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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

ORIGINAL
PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>William Todd Deputy Trial Counsel 845 South Figueroa Street Los Angeles, California 90017 213-765-1491</p> <p>Bar # 259194</p>	<p>Case Number(s): 14-O-05631</p>	<p>For Court use only</p> <p>FILED P.B. JUL 27 2015</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Arthur L. Margolis Margolis & Margolis, LLP 2000 Riverside Drive Los Angeles, California 90039 323-953-8996</p> <p>Bar # 57703</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: JONATHAN EDWARD ROBERTS</p> <p>Bar # 166043</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 **November 22, 1993**.
- (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 **11** 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."

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(Effective July 1, 2015)

Actual Suspension

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- (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: **the two billing cycles immediately following the Supreme Court order in this matter.** (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 **03-O-01950**
 - (b) Date prior discipline effective **August 7, 2004**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct rules 3-110(A), 3-700(D)(1) and 3-700(D)(2); Business and Professions Code sections 6068(i) and 6068(m)**
 - (d) Degree of prior discipline **Six months of stayed suspension with two years of probation**
 - (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.
- (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 product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties

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or disabilities no longer pose a risk that Respondent will commit misconduct. **Please see "Attachment to Stipulation," at page eight.**

- (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:

Please see 'Family Problems' in "Attachment to Stipulation," at page eight.

Please see 'Good Character' in "Attachment to Stipulation," at page eight.

Please see 'Pre-filing Stipulation' in "Attachment to Stipulation," at page nine.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one 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 **two 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 **30 days**.

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- 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:

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.

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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 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:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JONATHAN EDWARD ROBERTS

CASE NUMBER: 14-O-05631

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 14-O-05631 (Complainants: Abigail Gaitan and Douglas Leon)

FACTS:

1. On August 26, 2011, Abigail Gaitan and Douglas Leon hired Respondent to file the opening brief in a criminal appeal for the incarcerated Leon. Over the subsequent six months, Gaitan and Leon paid Respondent \$20,000 in cash for Respondent's representation of Leon.

2. Respondent substituted in as Leon's counsel on November 23, 2011, nine days after the court's November 14, 2011 deadline for filing Leon's appellate opening brief ("brief"). On January 13, 2012, the court advised Respondent via written order that it would dismiss Leon's matter if Respondent did not file Leon's brief within 30 days.

3. On February 9, 2012, Respondent filed a Motion for Relief from Default for Failure to Timely File Appellant's Opening Brief and an Application for an Extension of Time to file the brief. Respondent's motion claimed that he simply did not have the time to file the brief due to other active matters, and requested a 90-day extension of time to file the opening brief.

4. Though the court denied Respondent's motion on February 10, 2012, the Court provided Respondent an additional 30 days from February 10, 2012 to file Leon's opening brief. However, Respondent did not file the opening brief, and on March 20, 2012 the court dismissed Leon's appeal.

5. Throughout his representation of Leon, Respondent repeatedly advised Gaitan that he was reviewing Leon's file, and ultimately advised Gaitan that he did not discover any appealable issues.

6. On April 27, 2012, the Court relieved Respondent as Leon's attorney and appointed a California Appellate Project attorney as Leon's new counsel. On July 2, 2012, Leon's new attorney filed Leon's opening brief. However, the court ultimately denied Leon's appeal, and affirmed his conviction.

7. In May 2015, Respondent refunded the entire \$20,000 to Gaitan and Leon.

CONCLUSION OF LAW:

8. By repeatedly failing to file Leon's opening brief, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent's prior record of discipline, effective August 7, 2004, includes two client matters. In the first matter, Respondent failed to perform, failed to refund unearned fees, failed to respond to client inquiries and failed to participate in the State Bar's subsequent investigation. In a second matter, Respondent failed to return a client file, failed to refund unearned fees, and failed to participate in a subsequent State Bar investigation. Mitigation included the absence of prior discipline and the absence of harm and remorse, while aggravation included Respondent's indifference and a lack of cooperation. The court ordered six-months stayed suspension and a two-year probation with no actual suspension.

MITIGATING CIRCUMSTANCES.

Emotional/Physical Difficulties (Std. 1.6(d)): In November 2011, Respondent began suffering bursitis in his right elbow which continued until April 2012 when Respondent was treated surgically for a drug-resistant bacterial infection. According to Respondent's physician, as attempts to treat the infection with wound care and medication over several months failed, Respondent suffered fatigue and pain that impaired his ability to perform his duties in the Leon matter. However, the infection has since resolved with no lingering effect on Respondent's professional duties.

Family Problems: Respondent's wife began suffering significant back problems in September 2010, and Respondent has provided her daily care since then. Respondent explains that the combination of his illness and his wife's medical problems together affected his work obligations in 2011 and 2012, but that he has since relocated his family to be nearer to his extended family so that those extended family members can assist in his wife's care. Respondent's family problems are a mitigating factor. (See *In the Matter of Heiner* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 559, 566 (attorney entitled to mitigation for personal problems that affected his performance as an attorney including a bitter divorce and difficulties as sole custodian of three of his minor children).)

Good Character: Respondent provided character evidence from six character witnesses, including four fellow attorneys. All of these witnesses claim a knowledge of Respondent's misconduct, and each speaks highly of Respondent. However, the sources do not constitute a broad range of references from legal and general communities, and thus are entitled to only limited weight in mitigation. (See *In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, 387.) Respondent has also provided pro bono services to criminal clients, and these pro bono services are mitigating. (See *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 339.) However, because Respondent is the sole source of evidence in support of Respondent's pro bono activities he is entitled to only limited weight in mitigation. (See *In the Matter of Van Sickle*, 4 Cal. State Bar Ct. Rptr. 980 (when an attorney's testimony is the only evidence of pro bono activities, the extent of the attorney's pro bono service cannot be confirmed, and thus is entitled to only limited weight in mitigation).)

Prefiling Stipulation: Respondent has accepted responsibility for his actions by entering into this stipulation prior to filing, thereby sparing State Bar Court time and resources. (See *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigating credit was given for entering into a stipulation as to facts and culpability].)

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 Silvertown* (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).)

In this matter, Respondent admits to committing one act of professional misconduct. The sanction applicable to Respondent’s misconduct is Standard 2.7(c), which applies to Respondent’s violation of Rules of Professional Conduct rule 3-110(A). Standard 2.7(c) provides that suspension or reproof is the presumed sanction for performance, communication, or withdrawal violations, which are limited in scope or time, while the degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients. However, Respondent also has a prior record of discipline, which triggers Standard 1.8(a). Standard 1.8(a) provides that the current sanction must be greater than the previously imposed sanction, unless the prior discipline was remote or the current conduct is minor. Neither is true in this case, and so the appropriate level of discipline here will include, at a minimum, 30 days of actual suspension.

Here, Respondent agreed to file an opening appellate brief on behalf of Douglas Leon, and accepted \$20,000 in fees. Unfortunately, he did not file the brief despite multiple continuances, and the court dismissed Leon’s appeal. Though the court later reopened Leon’s appeal and a subsequent counsel was able to file a brief on Leon’s behalf, Respondent remains culpable for his failure to perform. This failure is aggravated by Respondent’s similar prior discipline, and mitigated by Respondent’s evidence

of physical difficulties, family problems and good character, as well as his agreement to enter into a prefiling stipulation. Consistent with these factors, the necessary discipline falls at the low end of the possible range, which means the appropriate level of discipline is a one-year suspension, stayed, alongside a two-year probation with conditions including a 30-day actual suspension. Ethics School and the MPRE are also required. This level of discipline is consistent with the applicable standards and serves the purposes of attorney discipline which include protection of the public, the courts, and the legal profession.

Case law supports the recommended level of discipline. For example, in *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, an attorney repeatedly failed to file an opening brief ("brief") in a death penalty appellate case despite eight extensions of time from the California Supreme Court over a 16-month period between August of 1999 and December of 2000. Even after the court advised that there would be no further extensions, the attorney still did not file the brief. The client's appeal was delayed by more than two years as a result of the attorney's failure to file the brief as ordered, which the Review Dept. described as significant harm to the administration of justice. At the same time, the Review Dept. concluded that the attorney's 17 years of practice without a prior record of misconduct was mitigating, and consistent with the Review Dept. recommendation the Supreme Court ultimately ordered a six-month stayed suspension with no actual suspension.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 22, 2015, the prosecution costs in this matter are \$3,066. 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 MCLE CREDIT


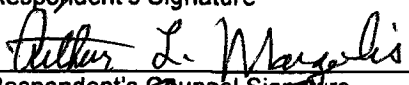
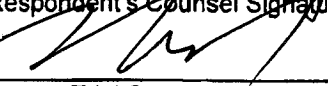
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: JONATHAN EDWARD ROBERTS	Case number(s): 14-O-05631
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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>6-27-15</u> Date	 Respondent's Signature	<u>Jonathan E. Roberts</u> Print Name
<u>7/9/15</u> Date	 Respondent's Counsel Signature	<u>Arthur L. Margolis</u> Print Name
<u>7-13-15</u> Date	 Deputy Trial Counsel's Signature	<u>William Todd</u> Print Name

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In the Matter of: JONATHAN EDWARD ROBERTS	Case Number(s): 14-O-05631
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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.

On page 9 of the Stipulation, fourth paragraph under the heading "Authorities Supporting Discipline," line 9, "at a minimum" is deleted.

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.)**

July 27, 2015
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 July 27, 2015, 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:

William S. Todd, Enforcement, Los Angeles

Terrie Goldade, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 27, 2015.



Paul Barona
Case Administrator
State Bar Court