

FILE NO. A04-955
STATE OF MINNESOTA
IN SUPREME COURT

In Re Petition for Disciplinary
Action against JAMES P. MULVAHILL,
a Minnesota Attorney,
Registration No. 151932.

**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 P. Mulvahill, 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 and unconditionally admits the allegations of the petition filed on May 24, 2004, and the amended petition

filed on August 23, 2004. The allegations of the petition are deemed admitted for purposes of this proceeding only.

5. During the proceedings, respondent also presented evidence that he suffers from a psychological disorder. The Director concedes that respondent's disorder may have contributed to respondent's behavior but did not cause his misconduct.

6. 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.

7. The Director and respondent join in recommending that:

a. The appropriate discipline is indefinite suspension from the practice of law for a minimum of five years pursuant to Rule 15, RLPR,

b. The reinstatement hearing provided for in Rule 18, RLPR, is not waived, and

8. Reinstatement is conditioned upon:

a. Payment of costs in the amount of \$900 and disbursements in the amount of \$1,276.30 pursuant to Rule 24(d), RLPR,

b. Compliance with Rule 26, RLPR,

c. Compliance with Rule 18(a), RLPR, and successful completion of the professional responsibility examination pursuant to Rule 18(e), RLPR,

d. Satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR,

e. Restitution of \$22,500 to 701 Executive Suites, Inc., and

f. That respondent be required in the reinstatement hearing process to prove by clear and convincing evidence that he is psychologically fit to resume the practice of law

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

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

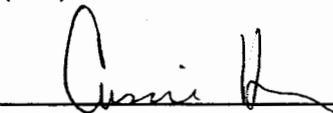
11. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

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

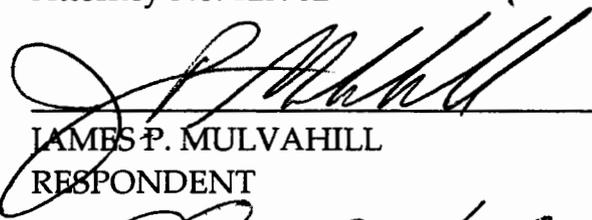
Dated: September 16, 2004.


KENNETH L. JØRGENSEN
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
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(651) 296-3952

Dated: September 16, 2004.


CASSIE HANSON
SENIOR ASSISTANT DIRECTOR
Attorney No. 125982

Dated: September 17, 2004.


JAMES P. MULVAHILL
RESPONDENT

Dated: September 17, 2004.


PHILLIP COLE
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