

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against JAMES J. BOYD,  
a Minnesota Attorney,  
Registration No. 1039X.  
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**STIPULATION FOR DISPENSING  
WITH PANEL PROCEEDINGS,  
FOR FILING PETITION FOR  
DISCIPLINARY ACTION,  
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Kenneth L. Jorgensen, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and James J. Boyd, 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. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the petition, this matter 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. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition, which may be summarized as follows:

a. Respondent has an extensive disciplinary history, including an October 4, 2004, suspension for failing to successfully complete the professional responsibility examination. Respondent remains suspended at this time.

b. Prior to his October 4, 2004, suspension, respondent allowed a shortage to exist in his trust account; deposited his own funds, and funds belonging to his disabled son, into his trust account; issued trust account checks payable to "Cash" and to his and his son's personal and business creditors; commingled his own and his son's funds with client funds in his trust account; and failed to maintain the required trust account books and records.

c. Following his October 4, 2004, suspension, respondent filed with the probate court a petition for determination of descent on behalf of his client A.O., which petition specifically identified respondent as A.O.'s attorney.

d. Following his October 31, 2002, discharge as personal representative of the M.P. estate, respondent continued to use the M.P. estate bank account for his own personal and business purposes.

e. Respondent's conduct as described above violated Rules 1.15 (a), (b), (c) and (h), 5.5 and 8.4(c) and (d), MRPC, and Lawyers Professional Responsibility Board Opinion No. 9.

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 sanction the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is disbarment pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, 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 by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

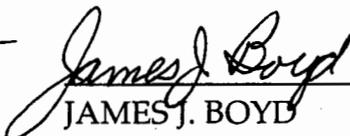
Dated: December 9, 2004.

  
KENNETH L. JORGENSEN  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 159463  
1500 Landmark Towers  
345 St. Peter Street  
St. Paul, MN 55102-1218  
(651) 296-3952

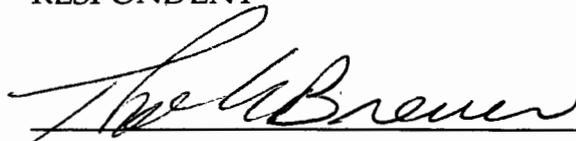
Dated: December 9, 2004.

  
BETTY M. SHAW  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 130904

Dated: January 5, 2005.

  
JAMES J. BOYD  
RESPONDENT

Dated: Jan. 5, 2005.

  
THOMAS E. BREVER  
ATTORNEY FOR RESPONDENT  
Attorney No. 11356  
2855 St. Anthony Lane South, Suite 201  
St. Anthony, MN 55418