

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against JAMES V. BEAL,
an Attorney at Law of the
State of Minnesota.

STIPULATION
FOR DISCIPLINE

THIS STIPULATION is entered into by and between WILLIAM J. WERNZ, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and James V. Beal, 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 hereby waives his right to file an answer to the petition and unconditionally admits the allegations of the petition which may be summarized as follows:

a. From December 1, 1975, through January 1989, respondent received \$70 per month from his client, who was permanently and totally disabled, as fees in a workers' compensation case, in addition to the fees approved by the workers' compensation judge. Respondent did not petition for approval of additional fees. Respondent also did not maintain required records of these fees while certifying to the Minnesota Supreme Court that he did.

5. 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.

6. The Director and respondent join in recommending that the appropriate discipline is an indefinite suspension with leave to apply for reinstatement no sooner than two years from the date of this Court's order, pursuant to Rule 15, RLPR. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$750 plus interest, but no disbursements pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) successful completion of the professional responsibility examination pursuant to Rule 18(e); and (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR.

7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation.

9. 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 to this stipulation have hereunto set their hands on the dates indicated below.

Dated: June 28, 1989 W^m J. Wernz
WILLIAM J. WERNZ
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 11599X
520 Lafayette Road, 1st Floor
St. Paul, MN 55155-4196
(612) 296-3952

Dated: June 28, 1989 Candice M. Hojan
CANDICE M. HOJAN
SENIOR ASSISTANT DIRECTOR
Attorney No. 125982

Dated: July 23, 1989 James V. Beav
JAMES V. BEAV
RESPONDENT
Attorney No. 5642