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LAWYERS PROF. RESP. BOARD

STATE OF MINNESOTA

IN SUPREME COURT

C9-79-50289

In the Matter of the Application for
the Discipline of Irving Shaw, an
Attorney at Law of the State of Minnesota.

ORDER

STATEMENT OF FACTS

On October 24, 1980, by opinion of this court, respondent Irving Shaw was publicly reprimanded and censured for failing to maintain a separate fiduciary account for clients' funds and for failure to keep adequate books and records according to the Rules on Lawyers Professional Responsibility. In addition, he was found to have failed to maintain subsidiary ledgers revealing funds held on behalf of clients and failed to make periodic reconciliations of books and records. At that time, respondent was placed on supervised probation for a minimum of three years and a fine was imposed. In re Shaw, 298 N.W.2d 133 (Minn. 1980).

In 1983, respondent was charged with further acts of unprofessional conduct consisting of failing to prosecute a claim for his client Leonard Hallfin and with having made false representations concerning the handling of the case, not only to the client, but to a court. He was also charged with failing to professionally and expeditiously handle a matter for his client James Terrrell. Finally, he was charged with failing to cooperate with disciplinary authorities in violation of Minn. R. Law. Prof. Resp. 25.

A hearing on those charges before a panel of the Lawyers Professional Responsibility Board resulted in a finding of probable cause to conclude that respondent had violated the the Code of Professional Responsibility in neglecting several client matters. The panel concluded, however, the violations were insufficiently serious to warrant public discipline but did request the Director to take action to continue and expand respondent's existing probation.

Subsequently, the Director and respondent, represented by counsel, on May 4, 1984 entered into a stipulation. In the stipulation, respondent admitted he had failed to keep adequate books and records, had falsely certified that he had kept such records, that he had failed, prior to December 1983, to maintain a non-interest bearing trust account and that some of his clients' funds had unintentionally been commingled. The Director acknowledged that after review of respondent's records, he was unaware of account improprieties other than those admitted by respondent in the stipulation. In the stipulation, the Director and respondent recommended certain dispositions to this court.

The court having considered the files and records herein, the supplementary charges in 1983, the conclusion of the hearing panel of the Lawyers Professional Responsibility Board, and the stipulation of May 4, 1984 between the Director of Lawyers Professional Responsibility and the respondent,

IT IS HEREBY ORDERED:

1. Respondent's probation, initially imposed on October 24, 1980, shall be continued for two years from the date of this order.

2. Respondent shall maintain his trust account in compliance with the Code of Professional Responsibility, Lawyers Professional Responsibility Board Amended Opinion No. 9, and the rules relating to interest on lawyers' trust accounts, as well as any further rules of professional conduct relating to trust accounts and promulgated by the court or by the Board.

3. Respondent's trust account shall be audited by the Director semi-annually during the continued probation.

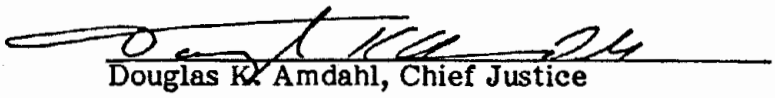
4. Respondent shall pay to the Director as costs of these proceedings $500 within 10 days of the date of this order.

5. Respondent's probation shall be expanded to require that respondent institute appropriate office systems to insure that he does not neglect any client matters and that he

abide by the Code of Professional Responsibility or any successor rules promulated by this court.

DATED: May 29, 1984.

BY THE COURT



Douglas K. Amdahl, Chief Justice

OFFICE OF
APPELLATE COURTS
FILED

MAY 30 1984

WAYNE TSCHIMPERLE
CLERK