

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against ROBERT J. HEALY,
a Minnesota Attorney,
Registration No. 42973.

**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 Robert J. Healy, 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.

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 a four (4) month suspension 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 \$900 and disbursements in the amount of \$560 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.

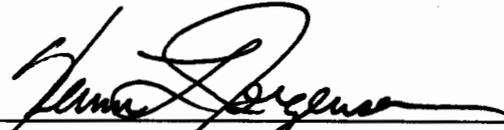
7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

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

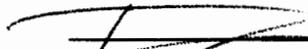
9. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

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

Dated: November 1, 2005.


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: October 27, 2005.


TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

Dated: October 31/9/2005.


ROBERT J. HEALY
RESPONDENT
600 North Hamline
St. Paul, MN 55104
(651) 224-1313

MEMORANDUM

The recommended four (4) month suspension appears appropriate for the following reasons. There was no effort to substantively defraud respondent's client or the insurer, and neither suffered any harm. Respondent's client and the insurer agreed to the settlement amount. The settlement proceeds were distributed with the client's full knowledge and agreement. Thus, this case is not as severe as cases such as *In re Jagiela*, 517 N.W.2d 333 (Minn. 1994) or *In re Wentzell*, 665 N.W.2d 402 (Minn. 2003). In those cases, the lawyers made misrepresentations in an effort to substantively deceive others. Although respondent deceived the insurance company into believing his client's signatures on the releases were valid, doing so did not defraud the insurance company. Thus, less discipline than in *Jagiela* and *Wentzell* is appropriate.

In *In re Edinger*, 700 N.W.2d 462 (Minn. 2005), the lawyer used his trust account as a business and personal account and submitted false documents to the Director to conceal his misuse of the trust account. The Court suspended Edinger for three (3) months. As in *Edinger*, the misconduct in this matter (i.e., forging the client's signature on the releases and misrepresenting that the signatures were genuine) did not harm or prejudice clients. In addition, like *Edinger*, the most troubling aspect of respondent's misconduct is his attempt to conceal his misconduct during the disciplinary investigation. Unlike *Edinger*, however, the underlying misconduct in this matter included affirmative acts of dishonesty – forging a client's name to releases, personally notarizing the releases, and then sending the releases with a letter which falsely stated the signatures were genuine. Therefore, discipline greater than that imposed in *Edinger* appears appropriate.

K.L.J.