

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against MICHAEL T. TIERNEY,
a Minnesota Attorney,
Registration No. 141070.

**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 Michael T. Tierney, 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 filed herewith.

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 six-month suspension stayed for two years pursuant to Rule 15, RLPR;

b. Respondent agrees that if at any time during the two-year stayed suspension period he is charged with shoplifting, theft or any other form of criminal conduct involving dishonesty, that he will be immediately suspended without further hearing pending final resolution of the criminal proceedings and resulting discipline proceedings;

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

e. During the two-year stayed suspension period, respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention. In addition, respondent shall continue current treatment with his licensed consulting psychologist or any other mental health professional acceptable to the Director and shall complete all

therapy programs recommended by the therapist. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of his stayed suspension.

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.

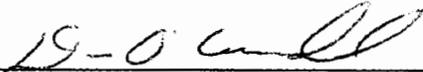
Dated: December 9, 2005.


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: 12/22, 2005.


MICHAEL T. TIERNEY
RESPONDENT

Dated: 12-21-, 2005.


DAN C. O'CONNELL
ATTORNEY FOR RESPONDENT
Attorney No. 130138
W-1100 First National Bank Bldg.
332 Minnesota Street
St. Paul, MN 55101-1379
(651) 227-0611

MEMORANDUM

Respondent's series of shoplifting incidents over the past several years constitute serious misconduct calling into question his character and fitness as a lawyer. The recommended six-month stayed suspension recognizes the seriousness of his misconduct. Respondent has been diagnosed as suffering from an impulse disorder for which he is currently receiving ongoing treatment. Respondent has no record of prior discipline relating to the practice of law despite having been admitted for over twenty years.

The recommended sanction of a six-month stayed suspension appears sufficient to adequately protect the public in light of respondent's acknowledgment that if he is charged with any criminal offense involving dishonesty, he will be immediately suspended pending final outcome of the resulting criminal and lawyer discipline proceedings.

K.L.J.