

1 involuntarily enrolled as an inactive member of the State Bar under section 6007, subdivision (d).

2 For the reasons stated below, this Court finds by preponderance of the evidence that
3 Respondent wilfully failed to comply with the terms of his probation (§ 6093, subd. (c); Rules Proc.,
4 rule 561) and, therefore, GRANTS the motion to revoke probation. The Court recommends that
5 Respondent's probation in Supreme Court case number S108152 be revoked, that the stay of
6 execution of the one-year suspension previously imposed in that case be lifted, that Respondent be
7 actually suspended from the practice of law in this state for one year, and that he again be placed on
8 probation for four years on conditions, including, but not limited to, that he completely abstain from
9 using illegal drugs, submit to monthly and random drug testing, attend ethics school, and file, with
10 the Office of Probation, quarterly probation reports. Finally, the Court orders that, effective May 27,
11 2005, Respondent be involuntarily enrolled inactive under section 6007, subdivision (d)(1).

12 **II. PERTINENT PROCEDURAL HISTORY**

13 **A. Respondent's Probation**

14 The Supreme Court's September 4, 2002, order in case number S108152 ("Supreme Court
15 Order") became effective October 4, 2002. Under the Supreme Court Order, Respondent was
16 placed on one year's stayed suspension, four years' probation, and sixty days' actual suspension.
17 Respondent's sixty-day actual suspension terminated on December 3, 2002. It is important to note
18 that the Supreme Court imposed this discipline, including each of the conditions of probation, on
19 Respondent in accordance with a stipulation as to facts, conclusions of law, and disposition that
20 Respondent entered into with the State Bar, which was approved by the State Bar Court in an order
21 filed on March 5, 2002, in State Bar Court case numbers 01-O-02431, 01-O-03015.

22 **B. Respondent's Actual Suspensions For Nonpayment of Membership Fees**

23 From September 16, 2003, until September 22, 2003, Respondent was actually suspended
24 from the practice of law under another order of Supreme Court because he failed to pay his annual
25 State Bar membership fees for the year 2003. And, from September 16, 2004, until February 16,
26 2005, Respondent was again actually suspended from practice under yet another order of the
27 Supreme Court because he failed to pay his annual State Bar membership fees for the year 2004.

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1 **B. Probation Violations**

2 The probation conditions imposed on Respondent under the Supreme Court Order required,
3 inter alia, that Respondent (1) submit written quarterly probation reports on every January 10, April
4 10, July 10, and October 10; (2) submit, with each quarterly report, a certificate from a certified
5 public accountant or other financial professional regarding his handling of client funds or, in the
6 alternative, a statement under penalty of perjury that he did not possess any client funds during the
7 reporting period ("CPA report"); (3) not use or possess any narcotics, dangerous or restricted drugs,
8 controlled substances, marijuana, or associated paraphernalia unless he had a valid prescription; (4)
9 cause a licensed medical laboratory to submit to the Office of Probation each month a lab screening
10 report containing an analysis of his blood or urine to prove that he has abstained from using illegal
11 drugs; (5) submit, to the Office of Probation each month, satisfactory proof of his weekly attendance
12 at a meeting of either Narcotics Anonymous, Marijuana Anonymous, or the Other Bar; (6) maintain
13 a current telephone number with the Office of Probation for random drug testing; (7) provide, upon
14 request, the Office of Probation with a medical waiver for access to all of Respondent's medical
15 records; and (8) report any change of address or telephone number to the State Bar's Membership
16 Records Office and to the Office of Probation within 10 days of the change.

17 The Court finds by a preponderance of the evidence that, as of the April 14, 2005, hearing
18 on the Motion: (1) Respondent had not filed the quarterly probation reports that were due by
19 October 10, 2004, and by April 10, 2005; (2) Respondent had not filed the CPA report due by
20 October 10, 2004; (3) Respondent had not submitted a lab screening report for July 2004 or for any
21 month thereafter; (4) Respondent had not submitted proof of his weekly attendance at a meeting of
22 either Narcotics Anonymous, Marijuana Anonymous, or the Other Bar for August 2004 or for any
23 month thereafter; and (5) Respondent had not provided the Office of Probation with the medical
24 waiver that it requested.

25 In addition, the Court finds by a preponderance of the evidence that Respondent did not
26 maintain a current telephone number with either the Membership Records Office or the Office of
27 Probation and that he did not timely report to either of those same offices a change of address.

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1 **C. Relevant Factual Background**

2 As noted *ante*, Respondent was actually suspended from the practice of law on September
3 16, 2004, for nonpayment of his annual State Bar membership fees.³ After Respondent paid the State
4 Bar \$1,200 in fees, penalties, and costs, his September 2004 actual suspension terminated on
5 February 16, 2005.

6 Before his actual suspension in September 2004, Respondent worked as an attorney in the
7 workers' compensation area. After his suspension, Respondent continued to work in that same area,
8 but in the capacity of a nonattorney representative in workers' compensation cases. Thus, even
9 though his income dropped while he was suspended, Respondent still was able to earn an income
10 doing work similar to that done before his suspension. However, Respondent faces financial
11 challenges, in that his income during his actual suspension from September 2004 to February 2005
12 was only about \$5,000 for the entire period. Last year, Respondent did not make sufficient income
13 to file for income taxes.

14 Respondent currently pays approximately \$1,000 per month for an apartment he rents in
15 Manhattan Beach, California. He has tried to move to a less expensive apartment, but his rental
16 applications were all rejected. Currently, he has a roommate with whom he shares the rental
17 obligation on his apartment.

18 Respondent contends the reason that he did not comply with the conditions of his probation
19 was that he felt he did not have a duty to do so, given the fact that he was actually suspended from
20 the practice of law on September 16, 2004, for nonpayment of his membership fees. The Court finds
21 that Respondent lacks credibility as to his claimed assertion that he felt the probation conditions did
22 not apply due to his actual suspension. First, Respondent stopped complying with his probation
23 conditions before his September 2004 actual suspension. Specifically, Respondent failed to submit
24 lab screening reports for July 2004 and August 2004.

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27 ³Respondent incorrectly refers to this suspension as an "administrative suspension."
28 Respondent was not suspended administratively; he was suspended by an order of the Supreme Court.

1 Second, Respondent admits that he tested positive for drug use at least once, and possibly
2 more, after June 2004 and that he continues to use marijuana.⁴ Given Respondent's positive drug
3 test or tests and his admission that he continues to use of marijuana, the Court finds that Respondent
4 did not comply with his reporting conditions because he did not want the State Bar to learn that he
5 was still using drugs and not because he had a good faith belief that he didn't need to comply while
6 he was on actual suspension. Moreover, even if Respondent held such a belief in good faith, it
7 would not excuse his failure to comply with his conditions of probation because any good faith on
8 the part of an attorney is relevant only to mitigation and not culpability. (*In the Matter of Broderick*
9 (*Review Dept. 1994*) 3 Cal. State Bar Ct. Rptr. 138, 148 citing *In the Matter of Carr* (*Review Dept.*
10 *1992*) 2 Cal. State Bar Ct. Rptr. 244, 253.)

11 IV. CONCLUSIONS OF LAW

12 To establish culpability for a probation violation in a probation revocation proceeding under
13 section 6093 and Rules of Procedure, rule 560 et seq., the State Bar must prove by a preponderance
14 of the evidence: (1) the probation condition the attorney is charged with violating; (2) that the
15 attorney had notice of the probation condition; and (3) that the attorney willfully failed to comply
16 with the probation condition. (*In the Matter of Carr, supra*, 2 Cal. State Bar Ct. Rptr. at pp.
17 251-252.) Willfulness in this context does not require bad faith; rather it requires only a " 'general
18 purpose or willingness' to commit an act or permit an omission." (*In the Matter of Potack* (*Review*
19 *Dept. 1991*) 1 Cal. State Bar Ct. Rptr 525, 536.) And substantial compliance with the probation
20 condition is not a defense to a probation violation charged under section 6093. (*Id.* at pp. 536-537.)

21 The Court concludes that the Office of Probation has demonstrated by a preponderance of
22 the evidence that Respondent wilfully violated the conditions of his probation as charged in the
23 Motion: (1) by failing to file the quarterly probation report that was due by October 10, 2004; (2)
24 by failing to file the CPA report that was due by October 10, 2004; (3) by failing to submit lab
25 screening reports for the months of July, August, and September of 2000; (4) by failing to submit
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28 ⁴Even though he admits to still using marijuana, Respondent maintains that he does so sparingly and that it does not impinge on his work.

1 proof of his weekly attendance at a meeting of either Narcotics Anonymous, Marijuana Anonymous,
2 or the Other Bar for August, September, October, and November of 2004; (5) by failing to maintain
3 a current telephone number with the Office of Probation; (6) by failing to give the Office of
4 Probation the medical waiver that it requested; and (7) by failing to timely report his change of
5 address to the Membership Records Office and the Office of Probation.

6 These violations warrant revocation of probation as provided in section 6093, subdivision
7 (b) and amount to good cause to grant the Office of Probation's motion to revoke Respondent's
8 probation.

9 **V. AGGRAVATING CIRCUMSTANCES**

10 **A. Prior Records of Discipline**

11 Respondent has two prior records of discipline, and each of them is an aggravating
12 circumstance. (Std. 1.2(b)(i).)

13 **1. First Prior Record**

14 In May 2002, Respondent was publicly reprovved in State Bar Court case number 98-O-01017
15 for violating rule 4-100(B)(4) of the Rules of Professional Conduct of the State Bar⁵ by not timely
16 paying out client funds and for violating rule 4-200(A) by collecting an illegal fee from funds
17 recovered for a minor without court approval. In that matter, conditions were attached to
18 Respondent's reprovval. Those conditions required that Respondent file reports for two years, attend
19 ethics school, attend client trust account school, pass a professional responsibility examination, and
20 refund \$330 in attorney's fees.

21 **2. Second Prior Record**

22 Respondent's second prior record of discipline is the Supreme Court's Order. As noted *ante*,
23 under that order, Respondent was placed on one year's stayed suspension, four years' probation, and
24 sixty days' actual suspension. In that matter, Respondent was found culpable on four counts of
25 misconduct in two client matters. In the first client matter, Respondent violated (1) rule 3-110-(A)

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28 ⁵Unless otherwise indicated, all references to rules are to these Rules of Professional
Conduct.

1 by failing to competently perform legal services and (2) section 6106 by making misrepresentations
2 to a superior court regarding the settlement negotiations and discovery matters and by making
3 misrepresentations to his client regarding the viability of the client's case. In the second matter,
4 Respondent violated (1) rule 4-100(B)(4) by failing to pay his client's medical providers with the
5 funds he held for the client in trust and (2) section 6106 by making misrepresentations to the State
6 Bar regarding the payment of \$3,000 to his client's medical provider.

7 Importantly, Respondent was given credit in that proceeding because he was cooperative with
8 the State Bar and admitted that his habitual use of marijuana on virtually a daily basis since he
9 attended college contributed to his failure to competently perform legal services and affected his
10 ability to make truthful and rational statements to the superior court and the State Bar. In the parties'
11 stipulation, which was approved by the State Bar Court in an order filed on March 5, 2002, in State
12 Bar Court case numbers 01-O-02431, 01-O-03015, Respondent stipulated that he realized that "he
13 must abstain entirely from the use of marijuana and other drugs. With the encouragement and
14 enforcement imposed by [the stipulated] drug testing over the term of probation, Respondent intends
15 to turn his life around. Abstinence has improved his relationship with his girlfriend and has rendered
16 it less likely that he will commit professional misconduct in the future."

17 **B. Uncharged Misconduct**

18 Even though the Office of Probation neither charged the following acts as independent
19 violations of Respondent's probation in the Motion nor sought leave to amend the Motion to charge
20 them, the Court concludes that it is appropriate to consider them as aggravating circumstances under
21 standard 1.2(b)(iii) (misconduct surrounded by other violations) (see, e.g., *Edwards v. State Bar*
22 (1990) 52 Cal.3d 28, 35-36 [uncharged misconduct may not be used as an independent ground of
23 discipline, but may be considered, in appropriate circumstances, for other purposes such as
24 aggravation]; *Hartford v. State Bar* (1990) 50 Cal.3d 1139, 1151, 1153-1154; *Sternlieb v. State Bar*
25 (1990) 52 Cal.3d 317, 321; *Maltaman v. State Bar* (1987) 43 Cal.3d 924, 949-950) and not to wait
26 for the State Bar to charge them in a separate disciplinary proceeding.

27 The Court finds that the following are acts of proved but uncharged probation violations and
28 that they are each aggravating circumstances in the present proceeding: (1) Respondent did not

1 timely file the quarterly probation report that was due on April 10, 2005; (2) Respondent did not
2 submit laboratory drug screening reports for the months of October, November, and December of
3 2004 or for January, February, March, and April of 2005; (3) Respondent did not submit proof of
4 his weekly attendance at a meeting of either Narcotics Anonymous, Marijuana Anonymous, or the
5 Other Bar for the months of December 2004 or for January, February, and March of 2005; and (4)
6 Respondent continues to use marijuana.

7 In light of the portions of the parties' stipulation quoted *ante*, the Court concludes that
8 Respondent's admitted and continued use of marijuana is a very serious aggravating circumstance.

9 VI. MITIGATING CIRCUMSTANCES

10 Respondent claims that he suffers from financial distress, in part as a result of his suspension.
11 However, almost every suspended attorney incurs financial difficulties a result of his or her inability
12 to practice law. Moreover, Respondent's actual suspension in September 2004 was the result of his
13 own knowing failure to timely pay his membership fees. And, in any event, Respondent failed to
14 sustain his burden on this subject, and therefore, the Court makes no finding as to any mitigation that
15 should be accorded as a result therefrom.

16 VII. DISCIPLINE DISCUSSION

17 Protection of the public and rehabilitation of the attorney are the primary goals of disciplinary
18 probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452.); *In*
19 *the Matter of Marsh* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 291, 298.) As the review
20 department noted in *In the Matter of Broderick, supra*, 3 Cal. State Bar Ct. Rptr. at page 151:

21 The violation of a probation condition significantly related to the
22 attorney's prior misconduct merits the greatest discipline, especially
23 if the violation raises a serious concern about the need to protect the
24 public or shows the attorney's failure to undertake steps toward
25 rehabilitation. [Citations.] By contrast, the least discipline is
26 appropriate for the violation of a less important probation condition,
27 particularly if the violation does not call into question the need for
28 public protection or the attorney's progress toward rehabilitation.
[Citation.]

26 The extent of the discipline to recommend is dependent, in part, on the seriousness of the
27 probation violation and Respondent's recognition of his misconduct and his efforts to comply with
28 the conditions. (*In the Matter of Potack, supra*, 1 Cal. State Bar Ct. Rptr. at p. 540.) Furthermore,

1 in determining the level of discipline, the Court must consider the “total length of stayed suspension
2 which could be imposed as an actual suspension and the total amount of actual suspension earlier
3 imposed as a condition of the discipline at the time probation was granted.” (*Ibid.*)

4 Filing quarterly reports is important step towards an attorney’s rehabilitation. (*In the Matter*
5 *of Broderick, supra*, 3 Cal. State Bar Ct. Rptr. at p. 151.) “[A] probation ‘reporting requirement
6 permits the State Bar to monitor [an attorney probationer’s] compliance with professional
7 standards.’” (*In the Matter of Weiner* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 759, 763, citing
8 *Ritter v. State Bar* (1985) 40 Cal.3d 595, 605.)

9 In determining the appropriate amount of discipline, the Court notes that Respondent has
10 failed to comply with many rather simple terms of his probation, including quarterly reporting and
11 providing a certificate from a certified public account or other financial professional regarding his
12 possession of client funds. However, other of Respondent’s failures to comply with probation go
13 to the core of the reasons for his underlying discipline. Most significant was Respondent’s failure
14 to submit monthly lab screening reports, particularly after having a positive test for a prohibited
15 substance. Further in this regard, he has failed to provide proof of his weekly attendance at a
16 meeting of either Narcotics Anonymous, Marijuana Anonymous, or the Other Bar. This failure alone
17 is strong circumstantial evidence that Respondent has stopped attending these meetings. Moreover,
18 these failures cause the Court to find that Respondent’s difficulties with prohibited substances will
19 continue to interfere with his practice as an attorney in California, to cause the public to loose to faith
20 in the profession and judicial system, and to pose a substantial threat of harm to the public, the
21 profession, and the courts.

22 This Court finds that Respondent has repeatedly violated important terms of his probation,
23 all which were imposed on him in accordance with the stipulation he entered into with the State Bar.
24 Therefore, this Court concludes that Respondent’s violations warrant very substantial discipline.
25 After considering the need to protect the public, the profession, and the courts and the need to
26 rehabilitate Respondent and the aggravating circumstances, which include two prior records of
27 discipline, and based on the facts and circumstances of this case, the Court finds that the appropriate
28 discipline to recommend in this matter is one year's actual suspension and four years' probation with

1 substantial conditions.⁶

2 **VIII. INACTIVE ENROLLMENT DISCUSSION**

3 The State Bar requests, without any supporting analysis, that Respondent be involuntarily
4 enrolled inactive under section 6007, subdivision (d). The requirements for inactive enrollment
5 under of section 6007, subdivision (d)(1) have been met -- Respondent is subject to a stayed
6 suspension, and the Court has found that he violated the conditions of his probation and is
7 recommending that he be actually suspended from the practice of law due to said violations. Yet,
8 it is inappropriate for the Court to order the involuntary enrollment of an attorney merely because
9 the requirements of section 6007, subdivision (d) have been met. (*In the Matter of Tiernan*
10 (*Review Dept. 1996*) 3 Cal. State Bar Ct. Rptr. 523, 531.) In fact, to do so might well improperly
11 defeat or materially impair the Supreme Court's inherent prerogatives in the area of attorney
12 discipline. (*Ibid.*) When determining whether it is appropriate to enroll an attorney inactive under
13 section 6007, subdivision (d), the Court must consider the record as a whole. (*Id.* at p. 532.)

14 After considering the record as a whole, the Court concludes that it is appropriate to order
15 Respondent's inactive enrollment. First, Respondent's continued drug use together with his inability
16 to articulate any plausible excuse or explanation for not complying with the probation conditions to
17 which he stipulated raises serious concern of public protection. Second, the Court is recommending
18 a one-year period of actual suspension, which is the longest period of actual suspension that it may
19 recommend under rule 562 of the Rules of Procedure. Third, any review department review of the
20 Court's order granting the Motion will be expedited under rule 565 of the Rules of Procedure.

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22 ⁶Standard 1.7(b) provides that, if an attorney has two prior records of discipline, the degree
23 of discipline is to be disbarment unless the most compelling mitigating circumstances predominate.
24 However, because of the limitation on the level of discipline available for probation violations that
25 the State Bar charges in probation revocation proceedings under section 6093, standard 1.7(b) does
26 not apply in this proceeding. (*In the Matter of Carr, supra*, 2 Cal. State Bar Ct. Rptr. at p. 257, fn.
27 13.) Of course, standard 1.7(b) is applicable to probation violations that the State Bar charges in
28 original disciplinary proceedings under section 6068, subdivision (k) because there is no limitation
on the level of discipline available for probation violations in original disciplinary proceedings.
Thus, Respondent is advised that, if he violates his probation again and the State Bar charges the
violation in an original disciplinary proceeding, the violation may result in his disbarment under
standard 1.7(b).

1 **IX. ORDER GRANTING MOTION AND DISCIPLINE RECOMMENDATION**

2 The Office of Probation's December 2, 2004, motion to revoke probation is GRANTED, and
3 the Court RECOMMENDS that Respondent Robert Arthur Dickrell's probation in Supreme Court
4 case number S108151 (State Bar Court case numbers 01-O-02431, 01-O-03015) be revoked, that the
5 stay of execution of the one-year suspension previously imposed in that case be lifted, that
6 Respondent be actually suspended from the practice of law in the State of California for one year,
7 and that he be placed on probation for four years subject to the following conditions:

- 8 1. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional
9 Conduct of the State Bar, and all the conditions of this probation.
- 10 2. Subject to the assertion of any applicable privilege, respondent must fully, promptly, and
11 truthfully answer all inquiries of the State Bar's Office of Probation that are directed to
12 respondent, whether orally or in writing, relating to whether respondent is complying or has
13 complied with the conditions of this probation.
- 14 3. Respondent must report, in writing, to the State Bar's Office of Probation in Los Angeles no
15 later than January 10, April 10, July 10 and October 10 of each year or part thereof in which
16 respondent is on probation ("reporting dates"). However, if respondent's probation begins
17 less than 30 days before a reporting date, respondent may submit the first report no later than
18 the second reporting date after the beginning of respondent's probation. In each report,
19 respondent must state that it covers the preceding calendar quarter or applicable portion
20 thereof and certify by affidavit or under penalty of perjury under the laws of the State of
21 California as follows:
- 22 (a) in the first report, whether respondent has complied with all the provisions of the
23 State Bar Act, Rules of Professional Conduct of the State Bar, and other terms and
24 conditions of probation since the beginning of this probation; and
 - 25 (b) in each subsequent report, whether respondent has complied with all the provisions
26 of the State Bar Act, Rules of Professional Conduct of the State Bar, and other terms
27 and conditions of probation during the period.

28 During the last 20 days of this probation, respondent must submit a final report covering any
period of probation remaining after and not covered by the last quarterly report required
under this probation condition. In this final report, respondent must certify to the matters set
forth in subparagraph (b) of this probation condition by affidavit or under penalty of perjury
under the laws of the State of California.

4. Respondent must maintain, with the State Bar's Membership Records Office in San
Francisco *and* the State Bar's Office of Probation in Los Angeles, his current office address
and telephone number or, *if no office is maintained*, an address to be used for State Bar
purposes (Bus. & Prof. Code, § 6002.1, subd. (a)(1)). In addition, respondent must maintain,
with the State Bar's Office of Probation, his current home address and telephone number (cf.
Bus. & Prof. Code, § 6002.1, subd. (a)(5)). Respondent's home address and telephone
number must *not* be made available to the general public. (Cf. Bus. & Prof. Code, § 6002.1,
subd. (d).) Respondent must report any change in this information to the appropriate State
Bar Office or Offices no later than 10 days after the change.

- 1 5. Within one year after the effective date of the Supreme Court order in this matter, respondent
2 must: (1) attend and satisfactorily complete the State Bar's Ethics School; and (2) provide
3 satisfactory proof of completion of the school to the State Bar's Office of Probation in Los
4 Angeles. This condition of probation is separate and apart from respondent's California
5 Minimum Continuing Legal Education (MCLE) requirements; accordingly, respondent is
6 ordered not to claim any MCLE credit for attending and completing this course. (Accord,
7 Rules Proc. of State Bar, rule 3201.)
- 8 6. During each calendar quarter in which respondent receives, possesses, or otherwise handles
9 client funds or property in any manner,⁷ respondent must submit, to the State Bar's Probation
10 Unit in Los Angeles with the probation report for that quarter, a certificate from a Certified
11 Public Accountant certifying:
 - 12 (a) whether respondent has maintained a bank account that is designated as a
13 "Trust Account," "Clients' Funds Account," or words of similar import in a
14 bank in the State of California or, with the written consent of the client, in
15 any other jurisdiction where there is a substantial relationship between the
16 client or the client's business and the other jurisdiction;
 - 17 (b) whether respondent has, from the date of receipt of client funds through the period
18 ending five years from the date of appropriate disbursement of such funds,
19 maintained:
 - 20 (1) a written ledger for each client on whose behalf funds are held that sets forth:
 - 21 (a) the name of such client,
 - 22 (b) the date, amount, and source of all funds received on behalf of such
23 client,
 - 24 (c) the date, amount, payee, and purpose of each disbursement made on
25 behalf of such client, and
 - 26 (d) the current balance for such client;
 - 27 (2) a written journal for each bank account that sets forth:
 - 28 (a) the name of such account,
 - (b) the date, amount, and client affected by each debit and credit, and
 - (c) the current balance in such account;
 - (3) all bank statements and cancelled checks for each bank account, and
 - (4) each monthly reconciliation (balancing) of (1), (2), and (3); and
 - (c) whether respondent has, from the date of receipt of all securities and other properties
held for the benefit of the client through the period ending five years from the date
of appropriate disbursement of such securities and other properties, maintained a
written journal that specifies:
 - (1) each item of security and property held,
 - (2) the person on whose behalf the security or property is held,

⁷As used herein, the terms client funds and client property include, without limitation, funds and property respondent receives or holds in trust for others.

- 1 (3) the date of receipt of the security or property,
 - 2 (4) the date of distribution of the security or property, and
 - 3 (5) person to whom the security or property was distributed.
- 4 7. Respondent must attend at least one meeting per week of Narcotics Anonymous, Marijuana
5 Anonymous, or the Other Bar. As a separate reporting requirement, respondent must
6 provide, to the State Bar's Office of Probation in Los Angeles no later than the tenth of each
7 month, satisfactory proof of his weekly attendance at such meetings during the preceding
8 month.
 - 7 8. Respondent must not abuse alcohol and must completely abstain from the consumption or
8 use of narcotics, marijuana, and all other dangerous or restricted drugs unless respondent
9 possesses a current and valid prescription therefor. Respondent must not possess any
10 paraphernalia associated with narcotics, marijuana, or any other dangerous or restricted drug
11 unless respondent possesses a current and valid prescription therefor. A prescription shall
12 be conclusively deemed invalid unless respondent provides, to the State Bar's office of
13 Probation in Los Angeles, a written statement from the licensed physician that issued the
14 prescription certifying, by affidavit or under penalty of perjury under the laws of the State
15 of California, that the physician read this opinion and the stipulation filed on March 5, 2002,
16 in State Bar Court case numbers 01-O-02431, 01-O-03015 before issuing the prescription
17 and that the prescription was appropriate at the time it was issued.
 - 13 9. Respondent is required to submit to monthly drug screening at Respondent's expense.
14 Respondent must select a licensed medical laboratory approved by the State Bar's Office of
15 Probation in Los Angeles. Each month, Respondent must furnish the laboratory, in a manner
16 specified by the laboratory to ensure specimen integrity, with a sample of his blood, urine,
17 or both as the laboratory requires to determine whether Respondent has abstained from
18 marijuana and other drugs. No later than the tenth day of each month, the laboratory must
19 provide the Office of Probation with a screening report containing an analysis of each sample
20 Respondent furnished to the laboratory during the preceding month.
 - 18 10. The State Bar's Office of Probation is authorized to require Respondent, at reasonable
19 intervals, to submit to random drug screening at Respondent's own expense at the laboratory
20 described in the probation condition above. Respondent must constantly maintain, with the
21 State Bar's Office of Probation in Los Angeles, a current address and telephone number at
22 which respondent can respond within 12 hours after the Office of Probation delivers a
23 message to the address or leaves a telephone message regarding random screening. Unless
24 the address and telephone number are otherwise public information as Respondent's office
25 address and telephone number or as Respondent's address for State Bar purposes (Bus. &
26 Prof. Code, § 6002.1, subd. (a)(1)), they must *not* be made available to the general public (cf.
27 Bus. & Prof. Code, § 6002.1, subd. (d)). No later than six hours after Respondent receives
28 actual notice that the Office of Probation requires a random screening, Respondent must
furnish the laboratory, in a manner specified by the laboratory to ensure specimen integrity,
with a sample of his blood, urine, or both as the laboratory requires to determine whether
Respondent has abstained from marijuana and other drugs. No later than 10 days after
Respondent furnishes a sample for random screening, the laboratory must provide the Office
of Probation with a screening report containing an analysis of the sample.
 - 27 11. If he has not done so, Respondent must, within the first 30 days of his probation, provide the
28 State Bar's Office of Probation in Los Angeles with a medical waiver providing the Office
of Probation with access to all of Respondent's medical records, which Respondent must not

1 to revoke at any time during his probation. Any medical record obtained by the Office of
2 Probation under the medical waiver is *confidential* and no information concerning it or its
3 contents is to be given to anyone except members of the State Bar's Office of the Chief Trial
4 Counsel and Office of Probation who are directly involved with maintaining and enforcing
Respondent's probation conditions and the State Bar Court and members of its staff who are
directly involved in the Court's adjudication of any alleged probation violation.

5 12. Respondent's probation will commence on the effective date of the Supreme Court order in
6 this matter.

7 **X. PROFESSIONAL RESPONSIBILITY EXAM, RULE 955 & COSTS**

8 The Court further recommends that Respondent be ordered to take and pass the Multistate
9 Professional Responsibility Examination administered by the National Conference of Bar Examiners
10 within one year after the effective date of the Supreme Court order in this matter and to provide
11 satisfactory proof of his passage that examination to the State Bar's Office of Probation in Los
12 Angeles within that same year.⁸

13 The Court further recommends that Respondent be ordered to comply with rule 955 of the
14 California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule
15 within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court order in
16 this matter.⁹

17 Finally, the Court recommends that the costs incurred by the State Bar in this matter be
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19 ⁸MPRE Application Department, P.O. Box 4001, Iowa City, Iowa, 52243, telephone number
20 (319) 337-1287). Respondent is warned that, if he fails to pass the MPRE within the time ordered
21 by the Supreme Court without obtaining an extension of time from the State Bar Court in accordance
22 with rule 320(a) or rule 321(a) of the Rules of Procedure of the State Bar, the State Bar Court
23 Review Department will, without a hearing, place him on *actual suspension* until he passes the
examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8; Cal. Rules of Court, rule
951(b).)

24 ⁹Respondent is required to file a rule 955(c) affidavit even if he has no clients to notify.
25 (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or a
26 contempt, an attorney's failure to comply with rule 955 is also a ground for disbarment or suspension
27 and for revocation of any pending probation. (Cal. Rules of Court, rule 955(d).)
28 Even though sanctions less than disbarment are authorized, respondent is warned that, in the absence
of *compelling* mitigating circumstances, disbarment is almost always ordered for an attorney's failure
to comply with rule 955. (See *Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131; *In the Matter of
Lynch* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 287, 296.)

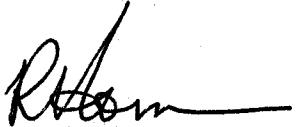
1 awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that
2 such costs be payable in accordance with Business and Professions Code section 6140.7.

3 **XI. ORDER OF INACTIVE ENROLLMENT**

4 IT IS ORDERED that ROBERT ARTHUR DICKRELL be involuntarily enrolled as an
5 inactive member of the State Bar of California effective May 27, 2005. (Bus. & Prof. Code, § 6007,
6 subd. (d)(1); Rules Proc. of State Bar, rule 564.) Unless otherwise ordered by the State Bar Court
7 or the Supreme Court, Dickrell's involuntary inactive enrollment under this order
8 terminates on the earliest of the effective date of the Supreme Court's order in this matter or May
9 27, 2006. (Bus. & Prof. Code, § 6007, subd. (d)(2); Rules Proc. of State Bar, rule 564.)

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Dated: May 13, 2005.



RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 13, 2005, I deposited a true copy of the following document(s):

**ORDER GRANTING MOTION TO REVOKE PROBATION AND
INVOLUNTARILY ENROLLING RESPONDENT INACTIVE, filed May 13,
2005**

in a sealed envelope for collection and mailing on that date as follows:

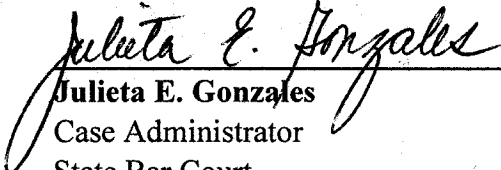
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ROBERT A DICKRELL ESQ
124 45TH ST #B
MANHATTAN BEACH CA 90266**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Jayne Kim, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 13, 2005**.



Julieta E. Gonzales
Case Administrator
State Bar Court