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

<p>Counsel For The State Bar</p> <p><b>Danielle Adoración Lee</b> Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2218</p> <p>Bar # 223675</p>	<p>Case Number(s): 17-O-04931-PEM</p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b></p> <p>JUN 15 2018 <i>[Signature]</i></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Robert Terrill Durbrow, Jr.</b> 5425 E. Belmont Ave., #145 Fresno, CA 93727 (559) 779-7460</p> <p>Bar # 53445</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>ROBERT TERRILL DURBROW, JR.</b></p> <p>Bar # 53445</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 **December 13, 1972**.
- (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 <sup>16</sup>~~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".



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- (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: (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
  - (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.  
See page 12.
- (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.
- (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.

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- (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 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.

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- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's 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:**

**Prefiling Stipulation. See page 12.**  
**Physical and Medical Difficulties. See page 12.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two years**.
- 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 **three 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 **six months**.
- 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.
  - No Ethics School recommended. Reason: **Respondent attended Ethics School and passed the test given at the end of the session on August 18, 2016.**
- (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.

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- (10)  The following conditions are attached hereto and incorporated:
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|---|---|
| <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: **Respondent was required to take the MPRE in Case No. 14-O-1515, has not yet passed, and is still currently suspended for failure to take and show proof of passage the MPRE. Respondent will remain suspended until he takes and shows proof of passage of the MPRE as required in Case No. 14-O-1515.**
- (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:                      ROBERT TERRILL DURBROW, JR.

CASE NUMBER:                            17-O-04931

**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. 17-O-04931

**FACTS:**

1. On February 12, 2015, respondent entered into a stipulation in *In re Robert Terrill Durbrow*, State Bar Court No. 14-O-01515, wherein he admitted to having committed an act of moral turpitude by attesting that he had completed the requisite number and type of Mandatory Continuing Legal Education (MCLE) hours for his reporting period ending January 31, 2015, when he had not in fact completed the required number of hours. The stipulation recommended that respondent be suspended for one year, but that execution of that suspension be stayed, and respondent would be placed on probation for two years subject certain conditions. The conditions required him to:

- Comply with the provisions of the State Bar Act and Rules of Professional Conduct;
- Report to the State Bar's Office of Membership Record and the Office of Probation all changes of information, including the 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;
- Contact the Office of Probation within 30 days of the effective date of the discipline, and schedule a meeting with respondent's assigned probation deputy to discuss the terms and conditions of probation;
- Meet with the probation deputy either in-person or by telephone upon the direction of the office of probation, and meet promptly with the probation deputy as directed and upon request;
- Submit written quarterly reports to the Office of Probation on January 10, April 10, July 10, and October 10 of the period of probation, wherein respondent must:
  - state under penalty of perjury whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation; and
  - state whether there are any proceedings pending against him in State Bar Court, and if so, the case number and current status of that proceeding;

- Submit a final report in addition to the quarterly reports containing the same information, which is due no earlier than 20 twenty days before the last day of the period of probation and no later than the last day of probation;
- Answer fully, promptly and truthfully any inquiries of the Office of Probation subject to assertion of applicable privileges which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;
- Provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session within one (1) year of the effective date of the discipline; and
- Provide proof of passage of the Multistate Professional Responsibility Examination (“MPRE”), administered by the National Conference of Bar Examiners, to the Office of Probation within one year, failure of which would result in actual suspension without further hearing until passage.

2. On February 27, 2015, the Hearing Department approved the stipulation and proposed disciplinary recommendations.

3. Effective July 19, 2015, by Supreme Court order filed on June 19, 2015, in *In re Robert Terrill Durbrow, Jr.*, in case number S226048 (State Bar Court No. 14-O-01515), respondent was suspended for one year-stayed, and placed on probation subject to the conditions recommended by the State Bar Court Hearing Department.

4. On May 19, 2015, Office of Probation Deputy (“Deputy”) Kanterakis left a voicemail for respondent informing respondent that Deputy Kanterakis had not yet received the California Supreme Court’s order, and that Kanterakis would write a letter to respondent as soon as Mr. Kanterakis received it. Respondent received the voicemail shortly after Deputy Kanterakis left it for him.

5. On July 8, 2015, Deputy Kanterakis sent a letter to respondent reminding him that the Supreme Court order was filed June 19, 2015, effective July 19, 2015, which required respondent to schedule a meeting with Deputy Kanterakis within 30 days of the effective date of the discipline. The letter reminded respondent of his obligation to take and pass the MPRE and provide proof of compliance. Respondent received the letter shortly after Deputy Kanterakis sent it to him.

6. The July 8, 2015, letter also reminded respondent of his obligation to report the status of his compliance with his probation terms. It also enclosed a courtesy copy of a quarterly report form for respondent’s use, and detailed instructions on how to accurately fill out the quarterly report. The July 8, 2015, letter reminded respondent that his quarterly reports had to be received by the due date, and informed him that being even one day late meant that respondent was not in compliance.

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7. The July 8, 2015, letter also provided respondent a list of conditions that required submission of proof of compliance to the Office of Probation and the associated deadline. They included the following:

<u>Condition</u>	<u>Deadline(s)</u>
1. Contact Probation Deputy & Schedule Required Meeting	August 18, 2015
2. Quarterly Reports	Beginning October 10, 2015
3. State Bar Ethics School	July 19, 2016
4. MPRE	July 19, 2016
5. Final Report	July 19, 2017

8. The July 8, 2015, letter also enclosed 1) a courtesy copy of the California Supreme Court order; 2) the portion of the stipulation that included respondent's probation terms; 3) a flier that included, *inter alia*, the dates the MPRE was offered in 2015, and other information including associated fees, the relevant website, and the passing scaled score; and 4) a schedule of State Bar ethics school for 2015, and instructions on how to register.

#### Initial meeting

9. Pursuant to the terms of probation, respondent's initial meeting had to take place by August 18, 2015.

10. On August 24, 2015, the meeting had not yet been held. Deputy Kanterakis left respondent a voicemail as a courtesy reminder. Respondent received the voicemail shortly after Deputy Kanterakis left it, and respondent returned the phone call that same day and set up a meeting on August 27, 2015.

11. Respondent's initial meeting with Deputy Kanterakis was not held until August 27, 2015, (by telephone), 7 days past the deadline. During that meeting, Deputy Kanterakis verified that respondent received the copy of the probation reminder letter and supporting documents. Deputy Kanterakis discussed with respondent the terms of probation and the reporting requirements, including the requirement that compliance documents had to be received on or before the due date, not merely signed or postmarked on the due date. Deputy Kanterakis also reminded respondent that the MPRE is offered three times a year, but that respondent might not have 3 chances to take the MPRE. Deputy Kanterakis also verified the accuracy of respondent's current mailing address and telephone number.

12. That same day, Deputy Kanterakis made a report of the required probation meeting, and emailed a copy to respondent at [robtdurb@sbcglobal.net](mailto:robtdurb@sbcglobal.net). Respondent received the emailed report that Deputy Kanterakis sent to respondent shortly after it was sent.

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### Quarterly Reports

13. Respondent submitted his first quarterly report which was due on October 10, 2015, timely, on October 9, 2015.

14. Respondent submitted his second quarterly report which was due on January 10, 2016, timely, on January 6, 2016.

15. Respondent submitted his third quarterly report which was due on April 10, 2016, timely, on April 6, 2016. In it, respondent indicated that he had registered for State Bar Ethics School course given on August 2016. He also indicated that he was trying to register for the MPRE.

16. Respondent submitted his fourth quarterly report which was due on July 10, 2016, late, on July 14, 2016.

### Ethics School and MPRE

17. On July 21, 2016, Deputy Kanterakis sent respondent another letter reminding him that his proof of ethics school compliance was due no later than July 19, 2016, but that no proof of compliance had been received. The letter also reminded respondent of his obligation to pass and submit proof of passage of the MPRE no later than July 19, 2016, and that no proof of passage had been received. The letter informed respondent that he was being referred to the Review Department regarding his failure to take and pass the MPRE. Respondent received the letter shortly after it was sent.

18. The July 21, 2016, letter also noted that respondent's July 10, 2016 quarterly report was late, and that as such, it was not compliant. In the letter, Deputy Kanterakis informed respondent that respondent could face a non-compliance referral, which could result in the imposition of additional discipline and attendant costs as a result of his non-compliance.

19. The July 21, 2016, letter reminded respondent again that late completion, submission, or filing of proof/documents does not mean that respondent was in compliance, and that respondent would be out of compliance by being even one day late. It informed respondent that if he was unable to timely comply with the terms and conditions of the imposed discipline, that respondent could file a motion with the State Bar Court pursuant to rules 5.162 and 5.300, et seq., of the Rules of Procedure of the State Bar of California. As a courtesy, the letter included a copy of Deputy Kanterakis's July 8, 2015, letter reminding respondent of all of his probation terms and conditions, and it included all previous attachments.

20. On January 9, 2017, respondent submitted his quarterly report that was due on January 10, 2017. Respondent marked that he had complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation. Despite checking that provision, respondent wrote on the form that he did not pass ethics school in November, and was registering for it in April. Respondent marked N/A regarding the MPRE. Respondent also wrote a note stating that he tripped and fell on December 10 while walking his dog. He stated that he broke bones in both his wrists, had surgery on December 13<sup>th</sup> to repair the wrists and would be disabled until at least February 1, 2017.

21. On January 10, 2017, Deputy Kanterakis sent respondent an email at [robtdurb@sbcglobal.net](mailto:robtdurb@sbcglobal.net), wherein he reminded respondent that respondent had never submitted the quarterly report that was due for October 10, 2016. Deputy Kanterakis wrote that although respondent

had failed to provide proof to the Office of Probation as required by the terms of his probation, that State Bar records showed that respondent in fact did attend and pass State Bar Ethics School on August 18, 2016, in San Francisco, albeit late, because his proof was due by July 19, 2016. The email reminded respondent that he was still required to show proof of passage to the Office of Probation. Deputy Kanterakis pointed out that respondent had marked N/A on the report regarding the MPRE, and suggested that respondent may have confused respondent's requirement that he take and show proof of successful passage of the MPRE with his ethics school requirement. Deputy Kanterakis also informed respondent that he had been referred, on July 21, 2016, to the Review Department of the State Bar Court and subsequently suspended for non-compliance on August 22, 2016. Respondent received this email shortly after it was sent.

22. On August 22, 2017, Deputy Kanterakis sent a letter to respondent informing him that he was not in compliance with the terms and conditions of his probation. It provided a schedule of the relevant terms, their due dates, and their completion dates, if any. The letter pointed out that:

- Respondent's initial meeting was required to be held by August 18, 2015, and that it had been held late on August 24, 2015;
- Respondent's July 10, 2016 report was received late, on July 14, 2016;
- Respondent's October 10, 2016, April 10, 2017; and July 10, 2017 quarterly reports were not received at all;
- Respondent's July 19, 2017, final report was not received at all;
- Although respondent completed ethics school on August 18, 2016, one month late, respondent had not provided proof of completion to the Office of Probation; and
- Respondent had failed to take and show proof of passage of the MPRE by July 19, 2016, as required, and had been suspended effective August 22, 2016.

23. The letter also informed respondent that he was being referred for his noncompliance, which could result in the imposition of additional discipline and attendant costs, and included a copy of the 2017 schedule of discipline costs. Respondent received this letter shortly after it was sent.

#### CONCLUSIONS OF LAW:

24. Respondent failed to comply with conditions attached to respondent's disciplinary probation in State Bar Case no. 14-O-01515 as follows, in willful violation of Business and Professions Code, section 6068(k):

- Respondent failed to contact the Office of Probation to schedule a meeting within 30 days from the effective date of the discipline;
- Respondent failed to submit 4 quarterly reports by their due dates of July 10, 2016, October 10, 2016, April 10, 2017, and July 10, 2017;
- Respondent failed to show proof of completion of ethics school by the due date of July 19, 2016;
- Respondent failed to show proof of taking and passing the Multi-State Professional Responsibility Examination (MPRE) by the due date of July 19, 2016;

- Respondent declared under penalty of perjury in quarterly report received January 9, 2017, that he had complied with all of his conditions of probation when he had failed to show proof of completion of ethics school by the due date of July 19, 2016, failed to timely submit his October 10, 2016 quarterly report, and failed to show proof of passage of the MPRE by the due date of July 19, 2016; and
- Respondent failed to submit his final quarterly report by the due date of July 19, 2017.

## AGGRAVATING CIRCUMSTANCES.

### Prior Record of Discipline (Std. 1.5(a)):

#### 14-O-01515; (S226048)

By Supreme Court order filed June 19, 2015, effective July 19, 2015, respondent was suspended for one year stayed, and placed on probation for two years on conditions. On February 12, 2015, respondent entered into a stipulation wherein he admitted to having committed an act of moral turpitude by attesting that he had completed the requisite number and type of Mandatory Continuing Legal Education (MCLE) hours for his reporting period ending January 31, 2015, when he had not in fact completed the required number of hours. Respondent acknowledges that the Stipulation Re: Facts, Conclusions of Law and Disposition and Order Approving Stayed Suspension; No Actual Suspension, and California Supreme Court Order attached to this stipulation as Exhibit 1 is a true and accurate record of respondent's prior discipline in this matter.

#### 95-O-13167

Respondent received a private reproof in 1996 for failure to perform in one client matter. Respondent had the case for a client for a civil suit against a car dealership for over a year but took no action on the client's behalf and the statute of limitations expired. Respondent acknowledges that the Stipulation as to Facts and Disposition, and Order Regarding Stipulation as to Facts and Disposition attached to this stipulation as Exhibit 2 is a true and accurate record of respondent's prior discipline in this matter.

**Multiple Acts (Std. 1.5(b)):** Respondent failed to comply with multiple probation conditions and he violated the quarterly reports condition on multiple occasions. (See *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 702 [failure to file 5th and 6th probation reports and proof of continuing education considered multiple acts of wrongdoing].)

## MITIGATING CIRCUMSTANCES.

**Prefiling Stipulation:** By entering into this stipulation, respondent has acknowledged his 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].)

**Extreme Emotional, Physical, or Mental Difficulties and Disabilities (Std. 1.6(d)):** On December 10, 2016, respondent tripped and fell while walking his dog. He broke bones in both his wrists and had surgery on each wrist to repair them. He thereafter required six months of physical therapy to rehabilitate himself.

## **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).)

Standard 1.8(b) provides that if a member has two or more prior records of discipline, disbarment is appropriate if actual suspension was ordered previously, or if the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or the prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities. Here, respondent’s first prior was remote in time, but his current prior is not. His prior conduct was serious in that his client was harmed in the first matter, and his second was serious in that it involved an act of moral turpitude, even if it was through gross negligence. Respondent’s second disciplinary action did not result in actual suspension, the admission of an act of moral turpitude notwithstanding. (Respondent received mitigation for family problems, serious health problems, community service and pro bono work, as well as for entering into a prefiling stipulation.)

Disbarment would only be appropriate if respondent’s misconduct involves an inability or unwillingness to conform to ethical responsibilities. Respondent did fail to comply with his MCLE requirements, and failed to accurately determine whether he had complied with them before submitting a response, and here, he has failed to comply with multiple probation terms, including failing to take and pass the MPRE. However, in light of a lack of any new misconduct apart from the violation of the terms and conditions of probation, it does not appear that respondent is unable or unwilling to conform to ethical responsibilities.

Case law is also instructive. “When an attorney commits multiple violations of the same probation condition, the gravity of each successive violation increases.” (*In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531; see also *Potack v. State Bar* (1991) 54 Cal.3d 132, 139

[failure to abide by probation terms and conditions is serious violation].) Discipline imposed for the willful violation of probation conditions often calls for substantial, progressive discipline as a reflection of the seriousness with which compliance with probationary duties is held. (*In the Matter of Laden* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 678, 686.)

Because respondent had his initial meeting late, filed one quarterly report late, has not shown proof of completion of ethics school despite the fact that he completed it, failed to file three quarterly reports and his final report at all, and has not yet taken and passed the MPRE; a significant period of actual suspension appears to be needed.

As stated above, the primary purposes of discipline are “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.” After consideration of the primary purposes of discipline, balancing of all aggravating circumstances (prior discipline, multiple acts of wrongdoing) against respondent’s mitigation for entering into a pre-filing stipulation and his extreme medical and physical difficulties because he broke both wrists and required extensive surgery and physical therapy, respondent should have a two-year stayed suspension, three years’ probation, and six months actual suspension. Six months of actual suspension follows the guidance found in the standards.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 18, 2018, the discipline costs in this matter are \$3,215. 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, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension.** (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: <b>Robert Terrill Durbrow, Jr.</b>	Case number(s): <b>17-O-04931</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>5/16/2018</u> Date	<u>Robert Durbrow</u> Respondent's Signature	<u>Robert Terrill Durbrow, Jr.</u> Print Name
<u><del>5/24/2018</del></u> Date	<u>dl</u> Respondent's Counsel Signature	<u></u> Print Name
<u>5/24/2018</u> Date	<u>[Signature]</u> Deputy Trial Counsel's Signature	<u>Danielle Adoración Lee</u> Print Name

(Do not write above this line.)

In the Matter of: Robert Terrill Durbrow, Jr	Case Number(s): 17-O-04931
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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.

"In exhibit one (State Bar Court case No. 14-O-01515), the Notice of Disciplinary Charges and Response, attached as part of a prior record of discipline, are not necessary. It is a harmless error. All that is required is the stipulation and the Supreme Court Order, under HRG DEPT GEN ORDER 18-02 and HRG DEPT GEN ORDER 17-07."

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.)**

June 15, 2018  
Date

  
PAT E. MCELROY  
Judge of the State Bar Court



(State Bar Court No. 14-O-01515)

JUN 19 2015

S226048

Frank A. McGuire Clerk

**IN THE SUPREME COURT OF CALIFORNIA**

Deputy

**En Banc**

In re ROBERT TERRILL DURBROW, JR., on Discipline

The court orders that Robert Terrill Durbrow, Jr., State Bar Number 53445, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Robert Terrill Durbrow, Jr., must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 27, 2015; and
2. At the expiration of the period of probation, if Robert Terrill Durbrow, Jr., has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Robert Terrill Durbrow, Jr., must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If Robert Terrill Durbrow, Jr., 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.

I, Frank A. McGuire, 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

day of JUN 19 2015 20

Clerk

By:

  
Deputy

**CANTIL-SAKAUYE**

Chief Justice

EXHIBIT

BOOKS



ORIGINAL

(Do not write above this line.)

<b>State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p><b>Catherine Taylor</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2537</p> <p>Bar # 210540</p>	<p>Case Number(s): <b>14-O-01515-LMA</b></p>	<p>For Court use only</p> <p style="text-align: center;"><b>PUBLIC MATTER</b></p> <p style="text-align: center;"><b>FILED</b> </p> <p style="text-align: center;"><b>FEB 27 2015</b></p> <p style="text-align: center;"><b>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</b></p>
<p>In Pro Per Respondent</p> <p><b>Robert Terrill Durbrow, Jr.</b> 5425 E. Belmont Ave., #145 Fresno, CA 93727 (559) 779-7460</p> <p>Bar # 53445</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>ROBERT TERRILL DURBROW, JR.</b></p> <p>Bar # 53445</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 December 13, 1972.
- (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 12 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".

(Effective January 1, 2014)

Stayed Suspension

2

(Do not write above this line.)

- (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):
- Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **the three billing cycles immediately following the effective date of 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(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **95-O-13167. See Stipulation Attachment at p. 8.**
  - (b)  Date prior discipline effective **February 24, 1996.**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **RPC, rule 3-110(A) (formerly 6-101).**
  - (d)  Degree of prior discipline **private reproof.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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.

(Effective January 1, 2014)

Stayed Suspension

(Do not write above this line.)

- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances**

**C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (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 and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and 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 or disabilities no longer pose a risk that Respondent will commit misconduct. **See Attachment at p. 8.**
- (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. **See Attachment at p. 9.**
- (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 subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

(Do not write above this line.)

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**Additional mitigating circumstances**

**Pre-trial Stipulation: See Attachment at p. 8.**

**Pro Bono/Community Service: See Attachment at p. 8.**

**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 1.2(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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is 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.)

**E. Additional Conditions of Probation:**

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  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.
- (3)  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.
- (4)  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.

- (5)  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.

(Do not write above this line.)

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- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  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.
- (9)  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 within one year. **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)  **Other Conditions:**

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

IN THE MATTER OF:                      ROBERT TERRILL DURBROW, JR.

CASE NUMBER:                            14-O-01515

**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-01515 (State Bar Investigation)**

**FACTS:**

1. In order to remain as an active member of the State Bar, respondent was required to complete 25 hours of minimum continuing legal education ("MCLE") during the period February 1, 2010 through January 31, 2013 (the "compliance period").
2. On March 22, 2013, respondent reported to the State Bar under penalty of perjury he had completed all the MCLE requirement for the reporting period February 1, 2010 to January 31, 2013.
3. On June 6, 2013, respondent completed six hours of MCLE in Wills and Trusts.
4. On July 9, 2013, MCLE auditors sent respondent a letter informing him that he had been randomly selected for an audit of his MCLE compliance.
5. On August 22, 2013, respondent submitted his MCLE compliance documents by email attachment, showing proof of eight hours completed.
6. MCLE auditors contacted respondent by letter dated September 10, 2013, informing him his MCLE submission was 17 hours short.
7. Between September 19 and 22, 2013, respondent completed an additional 13.5 hours of MCLE courses and paid the \$75 penalty fee.

**CONCLUSIONS OF LAW:**

8. By falsely reporting to the State Bar under penalty of perjury that respondent had fully complied with respondent's minimum continuing legal education ("MCLE") requirements for the period February 1, 2010 to January 31, 2013, when respondent knew or was grossly negligent in not knowing that respondent had failed to complete the MCLE requirements for that period, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.



## AGGRAVATING CIRCUMSTANCES.

**Prior Discipline:** Respondent received a private reproof in 1996 for failure to perform in one client matter. State Bar case no. 95-O-13167 involved a civil suit against a car dealership. Respondent had the case for over a year but took no action on the client's behalf and the statute of limitations expired. (*In the Matter of Shinn* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 96 [a private reproof more than 20 years earlier, for improperly stopping payment on a \$500 check to another law firm, was too remote in time to merit significant weight on the issue of degree of discipline.]).

## MITIGATING CIRCUMSTANCES.

**Pre-trial Stipulation:** Respondent has agreed to enter into this stipulation as to facts and stayed suspension to fully resolve this matter without the necessity of a trial, thereby saving the State Bar time and resources. (*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.]).

**Pro Bono Work and Community Service:** Respondent has been a volunteer judge and scorer with the Fresno State Intercollegiate Mock Trial Program since its founding in or around 2004. Respondent also helps the Fresno State team during their practice rounds and scrimmages and was routinely appointed "presiding judge" during the tournament trials. Additionally, respondent has served as Mock Trial scoring attorney since 2008 for the Fresno County Office of Education Mock Trial event for high school students. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785 [pro bono work and community service may mitigate an attorney's misconduct]; *Rose v. State Bar* (1989) 49 Cal.3d 646, 667 [mitigation assigned for demonstrated legal abilities and zeal in undertaking pro bono work.]).

**Emotional/Physical Difficulties:** Respondent has not been able to work full-time since 1994 due to his advanced age and a work-related disability caused by a back injury. Respondent reports he has also been treated for depression since 1994. Respondent's physician provided a letter detailing respondent's medical conditions, all of which require continuing management, and an extensive list of prescribed medications. He is currently being treated for hyperlipidemia; hypertension; Type-2 diabetes; osteoarthritis and degenerative disc disease in his low back; sleep apnea; and asthma. He is on pain management and physical therapy for his back problems. Dr. Rush also reports respondent has developed neuritis of the face with atypical facial pain and is currently being evaluated by a neurologist and ENT surgeon. (*In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 17 [extreme emotional and physical difficulties suffered by an attorney at the time of professional misconduct constitute a mitigating circumstance when expert testimony establishes that such difficulties were directly responsible for the misconduct.]).

**Family Problems:** Respondent reports marital difficulties beginning during the relevant compliance period which resulted in a legal separation July 7, 2014. The divorce is ongoing. Respondent represents himself (Fresno County Superior Court, Case. No. 14CEFL04392). (*In the Matter of Mitchell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 332; *In the Matter of Heiner* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 301 [The Supreme Court has often accepted lay testimony regarding marital difficulties as appropriate mitigation.]).

## 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 applicable standard is found in standard 2.7, which applies to respondent’s misrepresentation and provides:

Disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law.

Respondent’s misrepresentation to the State Bar regarding respondent’s MCLE compliance, made under penalty of perjury, constitutes an act of dishonesty directly related to the practice of law and places respondent’s fitness to practice law in question. Misrepresentations are compounded when made in writing under penalty of perjury, which thereby includes an imprimatur of veracity which should place a reasonable person on notice to take care that their statement is accurate, complete and true, (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786.).

But based on respondent’s past practices surrounding MCLE accumulation throughout the year, regardless of compliance period, respondent believed he had completed all of the 25 hours but failed to check his records prior to certifying compliance. Respondent recalled attending an all-day MCLE seminar at the Fresno Holiday Inn but was unable to verify the dates of the seminar with the hotel because their records reflect only who paid for the event, not the event host. Respondent attempted to recreate his MCLE records but was only able to show actual proof of eight hours taken within the relevant compliance period.

Although respondent by gross negligence committed an act of moral turpitude and dishonesty, it does *not* appear respondent made a misrepresentation under penalty of perjury in order to circumvent continuing legal educational requirements established for the purpose of enhancing attorney competence and protecting the public. Respondent's usual practice was to regularly accumulate more than enough MCLE credits and why he believed he had adequate credits when he affirmed compliance.

Respondent has continued to accumulate MCLE credit. State Bar records show that respondent completed a Wills and Trusts drafting seminar on June 6, 2013, for six hours of MCLE credit, at least one month before he received notice of the audit.

Further, the degree of discipline necessary to protect the public is mitigated by the fact that respondent has 42 years in practice and practices less than 10 hours a week, making appearances for out-of-town lawyers with cases in Central Valley courts; most are civil cases involving Unlawful Detainers, and the occasional special appearance in criminal matters to request continuances. Respondent also took immediate steps to complete an additional 17 hours of MCLE to bring himself into compliance.

Guidance on the level of discipline to be imposed in this matter can be found in *In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330. Yee affirmed compliance with 25 hours of MCLE based on her memory, but upon audit was unable to produce proof of any courses and did not check or maintain any records to confirm her recollection before affirmation. The Review Department agreed Yee's inaccurate compliance report was grossly negligent and amounted to moral turpitude but was not an intentional misrepresentation. Yee had a 22-year discipline-free record and proved five factors in mitigation. The Review Department imposed a public reproof.

Respondent provides evidence of his family problems and on-going health issues, and his community service through the mock trial program in his area in mitigation. As compared to *Yee*, respondent completed at least some of the MCLE hours, and given respondent's factors in mitigation, respondent's conduct is slightly less severe. Although Yee had no prior misconduct, respondent's prior was remote in time (17 years ago), was not serious and was unrelated to the current misconduct. The weight of respondent's prior discipline does not merit significant weight in determining the degree of discipline here.

In light of the totality of the facts and circumstances surrounding respondent's present misconduct, including the mitigation afforded respondent's personal issues, pre-filing stipulation and community service work, and in light of standard 2.7, a stayed suspension is appropriate to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 5, 2015, the prosecution costs in this matter are \$5,543. 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, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)



(Do not write above this line.)

In the Matter of: ROBERT TERRILL DURBROW, JR	Case Number(s): 14-O-01515
---	-------------------------------

### STAYED 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.

1. On page one of the Stipulation, "Submitted to: Assigned Judge" is deleted and in its place is inserted, "Submitted to: Settlement Judge".

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.)**

Date

Feb. 26, 2015

Pat McElroy

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 San Francisco, on February 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:

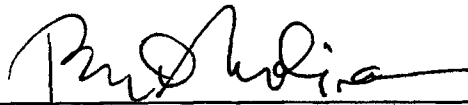
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ROBERT TERRILL DURBROW, JR.  
5425 E BELMONT AVE APT 145  
FRESNO, CA 93727

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

CATHERINE E. TAYLOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 27, 2015.



---

Bernadette C.O. Molina  
Case Administrator  
State Bar Court

**FILED**

**NOV 10 2014**

1 Robert T. Durbrow, Jr. 053445  
2 05425 East Belmont Avenue, Apt 145  
3 Fresno, California 93727-2640  
4 Pro Per

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

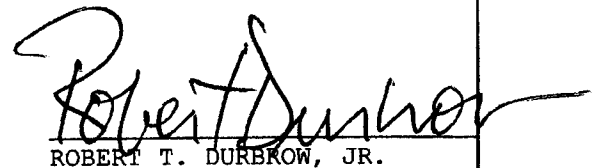
7		) Case No.: 14-o-01515
8	In the Matter of:	)
9	ROBERT T. DURBROW, JR.,	) RESPONSE TO NOTICE OF DISCIPLINARY
10	No. 53445	) CHARGES
11		)
12	A Member of the State Bar	)

13  
14 Robert T. Durbrow, Jr. responds to the allegations of the Notice of  
15 Disciplinary Charges as follows:

16 Paragraph 1. Admitted

17 Paragraph 2: Denied

18  
19 Dated November 6, 2014

20  
21   
22  
23 ROBERT T. DURBROW, JR.





1 STATE BAR OF CALIFORNIA  
2 OFFICE OF THE CHIEF TRIAL COUNSEL  
3 JAYNE KIM, No. 174614  
4 CHIEF TRIAL COUNSEL  
5 JOSEPH R. CARLUCCI, No. 172309  
6 DEPUTY CHIEF TRIAL COUNSEL  
7 SUSAN CHAN, No. 233229  
8 SUPERVISING SENIOR TRIAL COUNSEL  
9 CATHERINE TAYLOR, No. 210540  
10 DEPUTY TRIAL COUNSEL  
11 180 Howard Street  
12 San Francisco, California 94105-1639  
13 Telephone: (415) 538-2537

**PUBLIC MATTER**

**FILED**

**OCT 21 2014**

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

STATE BAR COURT  
HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of: ) Case No. 14-O-01515  
13 ROBERT TERRILL DURBROW, JR., ) NOTICE OF DISCIPLINARY CHARGES  
14 No. 53445, )  
15 A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
AND THE DEFAULT IS SET ASIDE; AND**
- (4) YOU WILL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
FURTHER HEARING OR PROCEEDING. (SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.)**

27 //

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Robert Terrill Durbrow, Jr. ("respondent") was admitted to the practice of law in the  
4 State of California on December 13, 1972, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-01515  
8 Business and Professions Code, section 6106  
9 [Moral Turpitude – Misrepresentation of MCLE Compliance]

10 2. On or about March 22, 2013, respondent falsely reported under the penalty of perjury  
11 to the State Bar that respondent had fully complied with respondent's minimum continuing legal  
12 education ("MCLE") requirements for the period of February 1, 2010 to January 31, 2013, when  
13 respondent knew or was grossly negligent in not knowing that respondent had failed to complete  
14 the MCLE requirements for that period, and thereby committed an act involving moral turpitude,  
dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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**NOTICE - INACTIVE ENROLLMENT!**

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

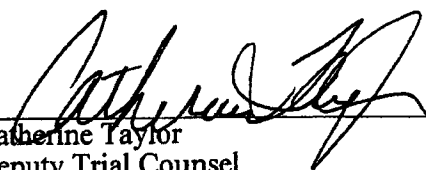
**NOTICE - COST ASSESSMENT!**

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: October 21, 2014

By:   
Catherine Taylor  
Deputy Trial Counsel

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**DECLARATION OF SERVICE**  
**BY CERTIFIED AND REGULAR MAIL**

CASE NO.: 14-O-01515

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

**Article No.: 7196 9008 9111 2393 1358**  
Robert Terrill Durbrow, Jr.  
5425 E. Belmont Ave., Apt. 145  
Fresno, CA 93727

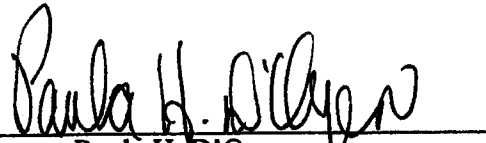
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: October 21, 2014

Signed:

  
Paula H. D'Oyen  
Declarant

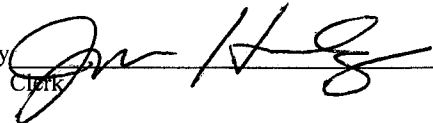


The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST April 13, 2018

State Bar Court, State Bar of California,  
Los Angeles

By

  
Clerk

**NOT FOR PUBLICATION**

**THE STATE BAR COURT  
OF THE  
STATE BAR OF CALIFORNIA**

HEARING DEPARTMENT

LOS ANGELES       SAN FRANCISCO

FOR COURT USE ONLY

**CONFIDENTIAL**

**FILED**

FEB 08 1996

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

IN THE MATTER OF

ROBERT T. DURBROW, JR.,

No. 53445,

MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S). 95-O-13167-NRL

ORDER REGARDING STIPULATION (  FIRST AMENDED  
 SECOND AMENDED ) AS TO FACTS AND DISPOSITION

A fully executed Stipulation as to Facts and Disposition pursuant to rules 130-135, Rules of Procedure of the State Bar of California, consisting of 2/ pages, approved by the parties, was submitted to the State Bar Court in the above-captioned case(s). All stipulations submitted previously are rejected. The Stipulation is attached to this order and is incorporated by reference herein. Unless a party withdraws or modifies the stipulation pursuant to rule 135(c), Rules of Procedure of the State Bar of California, this order shall be effective 15 days from the service of this order. After consideration of this stipulation, the Court hereby orders:

- The above mentioned case numbers are hereby consolidated for the purposes of ruling upon this stipulation.
- Modifications to the stipulation are attached:
  - the parties having no objection.
  - the parties having agreed on the record on \_\_\_\_\_.
  - any party must object within 15 days of the service of this order to the stipulation, as modified by the Court, or it shall become effective; if any party objects, the Stipulation shall be deemed rejected.
- It appearing that this stipulation and all attachments are fair to the parties and consistent with adequate protection of the public, the stipulation is approved and the disposition is:
  - ordered.
  - recommended to the California Supreme Court.
  - further discussion attached.
- After due consideration of this stipulation and all attachments, it is rejected:
  - for the reasons discussed with the parties in previous conference(s).
  - for the reasons attached to this order.
- It is further  ordered  recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

DATE: February 7, 1996

<b>EXHIBIT</b>
2

*Nancy Roberts Lonsdale*  
 Nancy Roberts Lonsdale  
 Judge of the State Bar Court





Parties'

Initials

RD / SW

PAGE 2

- SECTION THREE:  FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION
- SECTION FOUR:  FORM DISP 200: STATEMENT SUPPORTING DISMISSAL OF ALL CHARGES
- FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES
- FORM DISP 210: ADMONITION
- FORM DISP 220: PRIVATE REPROVAL
- FORM DISP 230: PUBLIC REPROVAL
- FORM DISP 240: SUSPENSION, INCLUDES NO ACTUAL SUSPENSION
- FORM DISP 250: ACTUAL SUSPENSION
- FORM DISP 260: PROFESSIONAL RESPONSIBILITY EXAMINATION
- FORM DISP 270: REGARDING FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL
- FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR
- FORM PROB 320: RESTITUTION
- FORM PROB 330: PROTECTION OF CLIENT FUNDS
- FORM PROB 340: MENTAL HEALTH TREATMENT
- FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT
- FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
- FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION
- FORM PROB 380: FURTHER CONDITIONS OF PROBATION
- SECTION FIVE:  APPROVAL OF PARTIES

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input type="checkbox"/> LOS ANGELES <input checked="" type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p><b>FILED</b> <i>Rn</i> FEB 05 1996</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>IN THE MATTER OF</p> <p>Robert Terrill Durbrow, Jr.</p> <p>No. <u>53445</u>,</p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S).</p> <p>95-0-13167</p> <p><b>STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA)</b></p> <p><input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED</p>

## SECTION ONE. GENERAL AGREEMENTS AND WAIVERS.

### A. PARTIES.

1. The parties to this stipulation as to facts and disposition, entered into under rules 405-407, Transitional Rules of Procedure of the State Bar of California (herein "Rules of Procedure"), are the member of the State Bar of California, captioned above (hereinafter "Respondent"), who was admitted to practice law in the State of California on 12/13/72 and the Office of the Chief Trial Counsel, represented by the Deputy Trial Counsel of record whose name appears below.

2. If Respondent is represented by counsel, Respondent and his or her counsel have reviewed this stipulation, have approved it as to form and substance, and has signed FORM STIP 400 below.

3. If Respondent is appearing in propria persona, Respondent has received this stipulation, has approved it as to form and substance, and has signed FORM STIP 400 below.

**B. JURISDICTION, SERVICE AND NOTICE OF CHARGE(S), AND ANSWER.** The parties agree that the State Bar Court has jurisdiction over Respondent to take the action agreed upon within this stipulation. This stipulation is entered into pursuant to the provisions of rules 405-407, Rules of Procedure. No issue is raised over notice or service of any charge(s). The parties waive any variance between the basis for the action agreed to in this stipulation and any charge(s). As to any charge(s) not yet filed in any matter covered by this stipulation, the parties waive the filing of formal charge(s), any answer thereto, and any other formal procedures.

**C. AUTHORITY OF EXAMINER.** Pursuant to rule 406, Rules of Procedure, the Chief Trial Counsel has delegated to this Deputy Trial Counsel the authority to enter into this stipulation.

D. PROCEDURES AND TRIAL.

In order to accomplish the objectives of this stipulation, the parties waive all State Bar Court procedures regarding formal discovery as well as hearing or trial. Instead, the parties agree to submit this stipulation to a judge of the State Bar Court.

E. PENDING PROCEEDINGS.

Except as specified in subsection I, all pending investigations and matters included in this stipulation are listed by case number in the caption above.

F. EFFECT OF THIS STIPULATION.

1. The parties agree that this stipulation includes this form and all attachments.
2. The parties agree that this stipulation is not binding unless and until approved by a judge of the State Bar Court. If approved, this stipulation shall bind the parties in all matters covered by this stipulation and the parties expressly waive review by the Review Department of the State Bar Court.
3. If the stipulation is not approved by a State Bar Court judge, the parties will be relieved of all effects of the stipulation and any proceedings covered by this stipulation will resume.
4. The parties agree that stipulations as to proposed discipline involving suspension, are not binding on the Supreme Court of California. Pursuant to Business and Professions Code sections 6078, 6083-6084, and 6100, the Supreme Court must enter an order effectuating the terms and conditions of this stipulation before any stipulation for suspension, actual or stayed, will be effective.

G. PREVIOUSLY REJECTED STIPULATIONS IN PROCEEDINGS OR INVESTIGATIONS COVERED BY THIS STIPULATION.

Unless disclosed by the parties in subsection I, there have been no previously rejected or withdrawn stipulations in matters or investigations covered by this stipulation.

H. COSTS OF DISCIPLINARY PROCEEDINGS. (Check appropriate paragraph(s).)

1. The agreed disposition is eligible for costs to be awarded the State Bar. (Bus. & Prof. Code, §§ 6086.10 and 6140.7.) Respondent has been notified of his or her duty to pay costs. The amount of costs assessed by the Office of Chief Trial Counsel will be disclosed in a separate cost certificate submitted following approval of this stipulation by a hearing judge. The amount of costs assessed by the State Bar Court will be disclosed in a separate cost certificate submitted upon finalization of this matter.
2. The agreed disposition is not eligible for costs to be awarded the State Bar.

I. SPECIAL OR ADDITIONAL AGREEMENTS AS TO SECTION ONE.

- Respondent has been advised of pending investigations, if any, which are not included in this stipulation.
- FORM STIP 120 is attached, stating further general agreements and waivers.

Parties'  
Initials

PD / SD

PAGE 5

**SECTION TWO. STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW WARRANTING THE AGREED DISPOSITION.**

- The parties have attached FORM STIP 130 and agree that the same warrants the disposition set forth in this stipulation.

**SECTION THREE. STATEMENT OF FACTS, FACTORS OR CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION.**

The parties agree that the following attachment(s) constitute the facts and circumstances considered mitigating, aggravating or otherwise bearing on the agreed disposition:

- FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

**SECTION FOUR. AGREED DISPOSITION**

Based on the foregoing and all attachments, the parties agree that the appropriate disposition of all matters covered by this stipulation is [Check appropriate disposition(s); attach schedule(s) if indicated]:

- DISMISSAL OF ALL CHARGES [FORM DISP 200]
- DISMISSAL OF CERTAIN CHARGES [Attach FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES]
- ADMONITION [Attach FORM DISP 210: ADMONITION]
- PRIVATE REPROVAL [Attach FORM DISP 220: PRIVATE REPROVAL]
- PUBLIC REPROVAL [Attach FORM DISP 230: PUBLIC REPROVAL]
- SUSPENSION ENTIRELY STAYED [Attach FORM DISP 240: RECOMMENDATIONS FOR STAYED SUSPENSION]
- ACTUAL SUSPENSION [Attach FORM DISP 250: RECOMMENDATIONS FOR ACTUAL SUSPENSION]
- ADDITIONAL PROVISIONS:
- FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION
- FORM DISP 270: FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

OFFICE OF THE CHIEF TRIAL COUNSEL  
THE STATE BAR OF CALIFORNIA  
555 Franklin Street, Second Floor  
San Francisco, California 94102-4498  
Telephone: (415) 561-8200

---

**IN THE MATTER OF**

**Case No(s). 95-O-13167**

**ROBERT TERRILL DUBROW, JR., Bar No. 53445**

**A Member of the State Bar.**

---

**DISCLOSURE OF PENDING INVESTIGATIONS**

XXX

Respondent has been advised in writing of any pending investigations or proceedings not resolved by this Stipulation, identified by investigation case number and complaining witness name, if any. All such information has been provided to the Respondent in a separate document as of 1/24/96. This date is no more than thirty (30) days prior to the date the Stipulation is filed.

IN THE MATTER OF

CASE NO(S).

ROBERT TERRILL DUBROW, JR.

95-0-13167

A Member of the State Bar.

ATTACHMENT TO:  STIPULATION       DECISION**ADDITIONAL AGREEMENTS AND WAIVERS**

- FORM TRI 121: WAIVER OF RIGHT TO PETITION FOR RELIEF FROM ASSESSED COSTS
- FORM TRI 122: WAIVER OF ISSUANCE OF NOTICE OF DISCIPLINARY CHARGES
- FORM TRI 123: STATEMENT OF AUTHORITIES SUPPORTING DISCIPLINE
- FORM TRI 124: PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING
- FORM TRI 125: ADDITIONAL AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1
- FORM TRI 126: RESOLUTION OF PROCEEDING
- FORM TRI 127: ESTIMATION OF COSTS
- FORM TRI 128: WAIVER OF REVIEW

OFFICE OF THE CHIEF TRIAL COUNSEL  
THE STATE BAR OF CALIFORNIA  
555 Franklin Street, Second Floor  
San Francisco, California 94102-4498  
Telephone: (415) 561-8200

---

**IN THE MATTER OF**

**Case No (s). 95-O-13167**

**ROBERT TERRILL DUBROW, JR., Bar No. 53445**

**A Member of the State Bar.**

---

**WAIVER OF ISSUANCE OF NOTICE OF DISCIPLINARY CHARGES**

It is agreed by the parties that investigative matters designated as case number(s) 95-O-13167 shall be incorporated into this Stipulation. The parties waive the issuance of a Notice of Disciplinary Charges and the right to a formal hearing and any other procedures necessary with respect to these investigative matters in order to accomplish the objectives of this Stipulation.

Parties'

Initials

RD, WJ

PAGE

9

IN THE MATTER OF

CASE NO(S).

ROBERT TERRILL DUBROW, JR.

95-0-13167

A Member of the State Bar.

ATTACHMENT TO:  STIPULATION  DECISION

**STATEMENT OF ACTS OR OMISSIONS  
WARRANTING THE AGREED DISPOSITION**

CASE NO. \_\_\_\_\_

COUNT \_\_\_\_\_

SEE ATTACHED PAGE 10



**STATEMENT OF ACTS OR OMISSIONS**  
**WARRANTING THE AGREED DISPOSITION**

1. On or about August 27, 1985, Wanetta Peterson consulted with respondent concerning a dispute arising from the purchase of an automobile on March 31, 1983. Ms. Peterson and her husband had previously made a claim through the manufacturer's administrative process that had been denied.
2. At the time of the August 27, 1985, meeting, it was respondent's practice to have potential clients sign an attorney/client agreement and related employment documents, even in cases he later declined to accept. However, respondent failed to properly explain this practice to the Petersons and, upon executing the papers, the Petersons reasonably believed that they had secured respondent's employment.
3. Initially, respondent advised the Petersons that he would look into their complaint, but that he needed the original copy of the sales agreement with the car dealership in order to review the terms and conditions of the contract. Although Ms. Peterson thereafter provided respondent various paperwork relating to the purchase and the complaints that had been filed against the dealer and manufacturer, none of the document contained the language of the contract. Respondent did not otherwise attempt to independently obtain a copy of the sales agreement.
4. Thereafter, respondent ceased active prosecution of the Peterson matter, thereby allowing the statutory period for filing a civil action to expire.

**CONCLUSIONS OF LAW**

By the aforementioned conduct, it is stipulated that by failing to properly notify the Petersons of his decision to not proceed with their matter, resulting in the expiration of the statutory period for filing a civil action, respondent withdrew from employment prior to taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of his clients in wilful violation of rule 2-111(A)(2) of the former Rules of Professional Conduct [in effect January 1, 1975 to May 26, 1989].

IN THE MATTER OF

CASE NO(S).

ROBERT TERRILL DUBROW, JR.

95-0-13167

A Member of the State Bar.

ATTACHMENT TO:  STIPULATION     DECISION

**STATEMENT OF FACTS AND CIRCUMSTANCES  
BEARING ON THE AGREED DISPOSITION**

**A. AGGRAVATING CIRCUMSTANCES:**

1. Respondent has a record of prior discipline. (Std. 1.2 (b)(i).)<sup>1</sup> Supporting facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Respondent's misconduct evidences multiple acts of wrongdoing. (Std. 1.2 (b)(ii).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Respondent's misconduct evidences/demonstrates a pattern of misconduct. (Std. 1.2 (b)(ii).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Respondent's misconduct was surrounded or followed by bad faith, dishonesty, concealment, overreaching or other circumstances defined by Standard 1.2 (b)(iii). Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> References to "Standards" are to the "Standards for Attorney Sanctions for Professional Misconduct: (See Transitional Rules of Procedure of the State Bar of California, Division V.)

5. Respondent's misconduct harmed significantly client(s), the public or the administration of justice. (Std. 1.2 (b)(iv).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

6. Respondent demonstrated indifference to rectifying the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7. Respondent demonstrated indifference to atoning for the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

8. Respondent displayed a lack of candor and cooperation to any victim(s) of misconduct. (Std. 1.2 (b)(vi).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

9. Respondent displayed a lack of candor and cooperation to the State Bar during disciplinary investigation or proceedings. (Std. 1.2 (b)(vi).) Supporting facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



AD, WJ

**B. MITIGATING CIRCUMSTANCES:**

1. Respondent has no record of prior discipline over many years of practice, coupled with present misconduct not deemed serious. (Std. 1.2 (e)(i).) Supporting facts: RESPONDENT PRACTICED LAW FROM DECEMBER 13, 1972, UNTIL THE TIME OF THE MISCONDUCT HEREIN WITH NO PRIOR RECORD OF DISCIPLINE.

2. Respondent acted in good faith. (Std. 1.2 (e)(ii).) Supporting facts: \_\_\_\_\_

3. Respondent's misconduct did not result in harm to the client(s) or person(s) who were the objects of misconduct. (Std. 1.2 (e)(iii).) Supporting facts: \_\_\_\_\_

4. Respondent suffered extreme emotional difficulties at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts: \_\_\_\_\_

5. Respondent suffered extreme physical disabilities at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts: \_\_\_\_\_

6. Respondent displayed spontaneous candor and cooperation to the victim(s) of misconduct. (Std. 1.2 (e)(v).) Supporting facts: \_\_\_\_\_

7. Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. (Std. 1.2 (e)(v).) Supporting facts: Respondent expressed spontaneous candor and cooperation during the State Bar investigation and has participated in good faith in an effort to bring this matter to a prompt resolution.

8. Respondent presented an extraordinary demonstration of good character as set forth in Standard 1.2 (e)(vi). Supporting facts: \_\_\_\_\_

9. Respondent promptly took objective steps to spontaneously demonstrate remorse which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: \_\_\_\_\_

10. Respondent promptly took objective steps to spontaneously demonstrate recognition of the wrongdoing acknowledged, which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: \_\_\_\_\_

11. Considerable time has passed since Respondent's misconduct, followed by convincing proof of subsequent rehabilitation (Std. 1.2 (e)(viii)). Supporting facts: \_\_\_\_\_

12. Excessive delay occurred in conducting this disciplinary proceeding, which delay is not attributable to Respondent and which delay was prejudicial to Respondent. (Std. 1.2 (e)(ix).) Supporting facts: \_\_\_\_\_



IN THE MATTER OF

CASE NO(S).

ROBERT TERRILL DUBROW, JR.

95-0-13167

A Member of the State Bar.

ATTACHMENT TO:  STIPULATION  DECISION**PRIVATE REPROVAL**

[Fill in the blanks as appropriate and check boxes at left for all language that is intended to be included in the stipulation, deleting words or phrases that are not appropriate. When designating numbers for the amount of suspension or probation, please spell out the number and include the arabic numeral in parenthesis provided.]

- It is recommended that Respondent be privately reprovved by the State Bar Court.
- The parties understand that although this reprovral is termed "private," it arises in a public proceeding. Although the State Bar of California will not affirmatively provide any publicity to the disposition, the file, including the stipulation, any order approving it, in this case will remain public and will be available on any specific inquiry by a member of the public.
- The parties understand that this private reprovral is a result of a stipulation, entered into prior to the filing of a Notice to Show Cause. The file, the stipulation, the order thereon, and the record of a private reprovral, shall remain confidential unless it is used hereafter as a record of prior discipline within the meaning of standard 1.7, Standards for Attorney Sanctions for Professional Misconduct.
- There are no conditions to be attached to this private reprovral.
- Pursuant to rule 956, paragraph (a), California Rules of Court, it is recommended that the following conditions be attached to the private reprovral, based upon a finding that protection of the public and the interests of respondent will be served thereby:
- FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION
- FORM DISP 270: FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL
- FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR
- FORM PROB 320: RESTITUTION
- FORM PROB 330: PROTECTION OF CLIENT FUNDS



- FORM PROB 340: MENTAL HEALTH TREATMENT
- FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT
- FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
- FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION
- FORM PROB 380: FURTHER CONDITIONS OF PROBATION

- That the conditions attached to the private reproval shall commence to be effective upon the effective date of the order approving stipulation or decision and shall remain in effect for a period of ONE ([ ] days / [ ] months / [1] years) unless otherwise specifically designated herein;

**NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH CONDITIONS ATTACHED TO PRIVATE REPROVAL**

- RESPONDENT ACKNOWLEDGES THAT THIS STIPULATION CONSTITUTES NOTICE THAT, PURSUANT TO RULE 956, CALIFORNIA RULES OF COURT, RESPONDENT'S FAILURE TO COMPLY WITH THE CONDITIONS ATTACHED TO ANY PRIVATE REPROVAL ADMINISTERED BY THE STATE BAR COURT MAY CONSTITUTE CAUSE FOR A SEPARATE ATTORNEY DISCIPLINARY PROCEEDING FOR WILFUL BREACH OF RULE 1-110, RULES OF PROFESSIONAL CONDUCT.

IN THE MATTER OF

CASE NO(S).

ROBERT TERRILL DUBROW, JR.

95-0-13167

A Member of the State Bar.

ATTACHMENT TO:  STIPULATION     DECISION**FURTHER CONDITIONS OF PROBATION:<sup>1</sup>**

- FORM TRI 381: MODIFICATION OF PROBATION, RULE 951(c) OF THE CALIFORNIA RULES OF COURT
- FORM TRI 382: ALCOHOL/DRUG ABUSE CONDITIONS OF PROBATION
- FORM TRI 383: MENTAL HEALTH CONDITIONS OF PROBATION
- FORM TRI 384: ADDITIONAL CONDITIONS OF PROBATION
- FORM TRI 385: STATE BAR ETHICS SCHOOL
- FORM TRI 386: STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE
- FORM TRI 387: COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER
- FORM TRI 388: EARLY INACTIVE ENROLLMENT

<sup>1</sup> If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT  
555 Franklin Street, Second Floor  
San Francisco, California 94102-4498  
Telephone: (415) 561-8200

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**IN THE MATTER OF**

**Case No (s). 95-O-13167**

**ROBERT TERRILL DUBROW, JR., Bar No. 53445**

**A Member of the State Bar.**

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**STATE BAR ETHICS SCHOOL**

Within one (1) year from the date on which the disciplinary order in this matter becomes effective, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California, 555 Franklin Street, San Francisco and shall take and pass the test given at the end of such session. 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.

Parties'

Initials

RD, GP

PAGE

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**SECTION FIVE. APPROVAL OF PARTIES.**

The parties and all counsel of record hereby approve the foregoing stipulation and all attachments, and the parties agree to be bound by all terms and conditions stated and the agreed disposition.

DATE: 2/5/96

SCW  
Deputy Trial Counsel

STUART C. WOO

DATE: \_\_\_\_\_

Deputy Trial Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: 1/30/96

Robert T. Dubrow, Jr.

Respondent

ROBERT T. DUBROW, JR.

DATE: \_\_\_\_\_

Respondent

DATE: \_\_\_\_\_

Respondent's Counsel

DATE: \_\_\_\_\_

Respondent's Counsel

## DECLARATION OF SERVICE

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

I am a Case Coordinator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. In the City and County of San Francisco, on February 8, 1996, I deposited a true copy of the following document(s)

**ORDER REGARDING STIPULATION AS TO FACTS AND DISPOSITION** filed **February 8, 1996**

in a sealed envelope as follows:

with first-class postage thereon fully prepaid in a facility regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

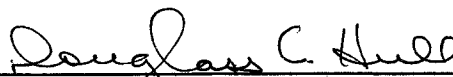
**ROBERT TERRILL DURBROW, JR., ESQ.**  
**1111 E WARNER AVENUE #114**  
**FRESNO CA 93710**

by certified mail, , with a return receipt requested, in a facility regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

in an interoffice mail facility regularly maintained by the State Bar of California addressed as follows:

**STUART WOO, ESQ.**  
**OFFICE OF TRIALS - SAN FRANCISCO**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **February 8, 1996**.



Douglass C. Hull  
Case Coordinator  
State Bar Court

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.



ATTEST April 13, 2018

State Bar Court, State Bar of California,  
Los Angeles

By

A handwritten signature in black ink, appearing to be "D. H. G.", is written over a horizontal line. Below the line, the word "Clerk" is printed.

Clerk

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**DECLARATION OF SERVICE BY MAIL**

**RE: DARBROW**  
**CASE NO: 17-O-04931-PEM**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

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

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

**Robert Terrill Durbrow, Jr.**  
**5425 E Belmont Ave Apt 145**  
**Fresno, CA 93727**

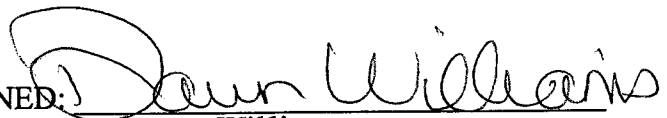
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: May 24, 2018

SIGNED:



Dawn Williams  
Declarant

**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 San Francisco, on June 15, 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 San Francisco, California, addressed as follows:

ROBERT TERRILL DURBROW, JR.  
5425 E BELMONT AVE APT 145  
FRESNO, CA 93727

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

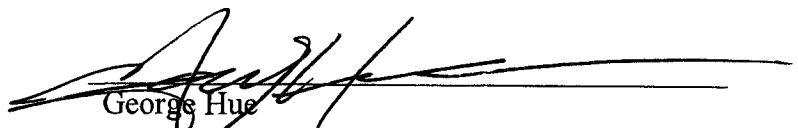
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Danielle A. Lee, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 15, 2018.

  
George Hue  
Court Specialist  
State Bar Court