

FILE NO. CX-00-2004

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against JAMES M. BURSETH,
a Minnesota Attorney,
Registration No. 1350X.

**STIPULATION 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 M. Burseth, 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 withdraws the answer filed herein, waives the right to answer the supplementary petition filed on December 17, 2004, and unconditionally admits the allegations of the petition and supplementary petition which may be summarized as follows:

a. Respondent has not maintained abstinence from alcohol as required by the terms of his court-ordered probation. Respondent appeared in court with alcohol on his breath on May 7, 2004, and tested positive for alcohol on November 10, 2004.

b. Respondent, who was a Hennepin County Public Defender, had to be replaced as counsel in a murder trial scheduled to begin on November 8, 2004, because of his alcohol use.

c. Respondent failed to comply with the random urinalysis call-in schedule on April 9, 2004, and October 11, 2004.

d. Respondent made misrepresentations to the Director's Office and his employer regarding his lack of abstinence on May 7, 2004.

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 pursuant to Rule 15, RLPR, is an indefinite suspension with no right to apply for reinstatement until he is able to provide one year of negative, non-dilute, random urinalysis test results for alcohol and drugs. The suspension shall be effective on the date of the Court's suspension order. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 plus interest 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); (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 by the undersigned counsel concerning this stipulation and these proceedings generally.

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

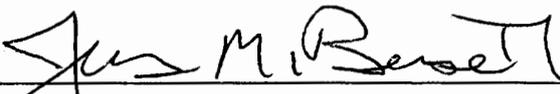
Dated: December 21, 2004.


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

Dated: December 21, 2004.


BETTY M. SHAW
SENIOR ASSISTANT DIRECTOR
Attorney No. 130904

Dated: 12-22, 2004.


JAMES M. BURSETH
RESPONDENT
Attorney No. 1350X

Dated: 23 December, 2004.


RICHARD F. KOCH
ATTORNEY FOR RESPONDENT
Attorney No. 5723X
3109 Hennepin Avenue
Minneapolis, MN 55408