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State Bar Court of California  
Hearing Department  
Los Angeles  
DISBARMENT

ORIGINAL

**PUBLIC MATTER**

Counsel for the State Bar

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Bar # 307991

Case Number(s):  
18-O-10501-CV

For Court use only

FILED

APR - 2 2019

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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Submitted to: **Settlement Judge**

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND  
DISPOSITION AND ORDER APPROVING; ORDER OF  
INVOLUNTARY INACTIVE ENROLLMENT

**DISBARMENT**

PREVIOUS STIPULATION REJECTED

In the Matter of:

**ROBERT C. BURLISON, JR.**

Bar # 97461

A Member of the State Bar of California  
(Respondent)

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **May 29, 1981**.
- (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 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."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be 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. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
  - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

**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: **91-O-05697, et al. Attached as Exhibit 1, 27 pages, which the parties stipulate is an authentic copy. See page 8.**
  - (b)  Date prior discipline effective: **March 9, 1994**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Former Rules of Professional Conduct, rules 3-110(A) and 3-500**
  - (d)  Degree of prior discipline: **Private Reproval**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below:
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.

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- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching. **See page 9.**
- (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.
- (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 Respondent's misconduct.
- (10)  **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's 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 8.**
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution. **See page 9.**
- (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 [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 Respondent's 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 Respondent's 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 Respondent.

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- (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 Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's misconduct. **See page 9.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances: Pretrial Stipulation, see page 9.**

#### **D. Recommended Discipline:**

##### **Disbarment**

Respondent is disbarred from the practice of law in California and Respondent's name is stricken from the roll of attorneys.

#### **E. Additional Requirements:**

- (1) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (2)  **Restitution (Single Payee):** Respondent must make restitution in the amount of \$ **34,680.27**, plus 10 percent interest per year from **March 16, 2017**, to **Donna Urich, as administrator of the Weidemoyer Estate** (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5).



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- (3)  **Restitution (Multiple Payees):** Respondent must make restitution to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- (4)  **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:



10. In January, 2010, Andros petitioned to remove Urich as the administrator of the Estate and asserted additional claims against the Weidemoyer Estate. Respondent represented Urich as the administrator of the Weidemoyer Estate in challenging Andros' claims against the Weidemoyer Estate. That matter was litigated until March, 2012, when Andros withdrew his petition.

11. On December 22, 2011, respondent submitted an Amended First and Final Account and Report for Final Settlement ("First Report") to the probate court, in which respondent failed to disclose that the estate included the Malpractice Settlement Funds. Respondent disclosed that the estate included \$25,000 from the settlement with Andros regarding the house. In the First Report, respondent proposed that the estate be disbursed as follows: \$31,861 as his legal fees and costs and \$1,000 as statutory fees for Urich.

12. Between October 2012 and July 2016, respondent pursued a malicious prosecution lawsuit on behalf of the Weidemoyer Estate against Andros. This lawsuit was based on claims that Andros had improperly petitioned to remove Urich as administrator.

13. After the malicious prosecution matter proceeded to an appeal, Andros and the Weidemoyer Estate entered into a settlement on July 2016 to resolve the malicious prosecution lawsuit, pursuant to which Andros paid the Weidemoyer Estate a sum of \$7,500.

14. Respondent deposited the \$7,500 settlement funds into his client trust account to hold on behalf of the Weidemoyer Estate.

15. On December 15, 2016 respondent submitted a Report of Status of Case ("Second Report") to the probate court, in which respondent failed again to disclose that the estate included the Malpractice Settlement Funds. In the Second Report, respondent updated the court that he had received \$7,500 in settlement funds received from resolution of the malpractice lawsuit against Andros.

16. Respondent required approval from the probate court monitoring the Weidemoyer Estate ("the Probate Court") before he could disburse any of the Malpractice Settlement Funds.

17. Respondent never disclosed the Malpractice Settlement Funds to the Probate Court and did not receive court approval to distribute any portion of those funds, which amounted to \$95,000.

18. Between December 2016 and February 2018, respondent's client trust account balance fell below \$95,000 on multiple occasions and the lowest balance during this period was \$14,840.96 on October 17, 2017. During this period, without court approval, respondent withdrew a total of \$80,159.04 of the Malpractice Settlement Funds as fees for his representation of the Weidemoyer Estate in the Malpractice Lawsuit and the litigations by and against Andros, which he took as fees without court approval, when he knew court approval of his fees was required.

19. On March 16, 2017, probate of the Weidemoyer Estate closed. On that date, the Probate Court approved distribution in accordance with the First Report, submitted on December 22, 2011, pursuant to which respondent was authorized to receive \$31,861 as his fees and costs and Urich was authorized to receive \$1,000 as statutory fees.

20. Between when probate closed on March 16, 2017 and through December 21, 2017, respondent did not provide Urich with an accounting for distribution of the estate.

21. On December 21, 2017, respondent sent Urich a draft accounting for distribution of the estate and asked that Urich contact him to discuss. In the draft accounting, respondent asserted a total of \$139,152.19 in legal fees for his representation in connection with the Weidemoyer Estate. Respondent offered to give Urich \$7,500 in exchange for Urich recognizing that respondent's \$139,152.19 fees would leave the estate at a deficit. In the draft accounting, respondent did not identify that the Probate Court approved only \$31,861 as respondent's fees and costs and granted Urich \$1,000. Urich did not contact respondent to discuss the accounting.

22. On January 15, 2018, Urich filed a State Bar complaint against respondent.

23. On March 12, 2018, respondent sent Urich an amended accounting for distribution of the estate. In the amended accounting, respondent determined that Urich was due \$60,319.73 as her portion of the malpractice settlement funds, and sent Urich a check for that amount. Respondent asserted that he was entitled to the remainder of the Malpractice Settlement Funds as compensation for his work, when he should have refunded that portion as to Urich as well.

#### CONCLUSIONS OF LAW:

24. By receiving \$95,000 to hold in his client trust account on behalf of the Weidemoyer Estate, and then taking \$80,159.04 as fees without first informing the court of the \$95,000 and obtaining court approval to take a fee, when he knew that court approval was required, respondent willfully and intentionally misappropriated funds that respondent held in trust for the benefit of the Weidemoyer Estate. Respondent thereby committed an act involving moral turpitude in willful violation of Business and Professions Code, section 6106.

25. By failing to disclose in the First Report and the Second Report that the Weidemoyer Estate included \$95,000 from the malpractice settlement, respondent made an intentional misrepresentation to the probate court. Respondent thereby committed an act involving moral turpitude in willful violation of Business and Professions Code, section 6106.

26. By delaying until December 21, 2017 to provide an accounting to respondent's client, Donna Urich, regarding disbursement of funds belonging to the Weidemoyer Estate, when probate had closed on March 16, 2017, respondent failed to promptly account to his client for those funds in willful violation of the Rules of Professional Conduct, former rule 4-100(B)(3).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record (Std. 1.5(a)):** Effective March 9, 1994, respondent received a private reproof for violation of Former Rules of Professional Conduct, rules 3-110(A) and 3-500. Respondent's prior reproof constitutes an aggravating factor, though of diminished weight because the misconduct is remote in time and minimal in nature. (*See Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703, 713 [prior misconduct that was not serious and occurred over 17 years before first misconduct did not warrant significant aggravation].)

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent misappropriated funds from an estate, made a misrepresentation to a court, and failed to promptly account.

**Overreaching (Std. 1.5(g)):** Respondent sent Urich a bill for \$139,152.19, representing the amount respondent calculated as his fees for work in the probate matter. Respondent offered Urich \$7,500 if she would authorize respondent to collect the fees as billed. However, respondent did not inform Urich that the probate court approved only \$31,861 as respondent's compensation. (*See Tarver v. State Bar* (1984) 37 Cal.3d 122, 129 [overreaching in persuading a client to pay substantial legal fees without informing the client that the court had approved a lesser amount in fees].)

**Failure to Make Full Restitution (Std. 1.5(m)):** Respondent received \$95,000 to hold on behalf of the Weidemoyer Estate. Of that amount, Urich is entitled to receive the entire \$95,000 as administrator of the Estate. When respondent provided the final accounting to Urich in March, 2018, he disbursed only \$60,319.73 to Urich, and improperly retained the remainder of the funds. By failing to disburse to Urich the remaining \$34,680.27, and instead retaining those funds as fees without court approval, respondent has failed to make full restitution.

### MITIGATING CIRCUMSTANCES.

**Extraordinary Good Character (Std. 1.6(f)):** Respondent demonstrated extraordinary good character attested to in letters from eight people, representing a wide range of references in the legal and general communities, who are aware of the full extent of the misconduct. Respondent's character witnesses also discussed respondent volunteering his time to coach for local softball and baseball teams, and his 30-year involvement with The Kiwanis Club, including volunteering three months of his time to travel to each of the 48 continental states and present at over 60 Kiwanis clubs to raise money, in conjunction with UNICEF to eliminate tetanus throughout the world, and respondent's creation of the "Fly a Flag for a Veteran" project, which raised funds to sponsor Christmas Holiday dinners and gifts for the Glendale Veterans Home, and helped set up interest-free loans for veterans in need.

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

### AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertan* (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 given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds.1.7(b) and (c).)

In this matter, respondent admits to committing three acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in Standards 2.1(a), which provides that disbarment is the presumed sanction for respondent's misappropriation, unless the amount misappropriated is insignificantly small or compelling mitigation circumstances predominate.

Here, respondent misrepresented to a probate court the amount of funds belonging to an estate and misappropriated over \$80,000 from the estate. This represents a significant amount of funds. (*See Lawhorn v. State Bar* (1987) 43 Cal.3d 1357, 1367-1368 [misappropriation of \$1,355.75 deemed significant].) Aggravation for multiple acts, failure to make full restitution, and overreaching outweighs mitigation for good character and entering into a stipulation. Respondent's lack of discipline since his prior case in 1994 does not predominate over the present misconduct, which involved multiple acts of moral turpitude. (*See Kelly v. State Bar* (1988) 45 Cal.3d 649 [where attorney's culpability was egregious and inexplicable, disbarment was appropriate even for a single act of misappropriation with no prior record of discipline].) Disbarment is appropriate under the standards because respondent's misappropriation of a significant amount of funds is not mitigated by compelling circumstances that predominate.

The recommended level of discipline is supported by case law. The Supreme Court in *Kelly v. State Bar, supra*, 45 Cal.3d 649 imposed disbarment for a single act of misappropriation in the amount of \$19,597.05, where the attorney had no prior record of discipline. Kelly's partial repayment of the amount that he misappropriated from his client did not mitigate his misconduct, especially not when it was made under pressure of a State Bar disciplinary proceeding.

In *Grim v. State Bar* (1991) 53 Cal.3d 21, the Supreme Court disbarred an attorney who misappropriated \$5,546 from a client. Grim had previously received a reproof for commingling and failing to competently perform six years prior. Grim received no mitigation based on his disciplinary record even though, despite over 20 years of practice, he had been disciplined only once before. (*Id.* at p. 32.) The court also found aggravation for failure to pay restitution, since Grim did not repay the client until after he had been contacted by the client's lawyers and after the State Bar commenced disciplinary proceedings. Grim received mitigation for good character and cooperation. In imposing disbarment, the Supreme Court concluded that this "[did] not constitute compelling mitigation in view of the various circumstances in aggravation." (*Id.* at pp. 35-36.)

Like the attorneys in *Kelly* and *Grim*, respondent's case involves misappropriation of significant funds and is not offset by compelling mitigation. As in *Kelly* and *Grim*, respondent is not entitled to mitigation for making partial restitution only after being threatened with a disciplinary proceeding.



Analogous to the facts in *Grim*, lack of recent prior discipline does not warrant a recommendation less than disbarment because respondent's lack of misconduct since his prior discipline does not prevail over aggravation for multiple acts, overreaching, and failure to make full restitution. In this case, lack of compelling mitigation to explain respondent's significant misappropriation, coupled with respondent's failure to make appropriate restitution, suggests that disbarment is required to protect the public, maintain the highest professional standards, and preserve public confidence in the legal profession.

**DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
18-O-10501	2	Rules of Professional Conduct, former rule 4-100(A)
18-O-10501	5	Business and Professions Code, section 6106

(Do not write above this line.)

In the Matter of:  
ROBERT C. BURLISON, JR.

Case Number(s):  
18-O-10501-CV

### 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.

3/11/19  
Date

  
Respondent's Signature

Robert C. Burlison, Jr.  
Print Name

3/14/19  
Date

  
Respondent's Counsel Signature

Art Barsegyan  
Print Name

3/5/19  
Date

  
Deputy Trial Counsel's Signature

Desiree Fairly  
Print Name

(Do not write above this line.)

In the Matter of: ROBERT C. BURLISON, JR.	Case Number(s): 18-O-10501-CV
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### DISBARMENT 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 2 of the Stipulation, at paragraph B.(1)(b), "March 9, 1994" is deleted, and in its place is inserted "March 10, 1994".
2. On page 7 of the Stipulation, at numbered paragraph 15, line 4, "malpractice" is deleted, and in its place is inserted "malicious prosecution".

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

Respondent Robert C. Burlison, Jr. is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

April 2, 2019  
Date

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

**ATTACHMENT**

**PUBLIC MATTER**

**NOT FOR PUBLICATION**

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES      <input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p><b>F I L E D</b></p> <p>FEB 22 1994 <i>MAN</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p>ROBERT CARLIN BURLISON, JR.</p> <p>No. 97461,</p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S). 91-O-05697-<del>CEY</del></p> <p>ORDER REGARDING STIPULATION ( <input type="checkbox"/> FIRST AMENDED ( <input type="checkbox"/> SECOND AMENDED ) AS TO FACTS AND DISPOSITION</p>

A fully executed Stipulation as to Facts and Disposition pursuant to rules 405-407, Transitional Rules of Procedure of the State Bar of California, consisting of 23 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 407(c), Transitional 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 15, 1994

Within document forwarded to  
Judge on 2/22/94  
STATE BAR COURT CLERK'S OFFICE  
By: MAN

Allen Peck  
Judge of the State Bar Court

ERP-CEV

**ATTACHMENT TO ORDER 410  
INCORPORATED BY REFERENCE**

IN THE MATTER OF

CASE NO(S). 91-O-05897-CEV

ROBERT CARLIN BURLISON, JR.,

A Member of the State Bar.

**[ ] PUBLIC REPROVAL**

Pursuant to General Order 93-10, service upon the parties of this "Order Approving Stipulation As to Facts and Disposition" constitutes a letter of PUBLIC reproval in the name of the State Bar of California to the above named member of the State Bar pursuant to rule 615, Transitional Rules of Procedure of the State Bar of California.

[ ] Conditions in the manner authorized by rule 956, California Rules of Court, are ordered to be attached to this reproval as set forth in the attached stipulation.

[ ] No conditions are attached to this reproval.

This Public Reproval shall be effective upon expiration of the period provided by rule 407(c), Transitional Rules of Procedure of the State Bar of California, unless a timely request for withdrawal or modification of the stipulation is filed.

**EDP [X] PRIVATE REPROVAL**

Pursuant to General Order 93-10, service upon the parties of this "Order Approving Stipulation As to Facts and Disposition" constitutes a letter of PRIVATE reproval in the name of the State Bar of California to the above named member of the State Bar pursuant to rule 615, Transitional Rules of Procedure of the State Bar of California.

[X] Conditions in the manner authorized by rule 956, California Rules of Court, are ordered to be attached to this reproval as set forth in the attached stipulation.

[ ] No conditions are attached to this reproval.

This PRIVATE Reproval shall be effective upon expiration of the period provided by rule 407(c), Transitional Rules of Procedure of the State Bar of California, unless a timely request for withdrawal or modification of the stipulation is filed.



**ATTACHMENT TO ORDER 410  
INCORPORATED BY REFERENCE**

IN THE MATTER OF	CASE NO(S). 91-O-05697- <del>450</del>
<u>ROBERT CARLIN BURLISON, JR.,</u>	
A Member of the State Bar.	

ESP

**DISMISSAL OF CERTAIN CHARGES:**

The charges set forth at page(s) 17 of the Stipulation, proposed by the parties to be dismissed, shall be dismissed:

with prejudice      [ ] without prejudice.

[ ] Since the dismissed charges include at least one "serious offense" within the meaning of rule 415, Transitional Rules of Procedure of the State Bar of California, the Court has inquired into the availability and sufficiency of the evidence prior to making this order.

The dismissed charges do not include any "serious offense" within the meaning of rule 415, Transitional Rules of Procedure of the State Bar of California.

ESP

**MODIFICATION OF STIPULATION:**

Respondent did not place his initials at page 7. Since Respondent initialed all other pages and signed the last page of the stipulation, Respondent is deemed to have initialed the top of page 7.

[ ] **VACATION OF DATES**

All previously scheduled dates in this matter, if any, shall be vacated herewith.

**COUNSEL FOR STATE BAR:**  
 OFFICE OF TRIAL COUNSEL  
 OFFICE OF TRIALS  
 ROBERTA M. YANG  
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 Glendale, California 91203

THE STATE BAR COURT  
 OF THE  
 STATE BAR OF CALIFORNIA  
**RECEIVED**  
 FEB 15 1994  
 HEARING DEPARTMENT  
 LOS ANGELES  
 SAN FRANCISCO  
**STATE BAR COURT  
 CLERKS OFFICE  
 LOS ANGELES**

FOR COURT USE ONLY  
**FILED**  
 FEB 15 1994  
**STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES**

IN THE MATTER OF  
ROBERT CARLIN BURLISON, JR.  
 No. 97461  
 MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S). 91-0-05697  
 92-0-10892  
 92-0-12239  
 STIPULATION AS TO FACTS AND  
 DISPOSITION (RULES 405-407,  
 TRANSITIONAL RULES OF PROCEDURE  
 OF THE STATE BAR OF CALIFORNIA)  
 FIRST AMENDED  SECOND AMENDED

**SCHEDULE OF ATTACHMENTS**

- SECTION ONE:  FORM STIP 110: STIPULATION FORM, INCLUDING GENERAL AGREEMENTS AND WAIVERS
- SECTION TWO:  FORM STIP 120: AGREEMENTS AND WAIVERS
- SECTION TWO:  FORM STIP 130: STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW WARRANTING THE AGREED DISPOSITION

Within document forwarded to  
 Judge on 2/15/94  
 STATE BAR COURT CLERK'S OFFICE  
 By: MMW

Parties'

Initials

*MS*  
*US* *WA* *AS*

PAGE 2 of 23

- 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

Parties' Initials

UB [handwritten initials]

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES</p> <p><input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p>
<p>IN THE MATTER OF</p> <p><u>ROBERT CARLIN BURLISON, JR.</u></p> <p>No. <u>97461</u></p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S).      91-0-05697                           92-0-10892                           92-0-12239</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 May 29, 1981 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.

Parties' Initials

UB MA WJ RD

PAGE 4 of 23

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 J, 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, ~~XXXX~~, which are not included in this stipulation.
- FORM STIP 120 is attached, stating further general agreements and waivers.

Parties'  
Initials

*MB*  
*CS* *AK* *RS*

PAGE 5 of 23

**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



Parties'  
Initials

*WJ* *WA* *RPO* PAGE 6923

IN THE MATTER OF	CASE NO(S).	91-0-05697
<u>ROBERT CARLIN BURLISON, JR.</u>		92-0-10892
A Member of the State Bar.		92-0-12239

ATTACHMENT TO:  STIPULATION     DECISION

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

CASE NO. 91-0-12239

COUNT ONE

1. On March 5, 1991 prior counsel, John A. Lewis, filed a lawsuit entitled Noy v. Winegar et al., Case Number 91-E0002448, (hereinafter "Noy lawsuit") on behalf of Mr. Larry Noy (hereinafter "Noy").
2. On May 22, 1991 the Respondent was employed by Noy to represent him as a plaintiff in the Noy lawsuit.
3. On June 6, 1991 a Substitution of Attorney was filed with the court reflecting that Robert C. Burlison of Burlison and Luostari was now counsel of record for Noy.
4. On August 15, 1991 the Respondent filed a Request for Entry of Default on behalf of Noy against defendant Marv Winegar dba So. California Communications.
5. By communication dated August 20, 1991, the court notified the Respondent that the Request for Entry of Default filed on August 15, 1991 was rejected and set forth the reasons for the rejection.

6. Respondent instructed his secretary to obtain a corrected proof of service through Noy's prior counsel, and to correctly fill out the form (Request for Default) for resubmission to the Court. In addition, Respondent instructed his secretary to communicate the status of the case to Mr. Noy. Although several months elapsed, the delegated tasks were not completed.

7. Noy called Respondent and his secretary several times during the three-month period following the rejection of the Request for Default by the Court, inquiring about the status of the case. He was informed by Respondent that the Request for Entry of Default was being processed. There were several telephonic communications between Respondent's secretary and Noy; but, at no time prior to December 21, 1991 was Noy specifically advised that the Request for Entry of Default filed on August 15, 1991 was rejected by the Court on August 20, 1991.

8. In late February 1992 Noy requested his file back and went to his former attorney.

9. On or about March 5, 1992, Respondent's office resubmitted the Request for Default Judgement which was later rejected by the court on March 25, 1992 for some of the same reasons as originally stated in the court's initial August 20, 1991 rejection.

#### CONCLUSION OF LAW

1. By relying upon his secretary to obtain a corrected proof of service and to accomplish certain tasks, Respondent failed to resubmit the Request for Entry of Default in a reasonably diligent

*[Handwritten initials]*

manner, thereby wilfully (\*) violating rule 3-110(A) of the Rules of Professional Conduct.

2. In delegating to his secretary the task of informing the client of the status of the Entry of Default, and failing to ascertain whether the communication was made in terms which could be understood by the client, Respondent wilfully (\*) violated rule 3-500 of the Rules of Professional Conduct.

(\*) It is stipulated that "wilful" as used herein refers to the Standard defined by case law.

Parties  
Initials

*UB, MJD, WJ, AD*

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IN THE MATTER OF	CASE NO(S).	91-0-05697
<u>ROBERT CARLIN BURLISON, JR.</u>		92-0-10892
A Member of the State Bar.		92-0-12239

ATTACHMENT TO:  STIPULATION     DECISION

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

CASE NO. 92-0-10892

COUNT THREE

1. In or about October or November of 1990 Respondent was employed by Leeza Lee Hoyt to represent her and The Hoyt Organization (hereinafter jointly referred to as "Hoyt") in two lawsuits. The first lawsuit was entitled Leeza L. Hoyt, individually and dba The Hoyt Organization v. Thomas Kline Associates/Total Brokerage Services, a Corporation, (hereinafter the "Hoyt case") case number C734230 pending in Superior Court. The second lawsuit was McGee Publishers, Inc. v. The Hoyt Organization; Leeza Lee Hoyt, individually and dba The Hoyt Organization, (hereinafter "McGee case") case number SB90C00973 pending in Municipal Court.

2. When Respondent accepted the employment, he gave Hoyt his opinion that the two cases (the Hoyt case and the McGee case) should be consolidated and a motion for summary judgment appeared appropriate. Hoyt directed the Respondent to file both motions.

3. On or about November 30, 1990, the Respondent filed with the court a substitution of attorney in both the Hoyt case and the

McGee case naming himself as attorney of record for Hoyt and the Hoyt Organization.

4. Although Respondent performed certain legal services, he did not file a Motion to Consolidate nor a Motion for Summary Judgement

5. In January of 1992 attorney Eugene Gratz (hereinafter "Gratz") was associated into the case and took custody of the Hoyt and McGee case files.

6. At a January 17, 1992 meeting between Respondent, Hoyt and Gratz, Respondent first communicated to Hoyt that a Motion for Summary Judgment was probably not a viable resolution to her case.

CONCLUSION OF LAW

Respondent failed to promptly communicate to his client that a motion for summary judgment was not legally viable in wilful (\*) violation of Rules of Professional Conduct, rule 3-500.

(\*) It is stipulated that "wilful" as used herein refers to the Standard defined by case law.

Parties' Initials

*[Handwritten initials]*

IN THE MATTER OF	CASE NO(S).	91-0-05697
<u>ROBERT CARLIN BURLISON, JR.</u>		92-0-10892
		92-0-12239
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.)



Parties' Initials

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[ ] 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: \_\_\_\_\_

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



Parties' Initials

*US, MA, 19*

B. MITIGATING CIRCUMSTANCES:

[ X ] 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 has no record of prior discipline.  
Respondent has practiced law since May 29, 1981.

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

[ X ] 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: Noy obtained the default judgment in April 1992.

[ ] 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: \_\_\_\_\_

[ X ] 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ x] 13. Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows: \_\_\_\_\_

While representing Noy in the Noy v. Winegar matter, Respondent also represented Noy in Lang Roofing v. Noy, and rendered legal services.

During the period from August 1991 through March 1992, Respondent had a heavy calendar. He was engaged in extensive discovery in Philadelphia, New York, Maine, and Northern California. He was preparing for several major trials, and was in trials and arbitrations. The secretary was also overwhelmed because during that period a secretarial vacancy necessitated assumption of additional work on her part, contributing to the delay. Respondent has since instituted office procedures to avoid recurrence of such delays and miscommunication in the future.

At all times relevant to the facts herein, Respondent was involved in community services through various organizations.

Parties' Initials

*Handwritten initials and signatures*

IN THE MATTER OF	CASE NO(S).	91-0-05697
<u>ROBERT CARLIN BURLISON, JR.</u>		92-0-10892
A Member of the State Bar.		92-0-12239

ATTACHMENT TO:  STIPULATION     DECISION

### STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES

CASE NO.: 92-0-12239                      COUNT NO.: ONE

The charge under Business and Professions Code section 6068(m) is dismissed as duplicate of Rules of Professional Conduct, rule 3-500. The charges under Business and Professions Code sections 6106 and 6068(a) and Rules of Professional Conduct, rule 4-200 are dismissed in the interest of justice.

CASE NO.: 91-0-05697                      COUNT NO.: TWO

All charges are dismissed in the interests of justice.

CASE NO.: 92-0-10892                      COUNT NO.: THREE

The charge under Business and Professions Code section 6068(m) is dismissed as duplicate of Rules of Professional Conduct, rule 3-500. The charges under Business and Professions Code section 6068(a) and Rules of Professional Conduct, rule 3-110 are dismissed in the interests of justice.



Parties

Initials

*UPMA*  
*UPMA* *100*

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IN THE MATTER OF	CASE NO(S). 91-0-05697
<u>ROBERT CARLIN BURLISON, JR.</u>	92-0-10892
A Member of the State Bar.	92-0-12239

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 reprovod by the State Bar Court.
- The parties understand that although this reprovod 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 reprovod 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 reprovod, 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 reprovod.
- Pursuant to rule 956, paragraph (a), California Rules of Court, it is recommended that the following conditions be attached to the private reprovod, 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

Parties

Initials

*CB, MP, AJ, MD*

PAGE 19 of 23

- 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: ETHICS SCHOOL

That the conditions attached to the private reapproval 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 YEAR ~~( 30 days /  90 days /  180 days /  1 year)~~ 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.

Parties' Initials

*LB, MP, WR, R10*

PAGE 20 of 23

IN THE MATTER OF  <u>ROBERT CARLIN BURLISON, JR.</u>	CASE NO(S). 91-0-05697 92-0-10892 92-0-12239
A Member of the State Bar.	

ATTACHMENT TO:  STIPULATION     DECISION

### ~~CALIFORNIA~~ CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION

[Fill in the blanks as appropriate and check the 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 the State Bar Court order Respondent to take and pass the National ~~California~~ Professional Responsibility Examination administered by the Committee of Bar Examiners of the State Bar of California within ONE YEAR days/months/year(s) of the effective date of the administration of the Private reproof and furnish satisfactory proof of such passage to the Probation Department, State Bar Court, within said year.

Parties'

Initials

*CB MAD*  
*ICRL*

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IN THE MATTER OF	CASE NO(S).	91-0-05697
ROBERT CARLIN BURLISON, JR.		92-0-10892
		92-0-12239
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.

Parties  
Initials

*[Handwritten initials]*

PAGE 22 of 23

OFFICE OF TRIAL COUNSEL  
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San Francisco, California 94102-4498  
Telephone: (415) 561-8200

IN THE MATTER OF

Case No(s).

91-0-05697  
92-0-10892  
92-0-12239

ROBERT CARLIN BURLISON, JR.

A Member of the State Bar.

ATTACHMENT TO:     STIPULATION                     DECISION

**STATE BAR ETHICS SCHOOL**

FOR REPROVAL CASES:

Within one (1) year of the date of the issuance of the letter of reproof in this matter, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 1149 South Hill Street, Los Angeles) and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

FOR SUSPENSION CASES:

Within one (1) year of the effective date of the Supreme Court order in this matter, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 1149 South Hill Street, Los Angeles) and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

Parties'  
Initials

*MSD*  
*WLP*  
*MP*

**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: 2/14/94

*Michele J. Dougherty*  
Deputy Trial Counsel, MICHELE J. DOUGHERTY

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

\_\_\_\_\_  
Deputy Trial Counsel

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

\_\_\_\_\_

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

\_\_\_\_\_

DATE: 2-11-94

*Robert Carlin Burlison, Jr.*  
Respondent, ROBERT CARLIN BURLISON, JR.

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

\_\_\_\_\_  
Respondent

DATE: Feb 11, 1994

*Lily Barry*  
Respondent's Counsel, LILY BARRY

DATE: Feb 11, 1994

*Walter Luostari*  
Respondent's Counsel, WALTER LUOSTARI



## DECLARATION OF SERVICE

[Rule 242, Trans. Rules Proc.; Code Civ. Proc., § 1013a(1)]

I am a Deputy Court Clerk 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 Los Angeles, on the date shown below, I deposited a true copy of the following document(s)

**ORDER REGARDING STIPULATION, filed February 22, 1994;  
STIPULATION AS TO FACTS AND DISPOSITION, filed February 15,  
1994,**

in a sealed envelope as follows:

- [ X ] with first-class postage thereon fully prepaid in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

**WALTER R LUOSTARI ESQ  
BURLISON & LUOSTARI  
520 N CENTRAL AVE SUITE 740  
GLENDALE CA 91203-1919**

**LILY BARRY ATTORNEY AT LAW  
301 E COLORADO BLVD SUITE 616  
PASADENA CA 91101**

- [ ] by certified mail, , with a return receipt requested, in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

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

**Michele J. Dougherty Attorney at Law, Office of Trials**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Los Angeles, California, on February 22, 1994.

  
Michael J. Wolverton  
Deputy Court Clerk  
State Bar Court

## CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 2, 2019, I deposited a true copy of the following document(s):

### **STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

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

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

Ellen Pansky  
Pansky Markle Attorneys at Law  
1010 Sycamore Ave Unit 308  
S Pasadena, CA 91030-6139

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

DESIREE FAIRLY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 2, 2019.



---

Paul Songco  
Court Specialist  
State Bar Court