

FILE NO. A10-1381

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against JOHN M. TANCABEL,  
a Minnesota Attorney,  
Registration No. 108273.  
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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 John M. Tancabel, 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 to the August 10, 2010, petition and unconditionally admits the allegations of the August 10, 2010, petition and November 1, 2010, supplementary petition.

5. In determining to enter into this stipulation, the Director has taken into account the following circumstances. In September 2003, respondent was diagnosed with major depression, although respondent has been taking medication for depression for nearly ten years. Moreover, since at least 2007, respondent has been participating in Lawyers Concerned for Lawyers. In October 2008, respondent underwent quadruple bypass heart surgery. In January 2009, respondent was diagnosed with sleep apnea. Between August and October 2009, respondent was seeing a therapist who, in August, categorized respondent's depression as moderate and, in October, categorized it as mild. In late 2009, respondent began taking medication for Attention Deficit Hyperactivity Disorder. In January 2010, respondent was diagnosed with Type II Diabetes. Although it is questionable whether respondent's mental and other health conditions caused all of the misconduct at issue, there is some overlap between respondent's depression and other health-related problems and the misconduct. Based on the foregoing, the Director believes the stipulated indefinite suspension for a minimum of ninety-days is appropriate.

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 the appropriate discipline is indefinite suspension from the practice of law for a minimum period of ninety (90) days pursuant to Rule 15, RLPR. The suspension shall be effective 14 days from the date of the Court's suspension order. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Respondent shall be permitted to apply for

reinstatement sixty (60) days after the effective date of the Court's order. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 plus interest and disbursements in the amount of \$194.79 plus interest pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR; and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), 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.

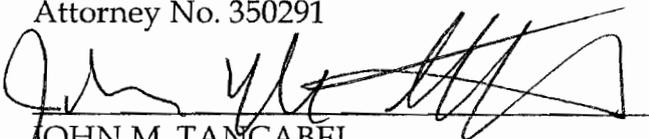
Dated: January 4, 2011.

  
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: January 4, 2011.

  
SIAMA Y. CHAUDHARY  
ASSISTANT DIRECTOR  
Attorney No. 350291

Dated: Jan 4., 2011.

  
JOHN M. TANCABEL  
RESPONDENT  
895 Osceola Avenue  
St. Paul, MN 55105