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**State Bar Court of California
Hearing Department
San Francisco**

Counsel For The State Bar Donald R. Steedman 180 Howard Street San Francisco, CA 94105 415/538-2345 Bar # 104927	Case Number (s) 09-H-10905	(for Court's use)
In Pro Per Respondent Richard G. Hyppa 120 E. 12 th Street Tracy, CA 95376 209/836-9288 Bar # 104547	PUBLIC MATTER	FILED <i>[Signature]</i> JUL 14 2009 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In the Matter Of: Richard G. Hyppa Bar # 104547 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 **December 3, 1982**.
- (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 consists of **10** pages, not including the order.
- (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."

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- (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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproval)
 - case ineligible for costs (private reproval)
 - costs to be paid in equal amounts for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived
- (9) The parties understand that:
- (a) A private reproval imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproval was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidents of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproval imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproval imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 **06-O-15102**
 - (b) Date prior discipline effective **August 12, 2007**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Bus. & Prof. Code sections 6068(i) and (m); Rules of Professional Conduct 3-110(a) and 4-100(B)(3).**
 - (d) Degree of prior discipline **Private Reproval**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.

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- (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.
- (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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **Respondent has cooperated with the State Bar following the issuance of the Notice of Intent to file disciplinary charges.**
- (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.

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- (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.
- (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) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproof:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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 thirty (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 condition period attached to the reproof. 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 the reproof 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 would cover less than 30 (thirty) days, that report must be submitted on the next following 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 twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the 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 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 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 conditions attached to the reproof.
- (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 the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: **Respondent recently attended Ethics School under the mandate of his 2007 private reproof.**
- (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 to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof.
- No MPRE recommended. Reason: **Respondent recently passed the MPRE under the mandate of his 2007 private reproof.**
- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

Attachment language (if any):

DISCLOSURE:

The disclosure mentioned in part A(7) of this stipulation was made by letter dated June 9, 2009.

FACTS:

Respondent stipulates that the following facts are true:

JURISDICTION

1. Richard G. Hyppa ("respondent") was admitted to the practice of law in the State of California on December 3, 1982, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

Case No. 09-H-10905
Rules of Professional Conduct, Rule 1-110(A)
[Violation of Reapproval Conditions]

2. Respondent wilfully violated Rules of Professional Conduct, rule 1-110(A), by failing to comply with conditions attached to a reapproval administered by the State Bar pursuant to Business and Professions Code sections 6077 and 6078 and rule 956 (now Rule 9.19), California Rules of Court, as follows:

3. On or about June 11, 2007, respondent signed a stipulation in case number 06-O-15102 in which he agreed to receive a reapproval and promised to comply with conditions attached to the reapproval for a period of one year. The conditions attached to the reapproval were specified in the stipulation that respondent signed.

4. On or about July 19, 2007,¹ acting under the authority of Business and Professions Code section 6077, the State Bar Court of California issued an order imposing a reapproval upon respondent in case number 06-O-15102. Pursuant to California Rule of Court 9.19, the State Bar Court order required respondent to comply with the stipulated conditions attached to the reapproval. The Court found that the stipulation "...protects the public and that the interests of Respondent will be served by any conditions attached to the reapproval..."

¹The State Bar Court reapproval order was signed on July 19, 2007, but was filed and served on July 23, 2007.

5. Soon after July 23, 2007, respondent received notice of the reprobation order and reprobation conditions.
6. On or about July 30, 2007, the Office of Probation mailed a letter to respondent reminding him of all of the conditions of his reprobation. Respondent received this letter shortly after it was mailed.
7. On or about August 14, 2007, respondent had a telephonic meeting with a representative of the Office of Probation in which they discussed the requirements of the reprobation conditions.
8. At all times after July 23, 2007, respondent had actual knowledge of the reprobation conditions and reprobation order.
9. The reprobation order and reprobation conditions became effective on or about August 12, 2007² and, except as set forth below, have remained in full force at all times thereafter.

10. Reporting Condition.

(a) One of the conditions of the reprobation required respondent to submit reports as follows:
“Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprobation. 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 the reprobation 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 would cover less than thirty (30) days, that report must be submitted on the next following 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 twenty (20) days before the last day of the condition period and no later than the last day of the condition period.”

(b) Under the terms of the conditions, respondent was therefore required to submit reports on or before October 10, 2007, January 10, 2008, April 10, 2008, July 10, 2008, and August 12, 2008.

(c) Respondent violated this condition because he submitted the following reports late:

<u>Date Due</u>	<u>Date Filed with the Office of Probation</u>
January 10, 2008	January 11, 2008

² The Probation Office’s letter, and the probation compliance forms it created, erroneously stated that the reprobation was effective on August 13, 2007, and thus erroneously stated that respondent’s final report was due on August 13, 2007.

April 10, 2008

April 14, 2008

August 12, 2008

August 25, 2008

(d) Respondent's late filing of the August 2008 quarterly report is aggravated by the fact that the Office of Probation had previously counseled respondent concerning the lateness of his January 10, 2008 and April 10, 2008 quarterly reports. Specifically, Probation Deputy Cheryl R. Chisolm discussed this issue with respondent in a conversation that occurred on or about June 24, 2008. The conversation was confirmed in a letter sent by Chisolm on or about June 24, 2008 and received by respondent shortly thereafter.

11. Continuing Education Requirement.

(a) One of the reprobation conditions provided as follows:

Respondent must attend ten hours of MCLE at in-person (not on-line) classes within the one year term of the probation conditions, and provide proof of compliance with the Probation Department. This ten hours is in addition to the Ethics School and MPRE conditions."

(b) The deadline for completing the ten hours of MCLE classes expired on or about August 12, 2008. Prior to the August 12, 2008 deadline, respondent completed only nine of the ten required hours of MCLE.

(c) Respondent did not complete the remaining hour of MCLE classes until on or about November 13, 2008. Respondent did not provide the Office of Probation with proof of completion of this hour of MCLE until on or about November 13, 2008.

(d) Respondent violated the MCLE condition of his reprobation by failing to complete all of the required MCLE classes and by failing to provide proof of such completion prior to the August 12, 2008 deadline.

12. Multistate Professional Responsibility Examination.

(a) One of the reprobation conditions provided as follows:

"Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation."

(b) Under the original terms of the reprobation order, respondent was required to comply with this condition on or before August 12, 2008. However, respondent did not take the examination during the year of his reprobation period. Respondent did not take the MPRE until on or about March 7, 2009.

(c) On or about July 14, 2008, respondent filed a motion with the State Bar Court seeking to extend the time for his completion of the MPRE. The State Bar filed a non-opposition to the motion. By order filed on or about July 31, 2008, the State Bar Court granted respondent an extension until November 8, 2008 to take the MPRE given on that date. The Court also ordered respondent to provide the test results to the Office of Probation within ^{one ~~at~~ ~~0.5~~} ~~one~~ week after the results were released.

(d) Thereafter, respondent failed to register for the November 8, 2008 MPRE and did not take the test given on that date.

(e) On or about November 17, 2008, respondent filed a motion for a second extension of time to take the MPRE. However, the State Bar filed an opposition and the State Bar Court denied the motion by order filed on or about December 15, 2008. Thereafter, the December 15, 2008 order became final.

(f) Respondent took the March 7, 2009 MPRE examination and received a passing score.

(g) Respondent violated the MPRE condition of his reprobation by failing to take the MPRE prior to the November 8, 2008 deadline.

CONCLUSIONS OF LAW:

Respondent stipulates that the following conclusions of law are correct:

By violating the aforementioned conditions, respondent wilfully failed to comply with conditions attached to a reprobation administered by the State Bar pursuant to Business and Professions Code sections 6077 and 6078 and rule 956 (now Rule 9.19), California Rules of Court.

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In the Matter of Richard G. Hyppa	Case number(s): 09-H-10905
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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 Fact, Conclusions of Law and Disposition.

<u>6-16-09</u> Date	<u><i>Richard G. Hyppa</i></u> Respondent's Signature	<u>Richard G. Hyppa</u> Print Name
<u>6/18/2009</u> Date	<u><i>Don R Steedman</i></u> Respondent's Counsel Signature Supervising Trial Counsel	<u>DONALD R STEEDMAN</u> Print Name
<u> </u> Date	<u> </u> Deputy Trial Counsel's Signature	<u>Donald R. Steedman</u> Print Name

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In the Matter Of Richard G. Hyppa	Case Number(s): 09-H-10905
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ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

July 14, 2009

Pat McElroy
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 San Francisco, on July 14, 2009, 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 San Francisco, California, addressed as follows:

**RICHARD G. HYPPA
120 E 12TH ST
TRACY, CA 95376**

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

DONALD STEEDMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 14, 2009.


Laurretta Cramer
Case Administrator
State Bar Court