

STATE OF MINNESOTA
IN SUPREME COURT
FILE NO. C1-80-50969

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LAWYERS PROF. RESP. BOARD

In the Matter of the Application
for the Discipline of MARK ELLIOT
WERSAL, an Attorney at Law of
the State of Minnesota.

ORDER

The parties in the above-entitled matter have entered into a stipulation which provides as follows:

WHEREAS, a petition for disciplinary action, hereinafter petition, was filed on January 22, 1980;

WHEREAS, respondent executed a stipulation in July, 1981, admitting the facts contained in the petition;

WHEREAS, the court placed respondent on public probation by order dated August 31, 1981;

WHEREAS, the order conditioned respondent's right to practice law on respondent's adherence to certain terms and conditions, including general supervision of his practice by a supervisor as well as the monitoring of respondent's use of alcohol;

WHEREAS, respondent admitted the misconduct set forth in the December 15, 1982, Director's petition for revocation of probation and for further disciplinary action;

WHEREAS, a petition for immediate suspension from the practice of law was filed on March 25, 1983;

WHEREAS, respondent executed a stipulation waiving his right to interpose an answer to the petition for immediate suspension;

WHEREAS, the court suspended respondent by order dated May 5, 1983, from the practice of law pending final determination of disciplinary proceedings; and

WHEREAS, the parties desire to present a stipulated disposition to the court for its consideration;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned as follows:

1. Respondent admits unconditionally the factual allegations and conclusions, including violations of disciplinary rules cited in Director's December 15, 1982, Petition for Revocation of Probation and for Further Disciplinary Action.

2. The court, if it sees fit to do so, may suspend the respondent from the practice of law for a two-year period from May 5, 1983, (date of order for immediate suspension) through May 5, 1985.

3. At the end of the two-year suspension period, respondent may petition for reinstatement pursuant to Rule 18, Rules on Lawyers Professional Responsibility. Prior to reinstatement, respondent shall have the burden of showing by clear and convincing evidence:

- a. The filing of all state and federal tax returns as they have or will become due, together with payment of all state and federal tax obligations as they have or will become due.
- b. Continued treatment for respondent's alcoholism, including regular attendance at Alcoholics Anonymous or Lawyers Concerned for Lawyers meetings during the suspension period.
- c. Complete abstinence from alcohol and other mood-altering chemicals during the suspension.
- d. That respondent is psychologically fit to engage in the practice of law.

4. Respondent shall provide, upon Director's request, such authorizations as may be necessary to allow Director to verify respondent's compliance with respondent's requirements for reinstatement.

Based on the records, files and proceedings herein, and the stipulation of the parties,

IT IS HEREBY ORDERED:

1. Respondent is suspended from the practice of law for a two-year period commencing May 5, 1983 and terminating upon reinstatement as hereinafter provided.

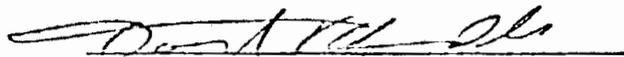
2. At the end of the two-year suspension period, respondent may petition for reinstatement pursuant to Rule 18, Rules on Lawyers Professional Responsibility. Prior to reinstatement, respondent shall have the burden of showing by clear and convincing evidence:

- a. The filing of all state and federal tax returns as they have or will become due, together with payment of all state and federal tax obligations as they have or will become due.
- b. Continued treatment for respondent's alcoholism, including regular attendance at Alcoholics Anonymous or Lawyers Concerned for Lawyers meetings during the suspension period.
- c. Complete abstinence from alcohol and other mood-altering chemicals during the suspension.
- d. That respondent is psychologically fit to engage in the practice of law.

4. Respondent shall provide, upon Director's request, such authorizations as may be necessary to allow Director to verify respondent's compliance with respondent's requirements for reinstatement.

Dated: Feb 15, 1984.

BY THE COURT:



Douglas K. Amdahl
Chief Justice

OFFICE OF
APPELLATE COURTS
FILED

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-3-

WAYNE TSCHIMPERLE
CLERK