

FILED

June 22, 2016

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A16-0491

In re Petition for Disciplinary Action against
Mark Alan Greenman, a Minnesota Attorney,
Registration No. 0228990.

O R D E R

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Mark Alan Greenman committed professional misconduct warranting public discipline—namely, failing to comply with court orders; failing to cooperate with the disciplinary investigation; and failing to comply with the notice requirements for a suspended attorney. *See* Minn. R. Prof. Conduct 1.1, 3.2, 3.4(c), 8.1(b), 8.4(d); Rule 25, Rules on Lawyers Professional Responsibility (RLPR); *In re Greenman*, 860 N.W.2d 368, 379 (Minn. 2015) (requiring respondent to comply with the notice requirements in Rule 26, RLPR, for a suspended attorney).

The parties have now filed a stipulation for discipline with the court. In it, respondent unconditionally admits the allegations in the petition for disciplinary action and waives his procedural rights under Rule 14, RLPR. The parties jointly recommend that, in light of a mitigating factor, the appropriate discipline is a public reprimand, that respondent be required to petition for reinstatement and show sobriety as a condition of reinstatement, and that respondent be on supervised probation for 2 years if he is reinstated to the practice of law in Minnesota.

The court has independently reviewed the file and approves the recommended disposition.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Mark Alan Greenman is publicly reprimanded.
2. Respondent shall pay \$900 in costs pursuant to Rule 24.
3. Respondent remains indefinitely suspended. *See Greenman*, 860 N.W.2d at 379. Respondent must comply with the terms of reinstatement set forth in *Greenman*, 860 N.W.2d at 379. In addition, in order to be reinstated, respondent must establish that he has been sober for at least 6 months since his last discharge from in-patient treatment for alcoholism.

4. If respondent is reinstated to the practice of law, he shall be placed on probation for 2 years, subject to the following conditions:

- (a) Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation.

Respondent shall promptly respond to the Director's correspondence by its due date. Respondent shall provide the Director with 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 that may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify respondent's compliance with the terms of this probation.

- (b) Respondent shall abide by the Minnesota Rules of Professional Conduct.

- (c) Respondent shall not practice law as a solo practitioner during the period of probation.

(d) Respondent shall maintain total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing prescriptions.

(e) Respondent shall attend weekly meetings of Alcohol Anonymous or another abstinence-based recovery support group or program acceptable to the Director. Respondent shall, by the tenth day of each month, without a specific request or reminder, submit to the Director an attendance verification on a form provided by the Director, which provides the name, address and telephone number of the person personally verifying the attendance. Such attendance verification shall also, upon request, be provided to the respondent's supervisor, if any.

(f) Respondent shall initiate or continue current treatment by a licensed consulting psychologist or other mental-health professional acceptable to the Director and shall complete all therapy programs recommended by the therapist.

(g) Respondent does not currently reside in Minnesota. After reinstatement, if any, should respondent resume the practice of law in Minnesota, he will notify the Director of that fact not less than 4 weeks before doing so, at which time the following additional conditions will become effective for the remaining period of respondent's probation:

(i) Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director, to monitor compliance with the terms of this probation. When respondent notifies the Director that he is resuming the practice of law in Minnesota, respondent shall provide the Director with the names of four attorneys who have agreed to be nominated as respondent's supervisor. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director shall seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall, on the first day of each month, provide the Director with an inventory of client files as described in paragraph (ii) below. Respondent shall make active client files available to the Director upon request.

(ii) Respondent shall cooperate fully with the supervisor's 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 the Director may reasonably request.

Dated: June 22, 2016

BY THE COURT:

A handwritten signature in black ink, appearing to read "David R. Stras". The signature is written in a cursive style with a large, prominent "D" and "S".

David R. Stras
Associate Justice