


**ORIGINAL**

<p>Counsel for the State Bar Mike Archeta Nisperos, Jr. Russell G. Weiner Victoria R. Molloy William Cox Terrie Goldade 1149 S. Hill St. Los Angeles, CA 90015</p>	<p>Case number(s)  00-0-11501-PEM</p>	<p>(for Court's use)  <b>FILED</b> AUG 13 2003 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent  Joel Stanley Freeman 331 Larch Crest Court Thousand Oaks, CA 91320</p>	<p><b>PUBLIC MATTER</b>  kwiktag® 031 975 044 </p>	
<p>In the Matter of  Joel Stanley Freeman  Bar # 177703 A Member of the State Bar of California (Respondent)</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  ACTUAL SUSPENSION  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted September 26, 1995  
(date)
- (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 and order consist of 14 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:  
2004 and 2005  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - ☐ costs waived in part as set forth under "Partial Waiver of Costs"
  - ☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances [for definition, see Standards for Attorney Solicitors for Professional Misconduct, standard 1.2(b).] Facts supporting aggravating circumstances are required.

(1) ☐ Prior record of discipline [see standard 1.2(f)]

(a) ☐ State Bar Court case # of prior case \_\_\_\_\_

(b) ☐ date prior discipline effective \_\_\_\_\_

(c) ☐ Rules of Professional Conduct/ State Bar Act violations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) ☐ degree of prior discipline \_\_\_\_\_

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(2) ☐ Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) ☐ Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) ☐ Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5) ☐ Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(6) ☐ Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(7) ☒ Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

(8) ☐ No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e).] Facts supporting mitigating circumstances are required.

- (1) ☐ No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to 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 in good faith.
- (8) ☐ Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances: *See Attachment.*

## 1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of 1 year

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: \_\_\_\_\_

B. The above-referenced suspension shall be stayed.

## 2. Probation.

Respondent shall be placed on probation for a period of 2 years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

## 3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of 90 days

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ 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 shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) ☒ Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. The first report would cover less than 30 days, that report shall 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 shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 shall provide to the Probation Unit 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.
- (8) ☐ Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) ☒ The following conditions are attached hereto and incorporated:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions             |
- (10) ☒ Other conditions negotiated by the parties:
- ☒ Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- ☐ No MPRE recommended.
- ☒ Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- ☐ Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- ☐ Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

In the Matter of **Joel Freeman**  
A Member of the State Bar

Case Number(s):  
**00-0-11501**

**Law Office Management Conditions**

- a. ☐ Within \_\_\_ days/ \_\_\_ months/ \_\_\_ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b. ☒ Within ~~\_\_\_ days/ \_\_\_ months~~ 1 years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than 3 hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for \_\_\_ year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

In the Matter of

Joel Freeman

Case Number(s):

00-0-11501

A Member of the State Bar

Financial Conditions

- a. ☐ Respondent shall pay restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of \_\_\_\_\_, plus 10% interest per annum accruing from \_\_\_\_\_, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,
- ☐ no later than \_\_\_\_\_
- or
- ☐ on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b. ☒ 1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
  - b. respondent has kept and maintained the following:
    - i. a written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c. ☒ Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Financial Conditions form approved by SBC Executive Committee 10/16/00)

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

IN THE MATTER OF:        Joel Stanley Freeman

CASE NUMBER:            00-O-11501

**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.

**COUNT ONE**

1. Between in or about October 1999 and March 2000, Respondent repeatedly issued checks and/or made overdraft ATM withdrawals and point-of-sale purchases against insufficient funds in Respondent's client trust account at California Federal Bank, account number 792-4007490 ("CTA") to pay for personal expenses, including but not limited to the following:

<u>Check No.</u>	<u>Date Issued</u>	<u>Payee</u>	<u>Check Amount</u>	<u>Date Presented</u>	<u>Account Balance</u>
N/A	10/26/99	ATM Withdrawal	\$200.00	10/2/99	(-183.24)
N/A	12/18/99	Point of Sale	382.12	12/18/99	(-134.51)
N/A	3/4/00	Firestone Tires	102.26	3/7/00	(-330.29)
(temporary check)					
N/A	3/4/00	Pacific Bell	264.00	3/7/00	(-330.29)
(temporary check)	(erroneously written as 4/3/00)				

2. Respondent issued the checks and made the overdraft ATM withdrawals and point-of-sale purchases set forth above when he knew or should have known that there were insufficient funds in the CTA to pay them.

3. Between in or about July 1999 and March 2000, Respondent issued checks from the CTA to pay for personal expenses, including, but not limited to the following:

<u>Check No.</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
N/A (temporary check)	3/16/00	Costco Wholesale	\$ 281.77
N/A (temporary check)	3/16/00	Phyllis Zia	1,440.00
		("March & April rent")	



N/A (temporary check)	3/17/00	Terrence Fennessy ("Loan Repayment")	2,000.00
N/A (temporary check)	3/17/00	Fred Eric ("Loan repayment")	250.00
N/A (temporary check)	3/20/00	"GK" (illegible) ("Gift")	200.00

4. Between in or about August 1999 and February 2000, Respondent repeatedly made withdrawals and issued official checks and money orders to pay for personal expenses from Respondent's CTA, including but not limited to the following:

<u>Date</u>	<u>Official Check/ Money Order No.</u>	<u>Payee</u>	<u>Amount</u>	<u>Withdrawal/ Check Notes</u>
8/4/99	3566189951	Cantor & Weinshenk	\$1,112.36	"August rent"
8/13/99	9019836627	Gerald Freeman	1,500.00	
10/23/99	9838463132	Phyllis Zia	750.00	"Rent"
12/7/99	054939841	Phyllis Zia	700.00	
12/7/99	054939842	Cantor & Weinshenk	250.00	
1/8/00	1255485748	Phyllis Zia	782.00	
2/3/00	1255488197	Phyllis Zia	700.00	

5. Between in or about August 1999 and June 2000, Respondent repeatedly made point-of-sale purchases for personal expenses from Respondent's CTA, including but not limited to the following:

<u>Date</u>	<u>POS Vendor</u>	<u>Amount</u>
11/11/99	Netflix	\$4.24
11/11/99	MSN On-line	59.85
11/18/99	Public Storage	333.00
11/19/99	Netflix	6.36
12/1/99	Federal Express	22.75
12/6/99	Public Storage	139.00
12/9/99	MSN On-line	19.95
12/9/99	Costco Gas	20.66
12/10/99	Costco Wholesale	318.71
12/10/99	Zany Brainy	177.98
12/10/99	Chi Chi's Pizza	16.75
12/10/99	Borders Book & Music	10.67
12/13/99	Costco Wholesale	148.88
12/14/99	N/A (Unidentified vendor)	61.50
12/15/99	Robinson May Lancome	135.31
12/15/99	Victoria's Secret	215.42

12/16/99	Electric Shaver Shop	47.00
12/18/99	Macy's West	60.62
12/18/99	Guess Retail Store	382.12
12/20/99	N/A (Unidentified vendor)	201.50
1/1/00	Netflix	5.82
1/ 2/00	Lce University City	16.50
1/8/00	Costco Gas	18.00
1/10/00	Costco Wholesale	49.27
1/21/00	Ralphs Grocery	7.90
2/5/00	Ibill	1.95
2/8/00	Costco Wholesale	27.47
2/9/00	Ibill	39.95
2/15/00	Netflix	4.25
2/22/00	Netflix	1.06
2/25/00	Blockbuster	11.22
2/27/00	Odyssey Video	17.26
2/28/00	Costco Wholesale	52.27
3/3/00	Costco Wholesale	53.70
3/16/00	Continental	394.00
3/17/00	Sephora	127.19
3/17/00	Ibill	39.95
3/20/00	Westin Hotels	463.22
3/22/00	Macy's West	346.35
3/23/00	Robinson Mays Sheets	422.63
3/25/00	Public Storage	487.00
3/26/00	Macy's West	147.45
3/26/00	Robinson Mays Infant	70.75
3/27/00	Costco Gas	30.00
3/29/00	Costco Wholesale	295.46
4/5/00	Los Angeles Water Po	145.97
4/5/00	Public Storage	139.00
4/6/00	Costco Gas	31.53
4/9/00	Ibill	9.95
4/13/00	MSN On-Line	59.85
4/17/00	Paycom	1.95
4/21/00	Paycom	29.95
4/21/00	Paycom	1.00
5/1/00	Paycom	1.65
5/4/00	Public Storage	146.00
5/8/00	Mandalay Room Reservation	129.71
5/9/00	Ibill	9.95
5/16/00	Odyssey Video	45.27

5/21/00	Paycom	1.00
5/21/00	Paycom	29.95
5/23/00	Mandalay Room Reservation	402.21
5/24/00	Power T/Dfx/Dspfx	19.95
5/24/00	Costco Gas	19.58
5/26/00	Costco Wholesale	119.39
5/26/00	Paycom	1.65
5/30/00	Costco Gas	28.04
6/5/00	Collett Veterinary	33.00
6/5/00	Costco Gas	27.55
6/6/00	Public Storage	146.00
6/7/00	California Pizza Kitchen	35.16
6/8/00	Ibill	9.95
6/8/00	Sav-On	19.75
6/8/00	Petco	33.53
6/9/00	Regal Cleaners	31.50
6/9/00	Shell	15.76
6/9/00	Weiler's Restaurant	23.70
6/10/00	Southwest Air	179.00
6/10/00	Southwest Air	169.00
6/11/00	Gca Mandalay Bay	214.99
6/11/00	Mandalay Beach Bar	17.00
6/12/00	N/A (Unidentified vendor)	102.00
6/12/00	N/A (Unidentified vendor)	102.00
6/12/00	Hob Club	30.00
6/12/00	Host International	22.65
6/16/00	N/A (Unidentified vendor)	101.50
6/17/00	Southwest Air	179.00
6/22/00	Arco Paypoint	6.03
6/23/00	Albertson's	31.05
6/27/00	Chevron	8.72

**Legal Conclusion:**

By repeatedly issuing checks and making overdraft ATM withdrawals and point-of-sale purchases from his CTA when he knew or should have known there were insufficient funds; and by issuing checks, withdrawing funds, issuing official checks and money orders, and making point-of-sale purchases from his CTA to pay for personal expenses, Respondent misused his CTA in wilful violation of Rules of Professional Conduct, rule 4-100(A).

///

## COUNT TWO

6. The allegations of paragraphs 1 through 5 are incorporated by reference.
7. Between in or about October 1999 and November 1999, Respondent repeatedly deposited personal funds into Respondent's CTA, including but not limited to the following:

<u>Date</u>	<u>Check No.</u>	<u>Payer</u>	<u>Amount</u>	<u>Check Notes</u>
10/15/99	1050	Fred Eric	\$500.00	"Loan"
11/16/99	3903	Michael & Cathlene Geller	40.00	"Tickets"

### **Legal Conclusion**

By depositing personal funds in his CTA; and by issuing checks, withdrawing funds, issuing official checks and money orders; and making point-of-sale purchases from his CTA to pay for personal expenses, Respondent commingled funds belonging to Respondent in a client trust account in wilful violation of Rules of Professional Conduct, rule 4-100(A).

## COUNT THREE

8. On or about April 20, 2000, the State Bar opened an investigation, case no. 00-O-11501, concerning issuance of insufficient funds checks (the "NSF checks matter").

9. On or about April 26, 2000 and May 16, 2000, State Bar Investigator Joelyn Pullano ("Investigator Pullano") wrote to Respondent regarding the NSF checks matter. Investigator Pullano's letters were placed in sealed envelopes correctly addressed to Respondent at his State Bar membership records address. The letters were properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return Investigator Pullano's letters as undeliverable. Because Respondent did not regularly return to that address, he did not receive the letters which were being held for him by another tenant. Respondent did not update his address until August 8, 2002.

### **Legal Conclusion:**

By not providing the State Bar with a current office address or another address to be used for State Bar purposes, Respondent failed to update his membership address in wilful violation of Business and Professions Code, section 6068(j).

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was July 15, 2003.

#### **OTHER CIRCUMSTANCES.**

Respondent has no prior record of discipline. No clients have made State Bar complaints about Respondent.

Respondent's father resigned from the State Bar of California effective April 13, 1997. Respondent attempted to take over his father's practice, even though Respondent had only been an attorney for less than 2 years. Respondent asserts that when he realized that he did not have the business knowledge to run a law practice, he began winding it down. He did not practice law from January 2000 to July 2003.

///

Date

Respondent's signature

print name

Date

Respondent's Counsel's signature

print name

Date

Deputy Trial Counsel's signature

print name

## 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.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court. 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 August 13, 2003, 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:

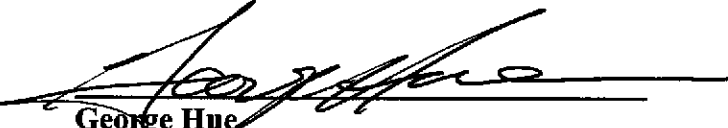
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JOEL S FREEMAN  
331 LARCH CREST CT  
THOUSAND OAKS CA 91320**

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

**TERRIE GOLDADE, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 13, 2003.

  
**George Hue**  
Case Administrator  
State Bar Court