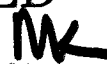


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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  <b>Drew Massey</b> Supervising Attorney 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1204  Bar # 244350	Case Number(s): 13-O-16341-DFM; 14-O-00251; 14-O-00769	For Court use only  <b>PUBLIC MATTER</b>  <b>FILED</b>  JUN 25 2018  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent  <b>Arthur Margolis</b> 2000 Riverside Drive Los Angeles, CA 90039 (323) 953-8996  Bar # 57703	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: <b>GREGORY LYLE JACKSON</b>  Bar # 212265  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 **January 11, 2001**.
- (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 **15** 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."
- (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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of discipline.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **06-C-10774 and 07-C-10389, see page 11 and Exhibit 1, 17 pages.**
  - (b)  Date prior discipline effective **February 9, 2008**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Criminal Convictions not involving moral turpitude but involving other misconduct warranting discipline.**
  - (d)  Degree of prior discipline **One (1) year of stayed suspension and two (2) years of probation with conditions including an actual suspension of thirty (30) days.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 12.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. 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 likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (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 extraordinarily 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:**

**Pretrial stipulation, see page 12.**

**Extreme Emotional, Physical, or Mental Difficulties, see page 12.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **one (1) year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty (60) days**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  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 present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, 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 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 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 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 twenty (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 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 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 probation 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 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 the Ethics School, and passage of the test given at the end of that session.  
 No Ethics School recommended. Reason:

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- (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)  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:**

- (1)  **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**



7. After their arrangement began, SD began to meet with various clients and represent himself as either an office manager for respondent, an attorney working for respondent, or some other employee of respondent. SD also created numerous false email addresses which purported to be that of respondent and created online and magazine advertising for "Jackson Law Offices" and similar entities which did not exist or were created and controlled by SD. Respondent was unaware of these actions by SD.

8. While representing himself in this manner, SD would solicit legal employment from various clients. He would take the legal fees and place them into a bank account controlled by SD's co-conspirator. Except as noted below, respondent was unaware of SD's actions.

9. After being retained by a client, SD would file cases using respondent's name and bar number and forging his signature. SD would then hire appearance counsel to make appearances on respondent's behalf in these cases without respondent's knowledge. This happened in more than forty instances.

10. In early January 2014, one of the appearance counsel used by SD (who happened to be an acquaintance of respondent) discovered that respondent was unaware of many of the clients for which the appearance counsel had appeared.

11. The appearance counsel filed a police report on January 3, 2014. Respondent cooperated in the police investigation. Thereafter, the appearance counsel and respondent worked to uncover the SD clients and identified approximately 40 such individuals. The appearance counsel, with assistance from respondent, devoted time to wrapping up any matters and addressing any case issues that had arisen due to SD's involvement.

12. Thereafter, a criminal investigation proceeded as to respondent, SD, and SD's co-conspirator. In May 2015, an information was filed as to all three defendants charging numerous counts of grand theft, conspiracy to commit theft, filing a false instrument, and forgery. In April 2015, over the course of seven hearing days, a preliminary hearing was held in the criminal matter. In September 2015, SD and his co-conspirator pleaded guilty to several charges including 10 counts of grand theft and three counts of filing a false instrument.

13. The charges against respondent were dismissed on October 13, 2015.

#### CONCLUSIONS OF LAW:

14. By agreeing to represent particular clients on behalf of S.D. in exchange for a fixed payment, respondent agreed to split legal fees in willful violation of Rules of Professional Conduct, rule 1-320(A).

Case No. 13-O-16341 (Complainant: Kashavon Pettis)

#### FACTS:

15. In April 2013, Kenneth and Lena Pettis contacted SD to represent their son Kashavon in a criminal matter. They met SD at a local restaurant. SD introduced himself as an attorney. They agreed on a \$5,000 fee for the service.



16. Ms. Pettis paid \$1,600 up front by paying that amount in cash into SD's co-conspirator's bank account. Neither Kenneth nor Lena Pettis ever contacted or heard about respondent. Instead, all of their communication was with SD.

17. Also in April 2013, SD approached respondent and told him that, pursuant to their agreement, he was to represent Kashavon in negotiating with the prosecution and handling pretrial matters. Respondent agreed to do so.

18. On May 1, 2013, respondent met with Kashavon in prison to discuss the court case.

19. On May 2, 2013, respondent appeared in court and substituted into the matter. At that time, respondent also requested a bail reduction hearing. The bail reduction hearing was set for May 16, 2013.

20. On May 16, 2013, respondent's father had heart surgery. In order to be there for the surgery, respondent asked SD to secure appearance counsel for the bail reduction hearing.

21. However, rather than secure such counsel, at the time of the hearing SD called the courtroom and requested that the matter be taken off calendar. The court agreed to do so. It also scheduled an Order to Show Cause ("OSC") re sanctions for July 23, 2013 for respondent's failure to appear. Notice was served on respondent at SD's address.

22. On July 23, 2013, the court held a readiness conference in preparation for trial. At that conference, respondent substituted out of the case. Respondent did not appear at the OSC which was held in another department the same day.

#### CONCLUSIONS OF LAW:

23. By failing to supervise SD to learn the result of the bail reduction hearing, and thereafter failing to appear for the OSC hearing, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

#### Case No. 14-O-00251 (Complainant: Lisa Rollans)

#### FACTS:

24. In June 2013, Lisa Rollans contacted SD for legal services. She retained SD, operating as "Jackson Law Offices," in order to enforce a 2009 marital dissolution judgment. SD charged and collected \$7,500 from Rollans which was placed in SD's co-conspirator's bank account.

25. On August 19, 2013, SD filed a motion using respondent's name and bar number to enforce the judgment. However, the motion was rejected by the court on August 20, 2013 due to filing errors.

26. That same month, Rollans found the contact information for respondent and called him to discuss the case directly. Respondent indicated that he did not have any knowledge of the case. Rollans called respondent the next day and, again, respondent did not remember her case or the prior day's phone call.

27. During the phone call, Rollans reasonably believed respondent to be her attorney. However, respondent did not inform her that she was not his client.

28. SD thereafter called Rollans and asked her to speak with him directly and to make no more contact with respondent.

29. On September 30, 2013, SD filed a revised version of the motion. After review, Rollans found that the factual information in the motion was incorrect. A new revised motion was filed on November 19, 2013.

30. On November 26, 2013, Rollans terminated services with respondent and SD.

#### CONCLUSIONS OF LAW:

31. By failing to correct Rollans' belief that she had retained respondent, respondent failed to properly communicate with her in willful violation of Business and Professions Code, section 6068(m) and as stated in *In the Matter of Kaplan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 547, 563 (the attorney's duty to communicate with a client includes the duty to communicate to persons who reasonably believe they are clients to the attorney's knowledge at least to the extent of advising them that they are not clients).

32. By failing to take any action to address Ms. Rollans' matter after he was put on notice that she believed him to be her attorney in an active court proceeding, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

#### Case No. 14-O-00769 (State Bar Investigation)

#### FACTS:

33. In August 2012, RH learned of "A1 Legal Services" through a trade publication. "A1 Legal Services" was a company owned and operated by SD.

34. SD met with RH and agreed that A1 would represent RH in his legal separation from his wife. RH paid advanced fees of \$7,500. No written retainer was prepared or signed. Respondent was unaware of this transaction.

35. On October 9, 2012, in RH's family law matter then pending before the San Diego Superior Court, RH notified the court that he had retained respondent as his counsel.

36. Between November 1, 2012 and April 22, 2013, the court held five status or family resolution conference hearings. In each hearing, SD secured appearance counsel to appear on respondent's behalf. During this time, respondent was not aware of this matter or the involvement of appearance counsel.

37. In April 2013, SD approached respondent about RH. SD informed respondent that RH was terminally ill (which was untrue) and needed assistance with pre-trial work related to the legal separation. Respondent agreed to meet with RH.

38. At the time, RH was in the hospital recovering from surgery – although respondent believed it was due to a terminal condition. At that meeting, respondent agreed to represent RH.

39. On May 2, 2013, the court called a hearing in RH's family law matter. Respondent personally appeared at this hearing but RH did not. The court ordered a continued Family Resolution Conference to July 22, 2013.

40. On July 22, 2013, the court called the Family Resolution Conference but neither respondent nor RH were present. The court continued the matter to August 26, 2013 and ordered RH to personally appear.

41. On August 26, 2013, appearance counsel was present for respondent but RH was not present. The Family Resolution Conference was continued and the court specifically ordered respondent to be personally present for the continued conference on September 30, 2013.

42. On September 30, 2013, respondent appeared for the conference but RH did not. The Court again continued the conference.

43. On December 11, 2013, the court held the continued conference. RH was not present, but respondent appeared through appearance counsel. Appearance counsel told the court that respondent was not present because of health issues. Although the court continued the matter, it also made several orders relating to respondent's attendance at the next hearing. Specifically, the court ordered that: (1) respondent was to personally appear at the next hearing; (2) the court required an original update from a doctor on respondent's medical condition; and (3) respondent's "office manager" was required to be available by phone in the event that respondent was unable to appear due to his health. The continued hearing was set for January 6, 2014.

44. On January 3, 2014, a substitution of attorney form substituting respondent out of the case was filed. It indicated RH would represent himself.

45. On January 6, 2014, the court called the continued hearing. Respondent was not present. At that hearing, the court attempted to contact SD. The line was not answered and the court did not leave a message. The court issued a \$1,000 sanction against "the Jackson Law Firm."

#### CONCLUSIONS OF LAW:

46. By failing to attend the July 22, 2013 and January 6, 2014 hearings, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Effective February 9, 2008, in State Bar case numbers 06-C-10774 and 07-C-10389, respondent received discipline including a one-year period of stayed suspension and a two-year period of probation with conditions including an actual suspension of 30 days and substance abuse conditions. In aggravation, there were multiple acts of misconduct. In mitigation respondent demonstrated remorse and had no prior record of discipline. The parties agree that a true and

correct copy of the stipulation in those matters, as well as the Supreme Court Order imposing discipline, is attached as Exhibit 1 to this stipulation.

On November 25, 2005, respondent drove recklessly. He was initially arrested for DUI but was later convicted of violating Vehicle Code section 23105.5(a) [Wet Reckless Driving]. On November 21, 2006, respondent was arrested for violating Vehicle Code section 20002(a) [Hit and Run with Property Damage]. Respondent was sentenced together on both matters to a three-year period of summary probation.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent has failed to perform with competence on several occasions across three client matters. Multiple acts of wrongdoing are an aggravating factor.

#### MITIGATING CIRCUMSTANCES.

**Extreme Emotional, Physical, or Mental Difficulties:** During the period of time in which respondent engaged in the misconduct, he also suffered from viral encephalitis. This malady caused substantial memory problems that contributed to his failures to perform competently. It also made him more susceptible to SD's misrepresentations. In 2016, respondent received clearance from his physician to return to work. (See, *In the Matter of Kaplan* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 509, 519 [finding marital difficulties warranting weight in mitigation without expert testimony].)

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

#### AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

The Standard most applicable to respondent's misconduct is Standard 2.7(b) which presumes actual suspension for performance violations in multiple client matters and Standard 2.8 which presumes actual suspension for improper fee-splitting with a non-lawyer. The degree of the sanction depends on "the extent to which the misconduct interfered with an attorney-client relationship and the extent to which the member failed to perform legal services for which he or she was employed."

Here, the misconduct of fee-splitting did not interfere with the attorney-client relationship because respondent's understanding was that he was acting as the attorney without influence from S.D. While respondent did fail to perform legal services with competence, that misconduct is captured by the stipulated violations for Rule of Professional Conduct, rule 3-110(A).

Also implicated is Standard 1.8(a) which states that if a member has a prior record of discipline, the new sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust. Although respondent's misconduct in the prior discipline occurred in 2006, the misconduct in this matter occurred in 2012 and 2013. A six year gap is not "so remote" as to make increased discipline manifestly unjust. Therefore, discipline should be greater than the 30 day period of actual suspension that respondent previously received.

In this matter, mitigation outweighs aggravation. While respondent does have a prior record of discipline, the misconduct is dissimilar and the substance abuse issue has been addressed such that it has not caused further misconduct. As a result, the aggravating weight of the prior discipline is somewhat moderated. By contrast, respondent has significant factors in mitigation. Respondent's misconduct occurred during a period in which respondent suffered from viral encephalitis. His medical condition made him vulnerable to the misrepresentations perpetuated by SD. Further, upon being made aware of the extent of SD's operation, respondent took prompt steps to both notify the authorities and to assist victims. This recognition tends to indicate that it is less likely respondent will engage in further, similar misconduct.

As a result, discipline at the low end of the standards is appropriate. Respondent should receive an actual suspension, albeit one slightly greater than his previous discipline. Therefore, respondent should receive a one-year period of stayed suspension and a one-year period of probation with conditions including an actual suspension of sixty days. Doing so is sufficient to protect the public, the courts, and the legal profession; maintain the highest professional standards; and preserve public confidence in the profession.

Case law is in accord. In *Matthew v. State Bar* (1989) 49 Cal.3d 784, the attorney was found culpable of failing to perform and failing to return unearned fees in three client matters. He had no prior record of discipline, though that factor was given diminished weight since he had been in practice only a short time. In aggravation, he showed a lack of remorse because he still had not returned the unearned fees. The Supreme Court imposed discipline consisting of a three-year period of probation with conditions including an actual suspension of 60 days.

As in *Matthew*, respondent engaged in failure to perform in three client matters. While respondent does have a greater level of mitigation, he also has additional aggravation in the form of a prior record of discipline. Nevertheless, the mitigation present is more weighty and respondent should receive similar discipline but with a shorter period of probation since respondent has not demonstrated a refusal to recognize his wrongdoing.

#### **DISMISSALS.**

The parties waive any discrepancy between the Notices of Disciplinary Charges filed in this matter and the factual statements and conclusions of law set forth in this stipulation. This stipulation is intended to resolve all current disciplinary issues.

In addition, the parties agree that the following cases should be dismissed in their entirety:

#### Case numbers

13-O-13271 14-O-02725  
13-O-15925 14-O-03142  
14-O-00409 14-O-03639  
14-O-01112

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 11, 2018, the discipline costs in this matter are approximated at \$7,349.80. 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.

#### **EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT**

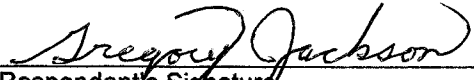
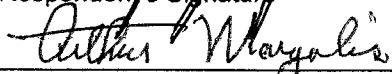
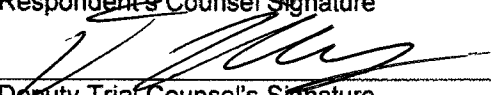
Respondent may not receive MCLE credit for completion of **State Bar Ethics School**. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>GREGORY LYLE JACKSON</b>	Case number(s): <b>13-O-16341; 14-O-00251; 14-O-00769</b>
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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 Facts, Conclusions of Law, and Disposition.

<u>JUNE 7, 2018</u> Date	<u></u> Respondent's Signature	<u>Gregory Jackson</u> Print Name
<u>6/14/18</u> Date	<u></u> Respondent's Counsel Signature	<u>Arthur Margolis</u> Print Name
<u>6-18-18</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Drew Massey</u> Print Name

(Do not write above this line.)

In the Matter of: GREGORY LYLE JACKSON	Case Number(s): 13-O-16341; 14-O-00251; 14-O-00769
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### ACTUAL SUSPENSION 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.

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 5.58(E) & (F), 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 9.18(a), California Rules of Court.)**

6/25/18  
Date

  
\_\_\_\_\_  
DONALD F. MILES  
Judge of the State Bar Court





(State Bar Court Case No. 06-C-10774; 07-C-10389 (Cons.))

S157881

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

SUPREME COURT  
**FILED**

JAN 10 2008

Frederick K. Ohlrich Clerk

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Deputy

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IN RE GREGORY LYLE JACKSON ON DISCIPLINE

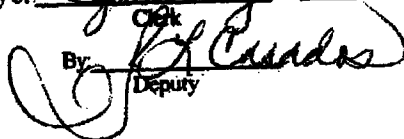
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It is ordered that **GREGORY LYLE JACKSON**, State Bar No. 212265, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 20, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and be payable in equal installments prior to February 1 with membership fees for the next three billing cycles following the effective date of this order. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

10 day of January 20 08

By:   
Deputy

**GEORGE**

---

Chief Justice

(Do not write above this line.)

**State Bar Court of California  
Hearing Department  
Los Angeles**

<b>Counsel For The State Bar</b>  <b>MICHAEL J. GLASS</b> <b>DEPUTY TRIAL COUNSEL</b> <b>1149 S. HILL STREET</b> <b>LOS ANGELES, CA 90015</b> <b>(213) 765-1254</b>  Bar # 102700	<b>Case Number (s)</b> <b>06-C-10774</b> <b>07-C-10389</b>	<b>(for Court's use)</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  <b>SEP 20 2007</b>  <b>STATE BAR COURT</b> <b>CLERK'S OFFICE</b> <b>LOS ANGELES</b>
<b>Counsel For Respondent</b>  <b>ARTHUR L. MARGOLIS</b> <b>2000 RIVERSIDE DRIVE</b> <b>LOS ANGELES, CA 90039</b> <b>(323) 953-8996</b>  Bar # 57703	<b>Submitted to: Assigned Judge</b>	
<b>In the Matter Of:</b> <b>GREGORY LYLE JACKSON</b>  Bar # 212265  A Member of the State Bar of California (Respondent)	<b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**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 **January 11, 2001**.
- (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 **14** 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."

(Do not write above this line.)

- (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):
- 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.
  - costs to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of the Supreme Court Order.**  
(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

**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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.
- (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. **See Attachment Page 4.**
- (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.
- (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. **See Attachment Pages 4-5.**
- (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.
- (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**

**Respondent has no prior record of discipline.**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **one (1) year**.

- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **thirty (30) days**.

- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  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.
- (2)  During the probation period, 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 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 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 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 twenty (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 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 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 probation 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 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 the 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 to be filed with the Office of Probation.
- (10)  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:**

- (1)  **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: \_\_\_\_\_
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

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- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions: See Attachment Pages 5-7 re Substance Abuse Conditions**



**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       GREGORY LYLE JACKSON

CASE NUMBER(S):        06-C-10774; 07-C-10389

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violation of the specified statutes and/or Rules of Professional Conduct.

**Case No. 06-C-10774**

1. On January 24, 2007, Respondent was convicted of violating Vehicle Code section 23105.5(a) (Wet Reckless Driving), a misdemeanor.
2. The underlying offense occurred on November 25, 2005, when Respondent was arrested for violating Vehicle Code sections 23152(a) (Driving Under the Influence) and 23152(b) (Driving with Blood Alcohol Level of 0.08 or More).
3. On January 24, 2007, Respondent was sentenced to three years summary probation and a \$155 fine.

**Conclusions of Law**

By being convicted of violating Vehicle Code section 23105.5(a) (Wet Reckless Driving), a misdemeanor, Respondent was convicted of a crime involving other misconduct warranting discipline.

**Case No. 07-C-10389**

1. On January 24, 2007, Respondent was convicted of violating Vehicle Code section 20002(a) (Hit and Run/Property Damage), a misdemeanor.
2. The underlying offense occurred on November 21, 2006, when Respondent was

arrested for violating Vehicle Code sections 20002 (Hit and Run/Property Damage) and 12500(a) (Driving w/o Valid Driver's License). The incident occurred when Respondent's vehicle struck some brick pillars and shrubbery, in the patio area of a restaurant, while Respondent was trying to park his vehicle.

3. On January 24, 2007, Respondent was sentenced to three years summary probation and a \$155 fine.

#### Conclusions of Law

By being convicted of violating Vehicle Code section 20002(a) (Hit and Run/Property Damage), a misdemeanor, Respondent was convicted of a crime involving other misconduct warranting discipline.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was August 21, 2007.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 13, 2007, the costs in this matter are \$2,255.00. 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.

#### **PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING.**

##### Case No. 06-C-10774

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On January 24, 2007, respondent was convicted of violating Vehicle Code section 23103.5(a) (Wet Reckless Driving), a misdemeanor.
3. On February 27, 2007, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: Whether the facts and circumstances surrounding the offense involved moral turpitude or other misconduct warranting discipline.

4. On June 1, 2007, the Review Department of the State Bar Court issued an order augmenting its prior order dated February 27, 2007, to include a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense of which Gregory Lyle Jackson was convicted involved moral turpitude or other misconduct warranting discipline.

**Case No. 07-C-10389**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On January 24, 2007, respondent was convicted of violating Vehicle Code section 20002(a)(Hit and Run/Property Damage), a misdemeanor.
3. On February 27, 2007, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: Whether the facts and circumstances surrounding the offense involved moral turpitude or other misconduct warranting discipline.
4. On June 14, 2007, the Review Department of the State Bar Court issued an order augmenting its prior order dated February 27, 2007, to include a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense of which Gregory Lyle Jackson was convicted involved moral turpitude or other misconduct warranting discipline.

**AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 3.4 provides that "Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of these standards appropriate to the nature and extent of the misconduct found to have been committed by the member."

In *In re Kelley* (1990) 52 Cal. 3d 487, while Respondent was on probation for a prior April 1984 DUI conviction, in November 1986 Respondent received a second DUI conviction. The Supreme Court imposed discipline consisting of a public reproof and three years probation with conditions. In aggravation the court found that Respondent made no attempts to show rehabilitative efforts and maintained she had no alcohol abuse problem.

In *In re Carr* (1988) 46 Cal. 3d 1089, Respondent pled nolo contendere to two counts of

violating Vehicle Code section 23152(a) (DUI) with one incident in 1983 and the other in 1984. The Supreme Court imposed discipline consisting of a 2- year -stayed suspension, 5 years probation with conditions including a 6- month -actual suspension and until Respondent complied with standard 1.4(c)(ii).

In *In the Matter of Carr* (1992) 2 Cal. State Bar Ct. Rptr. 108, Respondent received three criminal convictions, not involving moral turpitude, consisting of an August 1985 conviction for driving with a suspended license due to a prior DUI conviction, a January 1986 conviction for being under the influence of PCP, and an August 1986 conviction for driving with knowledge of a suspended license. The Review Department recommended discipline consisting of a 2- year-stayed suspension, 2 years probation with conditions including a 6- month- actual suspension and until Respondent complies with standard 1.4(c)(ii).

#### **AGGRAVATING CIRCUMSTANCES.**

##### **PRIOR DISCIPLINE.**

None

##### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

Under standard 1.2(b)(ii), Respondent's current misconduct evidences multiple acts of wrongdoing as in Case No. 06-C-10744, on January 24, 2007, Respondent was convicted of violating Vehicle Code section 23105.5(a) (Wet Reckless Driving), a misdemeanor, with the underlying offense occurring on November 25, 2005.

In Case No. 07-C-10389, on January 24, 2007, Respondent was convicted of violating Vehicle Code section 20002(a) (Hit and Run/Property Damage), a misdemeanor, with the underlying offense occurring on November 21, 2006.

##### **ADDITIONAL AGGRAVATING CIRCUMSTANCES.**

None

#### **MITIGATING CIRCUMSTANCES.**

##### **FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

Under standard 1.2(e)(vii), on or about January 4, 2007, Respondent voluntarily

checked himself into an Alcohol Rehabilitation Center, known as Oasis, where Respondent remained as an In-Patient through March 23, 2007. On or about March 24, 2007, Respondent voluntarily checked himself into an Alcohol Rehabilitation Center, known as Victor House, where Respondent remained as an In-Patient through July 3, 2007. Respondent acknowledges that he has a substance abuse problem.

#### **ADDITIONAL MITIGATING CIRCUMSTANCES.**

Respondent has no prior record of discipline.

#### **STATE BAR ETHICS SCHOOL.**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

#### **OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

##### **SUBSTANCE ABUSE CONDITIONS**

###### **Abstinence:**

Respondent shall abstain from use of any alcoholic beverages, and shall not consume or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

###### **Reporting Abstinence:**

Respondent shall report his compliance with this condition (i.e. Abstinence) by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order.

###### **Submit to Examination:**

Within thirty (30) days of the effective date of the discipline in this matter, if Respondent has not already done so, Respondent shall submit to a medical examination by a doctor certified by the American Society of Addiction Medicine, to be mutually agreed upon by Respondent and the State Bar or as ordered by the Court ("Doctor"). The Doctor shall conduct an evaluation and issue a report to the Office of Probation and include/address the following:

1. Provide an evaluation, pursuant to DSM-IV-TR, to determine a diagnosis, if any, of Respondent's condition regarding alcohol;

The evaluation may include the performance of standardized tests in oral or written form; interviews with Respondent; review of records relating to his medical condition, criminal proceedings, criminal probation records, State Bar disciplinary records, alcohol treatment or recovery records; and other information provided by the State Bar and/or Respondent.

No physically invasive procedures may be performed without prior consent of Respondent or upon a court order. The Doctor will advise Respondent and/or the State Bar if any physically invasive procedure is required.

2. For any condition regarding alcohol which is diagnosed by the Doctor a determination should be made as to whether the Doctor recommends any treatment to address that condition, and the Doctor should state in specific terms the Doctors' recommendations for how Respondent should be tested, monitored, and/or treated.

**Compliance with Recommended Treatment:**

Respondent shall comply with all treatment conditions recommended by the Doctor, either as originally set forth or as may be modified thereafter.

Respondent shall report his compliance with these conditions by statement under penalty of perjury in each written quarterly report to the Office of Probation and he shall provide such satisfactory proof of his compliance as the Office of Probation may request.

**Random Blood/Urine Tests:**

Respondent must select a licensed medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. The Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.

**Consent for Release of Treatment and Recovery Information:**

Respondent shall provide a written consent to all alcohol or drug recovery or treatment providers, including testing facilities, who provide services as identified in these Substance Abuse Conditions to release information to the Office of Probation regarding his treatment, compliance, and status.

**Copy of this Stipulation to all Treatment Providers:**

Within thirty (30) days of the effective date of discipline in this matter, Respondent shall deliver a copy of this stipulation to all treatment providers who provide services to him described in these Substance Abuse Conditions.

**Reporting Consent and Delivery of Stipulation:**

Respondent shall report his compliance with the condition of providing consent to release treatment and recovery information and his delivering of this Stipulation to treatment providers, by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order and he shall provide to the Office of Probation satisfactory proof of his compliance if requested.

**Costs are Responsibility of Respondent:**

Respondent shall be responsible for the prompt and timely payment of all costs associated with these Substance Abuse Conditions, including, without limitation, the cost of examination(s), testing, treatment, or therapy, and any all other costs related to these Substance Abuse Conditions.

**Modification of Conditions:**

Modification of these conditions shall be pursuant to the Rules of Procedure of the State Bar of California, rule 550 et seq.

(Do not write above this line.)

In the Matter of <b>GREGORY LYLE JACKSON</b>	Case number(s): 06-C-10774; 07-C-10389
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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>Aug. 27, 2007</u> Date	<u>Gregory L. Jackson</u> Respondent's Signature	<u>Gregory Lyle Jackson</u> Print Name
<u>Aug. 31, 2007</u> Date	<u>Arthur Marzolis</u> Respondent's Counsel Signature	<u>Arthur Marzolis</u> Print Name
<u>9/4/07</u> Date	<u>Michael Glass</u> Deputy Trial Counsel's Signature	<u>Michael Glass</u> Print Name



(Do not write above this line.)

In the Matter Of <b>GREGORY LYLE JACKSON</b>	Case Number(s): 06-C-10774; 07-C-10389
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**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:

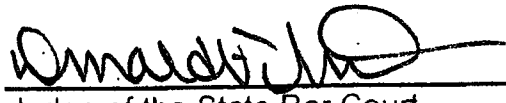
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

**Approve with the following modification:**

The parties have not stipulated to the language of Paragraph C, subp. (1) [No Prior Discipline] as a mitigating factor but instead have included as "Additional Mitigating Circumstances" that "Respondent has no prior record of discipline." Because respondent was admitted to the State Bar in January 2001 and this stipulation involves misconduct occurring in November 2005 and 2006, respondent is not entitled to mitigating credit under Standard 1.2(e)(i) of the Standards for Attorney Sanctions for Professional Misconduct. (*In the Matter of Hertz* (Review Dept. 1991) 1 Cal. State Bar Ct. 456, 473 [four year practice insufficient for mitigation]; see also *In re Naney* (1990) 51 Cal. 3d 186, 196; and *In the Matter of Tindall* (Review Dept. 1991) 1 Cal. State Bar Ct. 652, 664 [seven years without discipline is not significant in mitigation].) Accordingly, only "nominal" weight is given by this court to this stipulated mitigation. (See *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 66.)

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 9.18(a), California Rules of Court.)**

9/17/07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**DONALD F. MILES**

**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 September 20, 2007, 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:

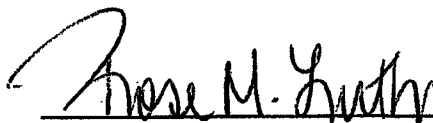
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ARTHUR LEWIS MARGOLIS, ESQ.  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039**

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

**MICHAEL GLASS, ESQ., Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 20, 2007**.



**Rose M. Luthi**  
Case Administrator  
State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 June 25, 2018, 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:

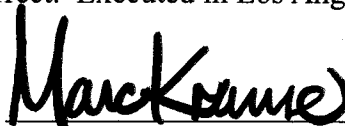
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR LEWIS MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

DREW D. MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 25, 2018.



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Marc Krause  
Court Specialist  
State Bar Court