



ORIGINAL

(Do not write above this line.)

| State Bar Court of California | | |
|--|--|---|
| Hearing Department | | <input checked="" type="checkbox"/> Los Angeles |
| | | <input type="checkbox"/> San Francisco |
| Counsel for the State Bar TERRIE GOLDADE Office of Probation 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1494 Bar # 155348 | Case number(s) PUBLIC MATTER 06-PM-10555-RAP | (for Court's use) FILED MAR 21 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES |
| <input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent DAVID C. CARR 110 W.C. St., Ste. 1504 San Diego, CA 92101 (619) 696-0526 Bar # 124510 | Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PROBATION VIOLATION—"PM" PROCEEDING <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | |
| In the Matter of CHRISTOPHER O'KEEFE Bar # 165197 A Member of the State Bar of California (Respondent) | | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted 06/18/93 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation, and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 11 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(Do not write above this line.)

- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- (a) costs added to membership fee for calendar year following effective date of discipline (no actual suspension)
 - (b) until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure (actual suspension)
 - (c) costs to be paid in equal amounts prior to February 1 for the following membership years:
2007, 2008

(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - (d) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - (e) costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline [see standard 1.2(f)]
- (a) State Bar Court case # of prior case 03-O-04419; 04-O-14313 (S132495)
 - (b) Date prior discipline effective 07/10/05
 - (c) Rules of Professional Conduct/ State Bar Act violations: 2 counts of 6068(i)
(failure to cooperate); 2 counts of B&P 6106 (moral turpitude);
RPC 4-100(B)(3) (failure to maintain CTA records); 4-100(A)
(commingling)
 - (d) Degree of prior discipline 1 year stayed, 1 year probation, 60 dys actual
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or in a separate attachment entitled "Prior Discipline".
S137831/04-O-14389, effective 01/15/06
B&P 6068(i) (failure to cooperate) and
BSP 6106 (moral turpitude)
RPC 3-700(A)(2) (abandonment)
2 years stayed, 2 years probation; 6 months actual & until
restitution
- (2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(Do not write above this line.)

- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(Do not write above this line.)

- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) No mitigating circumstances are involved.

Additional mitigating circumstances:

See attachment.

D. Discipline (choose only one):

- (1) Probation Extended: Respondent's probation in _____ is extended for _____
Supreme Court case # or State Bar Court case #
- (2) Probation Revoked; Probation Reinstated; Actual Suspension: Respondent's probation is revoked and reinstated for 1 year on the same terms and conditions as previously imposed in S132495
length of probation
Supreme Court case # or State Bar Court case # The terms of probation remain the same as in the prior order except as indicated below. In addition, Respondent must be actually suspended from the practice of law for 30 days
- (3) Probation Revoked; Probation Reinstated; No Actual Suspension: Respondent's probation is revoked and reinstated for _____ on the same terms and conditions previously imposed in _____
length of probation
Supreme Court case # or State Bar Court case # The terms of probation remain the same as in the prior order, except as indicated below.
- (4) Probation Revoked; Probation not Reinstated; Actual Suspension: Respondent's probation is revoked. Respondent must be suspended from the practice of law for _____

(Do not write above this line.)

E. In addition to conditions previously imposed by the Supreme Court in its prior order, the following new conditions are being recommended by this stipulation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within 30 days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and, if so, the case number and current status of that proceeding. If the first report will cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review these terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation of the State Bar of California and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Office of Probation.

(Do not write above this line.)

(10) The following conditions are attached hereto and incorporated:

- | | |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

(1) Probation Conditions Deleted or Modified:

- (2) Rule 955, California Rules of Court: Respondent must comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- (3) Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she must comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

(Do not write above this line.)

| | |
|--|---|
| In the Matter of CHRISTOPHER O'KEEFE | Case Number(s): 06-PM-10555-RAP |
|--|---|

Medical Conditions

- a. Respondent must obtain psychiatric or psychological help/ treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of 2 times per month and must furnish evidence to the Office of Probation that Respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for ~~=== days or === months or === years or~~ the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in Respondent's condition, Respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- b. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Christopher J. O'Keefe

CASE NUMBER: 06-PM-10555

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute.

On or about June 10, 2005, the California Supreme Court filed an Order in Case no. S132495 (State Bar Court Case nos. 03-O-04419 and 04-O-14313) that Respondent be suspended from the practice of law for a period of 1 year, that execution of suspension be stayed and that Respondent be placed on probation for a period of 1 year subject to the conditions of probation, including actual suspension for 60 days, as recommended by the Hearing Department of the State Bar Court in its order approving the Stipulation filed on February 1, 2005.

As a condition of probation, Respondent was ordered to submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of his probation period and to state under penalty of perjury whether he had complied with the State Bar Act and the Rules of Professional Conduct. On or about February 27, 2006, Respondent filed his quarterly reports due October 10, 2005 and January 10, 2006.

As a condition of probation, Respondent was ordered to report to the Membership Records Office and the Office of Probation any changes in his current office address and telephone number, or other address for State Bar purposes, within 10 days of any change. On or about Respondent February 22, 2006, Respondent updated his information, which exceeded the time frame required.

By failing to timely file his October 10, 2005 and January 10, 2006, and by failing to timely update his contact information, Respondent wilfully violated Business and Professions Code, section 6068(k).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was March 13, 2006.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

The parties stipulate to waive any variance in the language, allegations, and conclusions of law between this stipulation and the Notice of Motion and Motion to Revoke Probation filed on

February 10, 2006. Respondent acknowledges that this stipulation contains language, allegations, and conclusion of law which differ from the language, allegations, and conclusions of law contained in the Notice of Motion and Motion to Revoke Probation filed on February 10, 2006. The parties further stipulate to waive the right to have an Amended Notice of Motion and Motion to Revoke Probation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 13, 2006, the estimated prosecution costs in this matter are approximately \$1,546. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

The greatest amount of discipline would be warranted by probation violations which show a breach of a condition significantly related to the misconduct for which probation was given. *In the Matter of Potack*, (Rev. Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 537.

Emotional difficulties can be mitigating circumstances in probation revocation proceedings. See, e.g., *In the Matter of Gorman* (Rev. Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 572-573.

The aggravating weight of prior discipline is diminished when it takes place in the same time frame as current discipline. *In the Matter of Sklar* (Rev. Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.

ADDITIONAL CIRCUMSTANCES.

Prior to December 29, 2003, Respondent practiced bankruptcy law. On that date, he was involved in a rollover automobile accident. He suffered a concussion and fractured cervical and lumbar vertebra, but did not lose consciousness and declined transportation to the hospital. As a result, Respondent was in chronic pain throughout 2004 and 2005 and used such drugs as percocet, vicodin, flexeril, celebrex, xanax, and klonipin, upon which he developed a dependence. Respondent also developed post traumatic stress disorder and depression. Respondent was unable to practice law beginning in or about mid-2004, but his disability insurer declined coverage, leaving Respondent with no source of income. Respondent eventually lost his home to foreclosure.

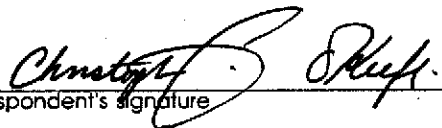


Respondent is no longer dependent upon painkillers. He is still undergoing treatment for depression, generalized anxiety disorder, and post-traumatic stress disorder.

(Do not write above this line.)

| | |
|--|---|
| In the Matter of CHRISTOPHER O'KEEFE | Case number(s): 06-PM-10555-RAP |
|--|---|

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

| | | |
|------------------------|--|--|
| <u>3-15-06</u> Date |  Respondent's signature | <u>Christopher O'Keefe</u> Print Name |
| <u>3/15/06</u> Date |  Respondent Counsel's signature | <u>David C. Carr</u> Print Name |
| <u>3/16/06</u> Date |  Supervising Attorney, Office of Probation signature | <u>Terrie Goldade</u> Print Name |

(Do not write above this line.)

| | |
|---|------------------------------------|
| In the Matter of CHRISTOPHER O'KEEFE | Case number(s): 06-PM-10555-RAP |
|---|------------------------------------|

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Page 9 - ADDITIONAL CIRCUMSTANCES.
Sentence 6 - Delete "mis", Enter "mid".

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)**

03/21/06
Date


RICHARD A. PLATEL
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 March 21, 2006, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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

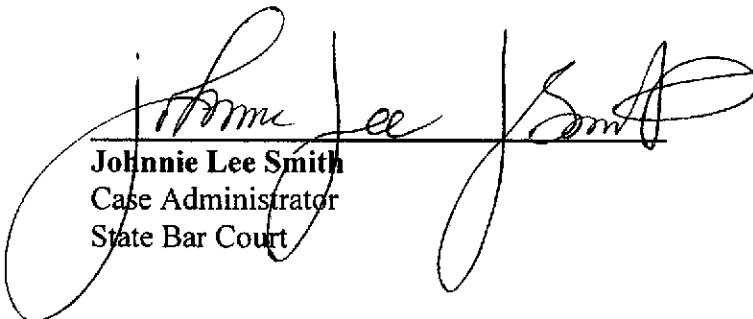
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID C. CARR
110 WEST C STREET STE 1504
SAN DIEGO CA 92101**

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

TERRIE GOLDADE , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **March 21, 2006**.



Johnnie Lee Smith
Case Administrator
State Bar Court