

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against SAMUEL M. VAUGHT,
an Attorney at Law of the
State of Minnesota.

**STIPULATION
FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Samuel M. Vaught, 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 does not withdraw his answer but unconditionally admits the allegations of the petition constituting the following misconduct:

a. Respondent's disciplinary history includes (1) a September 27, 1994, admonition for failing to submit a post-trial brief on time and failing to

withdraw from representing a client when illness prevented him from continuing representation in violation of Rules 1.3, 1.4 and 1.16, Minnesota Rules of Professional Conduct (MRPC), and (2) a public reprimand and two-year probation for failing to timely file state and federal individual income tax returns for the years 1992 through 1996 in violation of Rules 8.4(b) and (d), MRPC.

b. Respondent engaged in a series of conflicts of interest in his simultaneous representation of Tracy Taylor, the trustee for the wrongful death action of Vance Lee Crooks' children and the estate of Vance Lee Crooks, of which he was a creditor.

c. Respondent failed to keep the required trust account books and records, misappropriated Taylor's funds and promptly return unearned fees to Taylor.

d. Respondent failed to seek court approval of or inform the court about the wrongful death settlement.

e. Respondent initially failed to cooperate with the discipline system in its investigation of the complaint filed against him.

f. Respondent's conduct violated Rules 1.4, 1.7(b), 1.15, 1.16(d), 8.4(c) and 8.4(d), MRPC, and Lawyers Professional Responsibility Board Opinion No. 9.

5. There are factual disputes regarding the remaining allegations in the petition. The Director and respondent agree that even if the Director were to prove these allegations by clear and convincing evidence, it would not warrant a change in the stipulated recommended sanction.

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 pursuant to Rule 15, RLPR, is an indefinite suspension with no right to apply for reinstatement for three years from the date of this order. Respondent agrees to the imposition and payment of \$900 in costs and disbursements pursuant to Rule 24, 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: November 27, 2001.


EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

Dated: November 27, 2001.


BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR
Attorney No. 130904

Dated: November 27, 2001.


SAMUEL M. VAUGHT
RESPONDENT
Attorney No. 131519
764 Dayton Avenue
St. Paul, MN 55104
(651) 291-2923