**FILE NO. A12-818**

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action
against RACHEL LAUREN TOBERMAN,
a Minnesota Attorney,
Registration No. 389481.

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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 Rachel Lauren Toberman, 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 unconditionally admits the allegations of the petition which may be summarized as follows:

a. Respondent represented two opposing parties in a contested marriage dissolution. In the course of this representation, respondent knowingly made multiple false statements to her clients regarding the status of the matter and her qualifications, and failed to return the client file at the termination of the representation. Such conduct resulted in violations of Rules 1.4(a)(3), 1.4(a)(4), 1.7(a)(1), 1.7(a)(2), 1.16(d), 4.1, 7.1, and 8.4(c), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent failed to respond to numerous reasonable requests for information in the ensuing investigation, and knowingly made false statements to the Director in the course of that investigation. Such conduct violated Rules 8.1(a) and 8.4(c), MRPC, and Rule 25, RLPR.

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 is an indefinite suspension of no less than nine months pursuant to Rule 15, RLPR. As respondent currently has no clients and no pending cases, respondent requests, and the Director recommends, that the suspension be effective on the date of the Court's suspension order. The reinstatement hearing provided for in Rule 18, RLPR, is not waived, but the parties recommend that respondent be allowed to apply for reinstatement six months after the date of the suspension. Reinstatement is conditioned upon: (1) payment of costs in the amount of $900 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; (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; (5) respondent's demonstration of respondent's renewed commitment to ethical

conduct; and (6) demonstration that respondent has addressed any addiction or mental health issues which led to the misconduct.

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

8. Respondent has previously admitted service of the petition, and hereby acknowledges receipt of a copy of this stipulation.

9. 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: June 20, 2012.

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: June 20, 2012.

ROBIN J. CRABB
ASSISTANT DIRECTOR
Attorney No. 387303

Dated: 06/20/, 2012.

RACHEL LAUREN TOBERMAN
RESPONDENT
1198 Sherburne Avenue
St. Paul, MN 55104