

**ORIGINAL**

<p>Counsel for the State Bar OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT THE STATE BAR OF CALIFORNIA ERIN McKEOWN JOYCE, No. 149946 DEPUTY TRIAL COUNSEL 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000</p>	<p>Case number(s) 00-O-14751-RMT 01-O-00140-RMT</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p>FEB 11 2004 <i>YK</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p><b>CONFIDENTIAL</b></p>
<p>Counsel for Respondent Robert P. Georgi 26710 Swell St., #A-195 Bakersfield, CA 93306 (661) 301-5966</p>		
<p>In the Matter of ROBERT P. GEORGI</p> <p>Bar # 189144 A member of the State Bar of California (Respondent)</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>REPROVAL <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 4, 1997  
(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." This stipulation consists of 10 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 investigations/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):
  - costs added to membership fee for calendar year following effective date of discipline (public reproval)
  - case ineligible for costs (private reproval)
  - costs to be paid in equal amounts for the following membership years:  

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(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 text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

(8) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

(1)  Prior Record of Discipline [see standard 1.2(f)]

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

(b)  Date prior discipline effective \_\_\_\_\_

(c)  Rules of Professional Conduct/State Bar Action 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 recognition of or acknowledgment of the consequences of his or her misconduct.
- (6)  Lack of Cooperation: Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or 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 are involved.

C. Mitigating Circumstances (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.
- (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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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 by convincing proof of subsequent rehabilitation.

(13)  No mitigating circumstances are involved.

Additional mitigating circumstances:

D. Discipline:

(1)  Private reproof (check applicable conditions, if any below)

(a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).

(b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2)  Public reproof (check applicable conditions, if any below)

E. Conditions Attached to Reproof:

(1)  Respondent shall comply with the conditions attached to the reproof for a period of ONE (1) YEAR.

(2)  During the condition period attached to the reproof, 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. If the first report would cover less than thirty (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 the condition period.

- (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)  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 within one year of the effective date of the reproof.
- No MPRE recommended.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |
- (11)  Other conditions negotiated by the parties:
- See attachment to Stipulation.

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

IN THE MATTER OF:        ROBERT PAUL GEORGI

CASE NUMBER(S):        00-O-14751 AND 01-O-00140 ET AL.

**FACTS AND CONCLUSIONS OF LAW**

The parties to this stipulation, Respondent Robert Paul Georgi, and the State Bar of California, through Deputy Trial Counsel Erin Joyce, stipulate and agree to the following facts and conclusions of law:

**Case No. 00-O-14751**  
**Rule of Professional Conduct 3-110(A)**  
**[Failure to Perform with Competence]**

Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

On April 1, 2000, Frank Pecarich employed Respondent to research certain issues involving the dissemination of pamphlets to the public and to advise him in any legal actions Pecarich might contemplate after reviewing Respondent's research. At that time, Pecarich paid Respondent \$555.00 in advanced fees based on an hourly fee of \$185.00.

At the time of the retention, Respondent agreed to do the research on Pecarich's behalf. Respondent accepted the \$555.00 in advanced fees based on his agreement to perform legal services for Pecarich.

However, at no time did Respondent take any steps to begin or complete the research requested by Pecarich or to provide any information to Pecarich regarding the results of his research related to the dissemination of pamphlets.

From April 1, 2000 through mid-June 2000, Respondent took no steps to contact Pecarich. On June 15, 2000, after waiting two and one-half months to hear from Respondent concerning the results of his research, but hearing nothing from Respondent, Pecarich called Respondent's office and left a message with the receptionist requesting a status update on his legal matter and specifically requesting that Respondent return his call.

Despite having received Pecarich's message, Respondent failed to return Pecarich's phone call.

Between June 15, 2000 and July 18, 2000, Pecarich called and left numerous messages requesting that Respondent return his calls for a status update on his legal matter. Respondent received Pecarich's phone calls, but Respondent failed to return any of Pecarich's calls or otherwise communicate with Pecarich.

In late-July 2000, after not receiving any communications from Respondent in response to his numerous messages, Pecarich again called Respondent at his last known phone number and discovered that Respondent's office telephone number was disconnected with no forwarding number.

Respondent did not provide Pecarich with his new office address or telephone number when he moved in July 2000, or at any time thereafter. Respondent never telephoned Pecarich or made any attempts to contact him.

On July 18, 2000, Pecarich wrote to the State Bar to file a complaint against Respondent for failure to perform, failure to communicate and failure to refund unearned fees.

By failing to perform any legal services for Pecarich, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

**Case No. 01-O-00140**  
**Rule of Professional Conduct 3-110(A)**  
**[Failure to Perform with Competence]**

Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

On October 14, 1999, Jolene Billinger from Valley Achievement Center employed Respondent to file an injunction against the Kern County Consortium SELPA to prevent slanderous commentary against the Center. At the time of his retention, Respondent agreed to file the appropriate motions to obtain an injunction and promised the Center that he would file the required papers to obtain an injunction immediately.

At the time the Center retained Respondent, the Center paid Respondent \$1,000.00 in advanced fees for his services.

From and after October 14, 1999, Respondent did not contact the Billinger or the Center to provide a status update on his efforts to prepare the papers necessary to obtain an injunction against the Kern County Consortium SELPA, as he agreed to do on behalf of the Center.

Respondent performed no legal services for the Center from October 1999 to the present and took no action to contact either Billinger or the Center.

On February 22, 2000, Billinger wrote to Respondent to request a status update concerning the legal matter for which Respondent was retained by Billinger on behalf of the Center. In the letter, Billinger expressed the Center's concerns with Respondent's failure to communicate and his failure to take any action to obtain an injunction. In her letter, Billinger requested a full refund of the \$1,000.00 in advanced fees.

Billinger mailed the February 22, 2000 letter to Respondent at his office address which he provided to Billinger (which was his State Bar membership records address) through the United States mail, in a sealed envelope, first class postage prepaid. The letter was never returned as undeliverable or for any other reason by the United States Postal Service.

Respondent received the February 22, 2000 letter from Billinger. However, Respondent failed to respond to Billinger's letter.

On July 12, 2000, Billinger wrote to Respondent again requesting a full refund of the unearned advanced fees. In the letter, Billinger once again expressed the Center's concerns with Respondent's failure to communicate and his failure to take any action to obtain an injunction.

Billinger mailed the July 12, 2000 letter to Respondent at his office address which he provided to Billinger (which was his State Bar membership records address) through the United States mail, in a sealed envelope, first class postage prepaid. The letter was never returned as undeliverable or for any other reason by the United States Postal Service.

Respondent received the July 12, 2000 letter from Billinger, however, Respondent failed to respond to Billinger's letter.

After July 2000, Billinger tried to contact Respondent at the last known address provided by Respondent and discovered that Respondent's address was not current. Respondent moved his office and changed his office telephone number. At no time did Respondent provide Billinger with his new office address or telephone number. Respondent never telephoned Billinger or made any attempts to contact her.

On December 11, 2000, Billinger wrote to the State Bar to complain about Respondent's failure to perform legal services, failure to communicate and failure to refund unearned fees.

By failing to perform any legal services for the Center, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).



**AUTHORITIES SUPPORTING DISCIPLINE**

**STANDARDS FOR ATTORNEY SANCTIONS**

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the protection of public confidence in the legal profession.

Pursuant to Standard 2.4(b), culpability of a member of wilfully failing to perform services in a client matter shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

**OTHER CONDITIONS NEGOTIATED BY THE PARTIES**

None.

**PENDING PROCEEDINGS**

The disclosure date referred to, on page one, paragraph A.(6), was September 8, 2003.

Date January 6, 2004

  
Respondent's Signature

ROBERT P. GEORGI  
Print Name

Date \_\_\_\_\_

Respondent's Counsel Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date 2-4-04

  
Deputy Trial Counsel's Signature

ERIN McKEOWN JOYCE  
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 2-6-04

  
Judge **ROBERT M. TALCOTT**

**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 Los Angeles, on February 11, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING PRIVATE REPROVAL, filed February 11, 2004**

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 Los Angeles, California, addressed as follows:

**ROBERT P. GEORGI  
26710 SWELL ST. #A-195  
BAKERSFIELD CA 93306**

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

**ERIN M. JOYCE, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **February 11, 2004.**



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**Tammy R. Cleaver**  
Case Administrator  
State Bar Court