FILE NO. A15-1901

STATE OF MINNESOTA

IN SUPREME COURT

FILED
April 14, 2016
OFFICE OF
APPELLATE COURTS

In Re Petition for Disciplinary Action
against DARRYL CHARLES THOMAS, II,
a Minnesota Attorney,
Registration No. 0390283.

STIPULATION FOR DISCIPLINE

THIS STIPULATION is entered into by and between Patrick R. Burns, Acting Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Darryl Charles Thomas, II, 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.

5. Respondent's license to practice law is currently administratively suspended pursuant to Rule 30, RLPR.

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 60-day suspension pursuant to Rule 15, RLPR, effective on the date of the Court's suspension order and to run concurrently with the administrative suspension to the extent that the administrative suspension remains in effect during the term of the 60-day suspension;

b. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, be waived;

c. Respondent be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

d. Respondent comply with Rule 26, RLPR;

e. Respondent pay $900 in costs pursuant to Rule 24(a), RLPR. Upon reinstatement to the practice of law, respondent shall be placed on probation for a period of two years. This two-year probationary period shall begin to run when respondent's license to practice law in Minnesota is reinstated after both the 60-day suspension has expired and the Rule 30, RLPR, administrative suspension is lifted. The conditions of respondent's probation are as follows:

i. 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 which 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.

ii. Respondent shall abide by the Minnesota Rules of Professional Conduct.

iii. 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 of the Court's order. 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, the respondent shall on the first day of each month provide the Director with an inventory of active client files described in paragraph iv. below. Respondent shall make active client files available to the Director upon request.

iv. 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.

v. In the event respondent is retained to handle any probate matters, or any other matters concerning or related to the estates of decedents or incompetents, respondent shall within ten days provide the supervisor with a copy of the written retainer agreement. Respondent shall provide the supervisor with a separate file inventory for these probate matters and keep the supervisor advised of respondent's progress in completing them.

vi. Respondent shall initiate and maintain office procedures which ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts and other persons interested in matters which respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

vii. Within 30 days from the filing of the Court's order, respondent shall provide to the Director and to the probation supervisor, if any, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

f. Respondent shall be reinstated following the expiration of the suspension 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 is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court in its decision.

Respondent's reinstatement from the 60-day suspension period shall be subject to the Rule 30, RLPR, administrative suspension should that still be in effect.

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: February 17, 2016.

PATRICK R. BURNS
ACTING DIRECTOR OF THE
OFFICE OF LAWYERS PROFESSIONAL
RESPONSIBILITY
Attorney No. 0134004
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: February 17, 2016.

BINH T. TUONG
ASSISTANT DIRECTOR
Attorney No. 0297434

Dated: April 5, 2016.

DARRYL CHARLES THOMAS, II
RESPONDENT
Attorney No. 0390283
150 Ledora Lane
Ridgeland, MS 39157
(612) 208-8065