

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against JAMES J. BOYD,
a Minnesota Attorney,
Registration No. 1039X.

**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 a discipline history which includes three admonitions in 1985 and 1986 and a six-month suspension in 1988 for preparing, forging and notarizing a deed which he filed and used as the basis for a title opinion.

b. Respondent failed to timely file state and federal tax returns for tax years 1996 through 2000. Respondent was convicted of two counts of willful failure to file federal individual income tax returns for tax years 1996 and 1997.

c. Respondent's conduct violated Rules 8.4(b) and (d), Minnesota Rules of Professional Conduct (MRPC).

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 following mitigating circumstances are submitted to the Court in support of the joint recommendation for discipline. At the time of the misconduct, respondent was the primary care giver for his son who was suffering from a severe psychological disability resulting in an attempted suicide in 1995. The stress of dealing with his son caused respondent to suffer from depression. This depression and the stress of dealing with his son's severe illness caused or significantly contributed to

respondent's failure to timely file the tax returns. As a result, the U.S. District Court made a substantial downward departure in respondent's sentence. Respondent cooperated with the investigating IRS agents, expressed remorse for his conduct and immediately sought psychiatric help for his depression. Respondent is presently serving a house arrest with electronic monitoring and is in compliance with the terms of his federal probation. Respondent has filed all delinquent returns, has entered into an agreement with the Minnesota Department of Revenue (DOR) to pay his state tax arrearages and is working with the IRS on an agreement to pay his federal arrearages.

7. The Director and respondent join in recommending that the appropriate discipline is a six-month suspension pursuant to Rule 15, RLPR, and that due to the substantial mitigating factors outlined above, all but 30 days of the suspension be stayed conditioned upon the following terms:

a. Respondent's suspension shall begin two weeks from the date of the Court's order. One week prior to completion of the 30 days non-stayed suspension, respondent may file and serve an affidavit seeking an order for reinstatement pursuant to Rule 18(f), RLPR. The reinstatement hearing provided for in Rule 18, RLPR, is waived.

b. Respondent shall comply with Rule 26, RLPR, and shall successfully complete the professional responsibility portion of the bar examination within one year from the date of this order.

c. Respondent shall pay \$900 in costs and disbursements pursuant to Rule 24, RLPR.

d. The remainder of the six-month suspension shall be stayed and respondent shall be placed on probation until the later of three years or the completion of the following conditions:

(i) Respondent shall complete an agreement with the IRS regarding his federal arrearages and shall abide by the terms and conditions of his agreements with the Minnesota DOR and the IRS regarding the timely filing of all returns and payment of taxes.

(ii) Respondent shall provide quarterly to the Director proof of compliance with the tax agreements or provide a satisfaction of his tax obligations under his agreements with the IRS and the Minnesota DOR.

(iii) Respondent shall provide the Director with any requested tax authorizations to allow verification of his past and future tax filing and payment compliance.

(iv) Respondent shall continue treatment for depression with a mental health provider acceptable to the Director until he has provided the Director with a letter discharging him as no longer in need of treatment.

(v) Respondent shall provide the Director with reports from that mental health provider indicating that he is complying with the recommended treatment regimen at least semi-annually or as the Director may reasonably request.

(vi) Respondent successfully completes his federal sentence and provides the Director with proof of his discharge from probation.

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

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

10. 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.

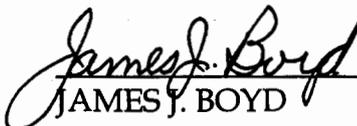
Dated: May 13, 2003.


KENNETH L. JORGENSEN
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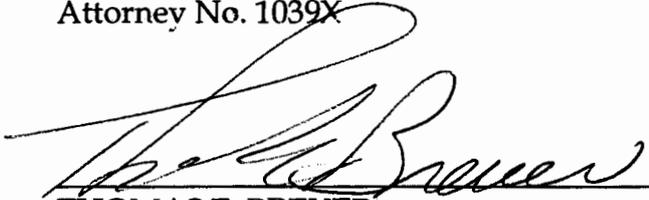
Dated: May 14, 2003.


BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR
Attorney No. 130904

Dated: June 2, 2003.


JAMES J. BOYD
RESPONDENT
Attorney No. 1039X

Dated: June 4, 2003, 2003.


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