Ronald P. Smith, 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. On June 6, 2002, at the direction of a Lawyers Professional Responsibility Board Panel, the Director issued a petition for disciplinary action. Respondent submitted an answer to that petition on June 28, 2002. On November 1, 2002, the Director issued an amended petition for disciplinary action.

5. Respondent hereby admits service of the November 1, 2002, amended petition for disciplinary action, withdraws his answer previously filed herein and unconditionally admits the allegations of the amended petition which may be summarized as follows:

a. Respondent prepared estate planning instruments for a client that named as beneficiaries respondent's son, daughter, and a charity in which respondent was interested in violation of Rules 1.7(b) and 1.8(c), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent altered a Transfer of Partnership Interest document after it had been fully executed to reflect terms not originally contained on the document. Subsequently, respondent gave others who inquired about the document conflicting statements as to whether the later-added terms were a part of the original agreement by his client constituting a misrepresentation in violation of Rules 8.4(c) and (d), MRPC.

6. 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.

7. The Director and respondent join in recommending that:

a. The appropriate discipline is a ninety (90) day suspension pursuant to Rule 15, RLPR, such suspension to be effective 14 days following the entry of an order adopting the terms of this stipulation;

b. Respondent comply with Rule 26, RLPR;

c. Respondent pay $900 in costs pursuant to Rule 24(a), RLPR; and

d. Respondent shall be reinstated to permanent retired status only following the expiration of any suspension ordered pursuant to this stipulation, 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 has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court in its decision.

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. The Director, in entering into this stipulation, has taken into account various mitigating factors. Those factors include respondent's longtime participation in local and state bar association activities and other community charitable, educational and religious activities and the fact that respondent is, separate and apart from these proceedings, currently in the process of winding down his practice towards retirement.

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

11. 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: November 1, 2002.

MARTIN A. COLE
ACTING DIRECTOR OF THE OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
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St. Paul, MN 55102-1218
(651) 296-3952

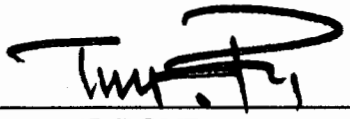
Dated: November 1, 2002.

PATRICK R. BURNS
SENIOR ASSISTANT DIRECTOR
Attorney No. 134004

Dated: 11-1, 2002.

RONALD PATRICK SMITH
RESPONDENT
Attorney No. 0102763

Dated: 11/1, 2002.



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