

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against RICHARD H. MARTIN,
a Minnesota Attorney,
Registration No. 68135.

**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 Richard H. Martin, 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. In August 2002 the Minnesota Supreme Court placed respondent on involuntary restricted status for failing to comply with continuing legal education (CLE) requirements.

b. In July 2004, after receiving a complaint regarding respondent's status from the CLE Board, the Director issued a notice of investigation to respondent. Respondent failed to respond to the notice of investigation, or the Director's many follow-up requests, until October 2004.

c. Thereafter, the Director informed respondent on at least four occasions that he remained on CLE restricted status and that it was impermissible for him to engage in the practice of law. Nonetheless, respondent continued to practice law and allowed his law firm's website to continue to indicate that he was properly licensed.

d. On approximately January 27, 2005, after respondent fully complied with CLE reporting requirements, respondent's license was reinstated.

e. Respondent's conduct as described above violated Rules 5.5 and 8.1(a)(3), Minnesota Rules of Professional Conduct, Rule 25, RLPR, and Rules 9 and 12, Rules of the Minnesota State Bar of Continuing Legal Education.

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:

a. The appropriate discipline is a 30-day suspension, effective 14 days from the date of the court's suspension order, pursuant to Rule 15, RLPR;

b. The reinstatement hearing provided for in Rule 18(a) through (d), RLPR, be waived;

c. Respondent be required to successfully complete the professional responsibility portion of the state bar examination within one year of the date of this Court's order;

d. Respondent comply with Rule 26, RLPR;

e. Respondent pay \$900 in costs pursuant to Rule 24(a), RLPR;

f. Respondent be reinstated following the expiration of the suspension provided that at least 15 days before the expiration of the suspension period, respondent files an affidavit with the Clerk of Appellate Courts and the Director's Office establishing that respondent is current with Continuing Legal Education, has fully complied with Rules 24 and 26, RLPR, and has satisfactorily completed all other conditions imposed by the Court in its decision.

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*.

10. The attached memorandum is made a part hereof.

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

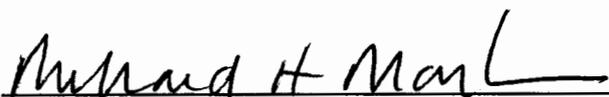
Dated: August 1, 2005.


KENNETH L. JØRGENSEN
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: August 1, 2005.


JULIE E. BENNETT
ASSISTANT DIRECTOR
Attorney No. 289474

Dated: August 11, 2005.


RICHARD H. MARTIN
RESPONDENT
½ Battle Creek Road
St. Paul, MN 55119
(651) 731-0371

MEMORANDUM

Respondent has been diagnosed with, and is receiving treatment for, a debilitating physical illness. As a result of his illness, respondent fatigues easily and suffers from depression. Respondent has sought, and continues to seek, treatment for these issues. In addition, in recognition of his limitations, respondent has substantially reduced his practice.

While the Director cannot conclude that respondent's conditions caused his misconduct, the Director does conclude that they likely contributed to some of his misconduct. Further, the Director recognizes that respondent has since taken steps to address the limitations associated with his illness.

K.L.J.