

STATE OF MINNESOTA

MAY 18 2015

IN SUPREME COURT

FILED

A14-1076

In re Petition for Disciplinary Action against
Joseph Michael Capistrant, a Minnesota Attorney,
Registration No. 187112.

O R D E R

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Joseph Michael Capistrant committed professional misconduct warranting public discipline, namely, failure to promptly return client files, in violation of Minn. R. Prof. Conduct 1.16(d); failure to inform a client that his Wisconsin law license had been suspended and neglecting two lawsuits in Wisconsin, in violation of Wis. R. Prof. Conduct 20:1.3, 20:1.4, 20:8.4(c), and 20:8.4(d); and failure to cooperate with a disciplinary investigation, in violation of Minn. R. Prof. Conduct 8.1(b) and Rule 25(a), Rules on Lawyers Professional Responsibility (RLPR). After respondent filed an answer to the petition, we referred the matter to a referee.

The referee made findings, conclusions, and a recommendation. The referee concluded that respondent committed the misconduct alleged in the petition and that three aggravating favors were present. The referee recommended that respondent be indefinitely suspended with no right to petition for reinstatement for 6 months.

Because no party ordered a transcript of the proceedings before the referee, the referee's findings and conclusions are conclusive. *See* Rule 14(e), RLRP. We issued a

briefing schedule. In his brief, the Director recommends that the court impose the 6-month suspension recommended by the referee. Respondent did not file a brief with this court.

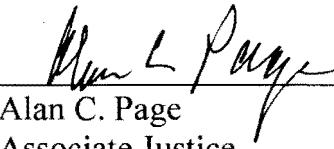
Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. Respondent Joseph Michael Capistrant is indefinitely suspended from the practice of law, effective 14 days from the date of the filing of this order, with no right to petition for reinstatement for 6 months.
2. Respondent may petition for reinstatement pursuant to Rule 18(a)-(d), RLPR. Reinstatement is conditioned on successful completion of the professional responsibility portion of the state bar examination, satisfaction of continuing legal education requirements pursuant to Rule 18(e), RLPR, and proof of compliance with the terms of respondent's criminal probation.
3. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals), and shall pay \$900 in costs pursuant to Rule 24, RLPR.

Dated: May 18, 2015

BY THE COURT:



Alan C. Page
Associate Justice