



State Bar Court of the State Bar of California  
Hearing Department ☒ Los Angeles ☐ San Francisco

<b>Counsel for the State Bar</b> <b>OFFICE OF THE CHIEF TRIAL COUNSEL</b> <b>ENFORCEMENT</b> ERIC H. HSU, SBN 213039 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299 TELEPHONE: (213) 765-1247 FACSIMILE: (213) 765-1442	<b>Case number(s)</b>  01-0-01316 AND 03-0-02311  kwiktag® 035 117 163 	<b>(for Court's use)</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  AUG 27 2004  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel for Respondent, in PRO. PER.</b> ROBERT THOMPSON PLUMB II, ESQ. P.O. BOX 180734 CORONADO, CA 92178-0734 TELEPHONE: (619) 437-4261 FACSIMILE: (619) 437-4284	<b>Submitted to</b> <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>REPROVAL</b> <input type="checkbox"/> <b>PRIVATE</b> <input checked="" type="checkbox"/> <b>PUBLIC</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	
<b>In the Matter of</b>  ROBERT THOMPSON PLUMB II  Bar # 86626 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted MAY 31, 1979  
(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 13 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):
  - ☒ costs added to membership fee for calendar year following effective date of discipline (public reproof)
  - ☐ case ineligible for costs (private reproof)
  - ☐ costs to be paid in equal amounts for the following membership years:  
(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."

(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 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: **NONE.**

**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: NONE.

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 Reproval:

(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 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following 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 condition period 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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the 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 conditions attached to the reproof.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- ☐ No Ethics School ordered.
- (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 required 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 ordered.
- (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 checked="" type="checkbox"/> Financial Conditions  |
- (11) ☐ Other conditions negotiated by the parties:

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

IN THE MATTER OF:        ROBERT THOMPSON PLUMB II

CASE NUMBER(S):        01-O-01316 and 03-O-02311

**FACTS AND CONCLUSIONS OF LAW.**

Respondent ROBERT THOMPSON PLUMB II ("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, as set forth below:

Case No.: 01-O-01316 (the Maya matter).

a. Facts.

1. From on or about March 19, 1996 through 1998, Zana Maria Maya ("Maya") paid to Respondent \$9,813.15 in advanced fees for representation in the following matters: a spousal support matter entitled *Waughtel v. Waughtel*, then pending in the San Bernardino County Superior Court (case number SFL0017971), and the appeal which ensued in Court of Appeal, Fourth District, Division Two, case number E019610 ("the appeal").
2. During his representation of Maya, Respondent sent Maya billing statements, although not on a regular basis.
3. On April 22, 1996, Respondent substituted into Maya's case as counsel.
4. On October 11, 1996, Maya's ex-husband's motion to reduce spousal support was denied; he filed a notice of appeal. The Court of Appeal affirmed the judgment in favor of Maya on June 5, 1998, based on the record.
5. On July 8, 1999, Maya's son, attorney Michael Waughtel, wrote Respondent to inquire about the status of Maya's case and to request an accounting. Respondent did not respond to the July 8, 1999 letter. On November 8, 1999, Mr. Waughtel wrote Respondent, again, to inquire on the case status and request an accounting. Respondent did not respond.

6. On April 15, 2000, Maya wrote Respondent and requested the return of her file, after Maya was informed by attorney Rosemary Perna that her attempts to obtain Maya's case file from Respondent were unsuccessful.

7. By September 19, 2001, Respondent had turned over Maya's file to Mr. Waughtel, but the file was incomplete in that the appellate opinion and any conformed copy of the responding brief were missing.

8. In his response to the State Bar investigation of the Maya matter, Respondent represented to the State Bar that he was unable to provide Maya with an accounting because his computer billing system crashed more than once and, as a result, related data could not be retrieved or recovered.

9. Due to protracted computer difficulties, Respondent could not recreate the billing data for an accounting; however, Respondent and Maya agreed to a settlement of Maya's account and Respondent will not seek collection of billable fees or costs against Maya, if any.

b. Conclusions of Law.

A. Respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct, by failing to promptly release to Maya, at Maya's request, all the client papers and property.

B. Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct, by failing to maintain complete records of all funds of Maya coming into Respondent's possession and render appropriate accounts to Maya regarding them.

Case No.: 03-O-02311 (the Kidd matter).

a. Facts.

12. On August 19, 2002, LaNelle Kidd ("Kidd") paid to Respondent \$5,000 for representation in a matter involving the modification of a custody order. On August 22, 2002, Kidd provided Respondent with court documents and e-mails from the opposing party.

13. On December 28, 2002, Kidd telephoned Respondent and left a voice-mail message requesting Respondent to return her call. Respondent did not return that call.

14. On February 6, 2003, Kidd telephoned Respondent and discussed her case with Respondent. Respondent's clerk sent Kidd a letter confirming that call.

15. On February 27, 2003, Kidd e-mailed Respondent about her case. Respondent did not reply to that e-mail request.

16. On March 25, 2003, Kidd e-mailed Respondent to request a current billing statement. Respondent did not reply to that e-mail request.

17. On April 4, 2003, Kidd telephoned Respondent and left a voice-mail message for Respondent to send a billing statement. Respondent did not respond to that request.

18. On April 7, 2003, Kidd telephoned Respondent. Although Respondent stated that he was in a meeting and would return that call, Respondent did not call.

19. On April 11, 2003, Kidd e-mailed Respondent to request a billing statement; Respondent did not provide the requested billing statement.

20. On April 18, 2003, Respondent e-mailed Kidd, stating that Respondent was getting a new computer, that he was receiving training on his new billing system, and that a billing statement would be sent to Kidd on April 29, 2003. Respondent did not provide a billing statement to Kidd.

21. On May 21, 2003, Kidd e-mailed Respondent about Respondent's failure to provide her with a billing statement since February of 2003. On May 22, 2003, Respondent e-mailed Kidd, stating that a billing statement would be sent by the first part of June.

22. On June 5, 2003, Kidd e-mailed Respondent to demand a refund and for a billing statement.

23. On June 12, 2003, the State Bar commenced its investigation of the Kidd matter.

24. On July 18, 2003, Kidd e-mailed Respondent to demand a refund and a billing statement. Respondent e-mailed Kidd on July 19, 2003, stating that he did not receive Kidd's email of June 5, 2003, and that Respondent would be out of the state until August 6, 2003.

25. On July 22, 2003, Kidd e-mailed Respondent and re-sent her email of June 5, 2003, and demanded an accounting and a refund.

26. On July 29, 2003, a State Bar Investigator wrote Respondent regarding the Kidd matter. Respondent did not respond.

27. On August 14, 2003, the State Bar Investigator wrote Respondent, again, about the Kidd matter. Respondent did not respond.



28. In or about October of 2003, Kidd hired attorney Bruce W. Cozart to represent her in the family law matter. On October 14, 2003, Attorney Cozart wrote Respondent to request all billing statements and for a refund of unearned fees.

29. Throughout the relevant time period, Respondent was unable to produce a billing statement for Kidd because his new computer system was not accepting data from his previous billing software.

30. On December 11, 2003, Respondent wrote the State Bar and provided a computer copy of his fee agreement with Kidd, which Kidd disputed. Respondent also wrote Kidd and tendered a \$2,000 check as a refund. Respondent is still unable to provide Kidd with a billing statement, due to the protracted computer difficulties.

**b. Conclusions of Law.**

A. Respondent willfully violated Business and Professions Code section 6068, subdivision (m), by failing to respond promptly to Kidd's reasonable status inquiries.

B. Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct, by failing to maintain complete records of all funds of Kidd coming into Respondent's possession and render appropriate accounts to Kidd regarding them.

C. Respondent willfully violated Business and Professions Code section 6068, subdivision (i), by failing to cooperate during the State Bar's investigation of the Kidd matter.

**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>
01-O-01316	One	Bus. & Prof. Code § 6068, subd. (m)

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was June 29, 2004.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 24, 2004, the estimated prosecution costs in this matter are approximately \$3,654.00 (thirty-six hundred fifty-four dollars). Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

### **a. Standards.**

Standard 2.2(b) provides that a violation of rule 4-100 not resulting in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.4(b) provides that the willful failure to communicate with a client shall result in reproof or suspension, depending on the degree of harm and the extent of such misconduct.

Standard 2.6(a) provides that a violation of Business and Professions Code section 6068 shall result in disbarment or suspension, depending on the gravity of the offense or harm to any victim, with due regard to the purposes set forth in standard 1.3.

Standard 2.10 provides that a violation of any other provision of the Business and Professions Code not specified in these standards shall result in reproof or suspension, according to the gravity of the offense or harm to any victim, with due regard to the purposes set forth in standard 1.3.

### **b. Case Law.**

*In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703.

In *Hanson*, the attorney was publicly reproofed and ordered to attend the State Bar Ethics School, for his misconduct involving one client matter: failure to refund unearned fees of approximately \$769, in violation of rule 3-700(D)(2), and failure to take steps to avoid foreseeable prejudice to his client, in violation of rule 3-700(A)(2). There was no mitigation, but Hanson's prior record of a private reproof was discounted because it was remote in time and that misconduct was minimal. In aggravation, clients were harmed by the delay in refunding the money and that the clients were unable to discuss settlement with the opposing party.

In the Matter of Fonte (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 752.

In *Fonte*, the attorney was suspended for one year, stayed, placed on probation for two years on the condition that he be actually suspended for sixty days, for his misconduct involving two client matters. Fonte was found culpable of violating rules 4-100(B)(3) and 3-300, among others. Fonte's misconduct was determined to be overreaching and serious uncharged misconduct were considered as aggravating circumstances, which outweighed Fonte's 25 years of practice without any prior discipline and his extensive public service.

The Review Department held that "[a]n attorney is not permitted to set his or her fees unilaterally. [Citation.] If a client contests fees charged or paid, the disputed funds must be placed in a trust account until the conflict is resolved. [Citation.]" (*Fonte*, at p. 758.)

**SUBMISSION OF SATISFACTORY PROOF OF COMPLIANCE TO THE OFFICE OF PROBATION.**

It is the express intent and understanding of the parties herein that "Probation Unit," wherever such reference is made in this Stipulation re Facts, Conclusions of Law and Disposition, including all pages attached hereto, shall mean the Office of Probation of the State Bar of California.

In the Matter of **ROBERT THOMPSON PLUMB II**

Case Number(s):

01-0-01316 AND

03-0-02311

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)

7/22/04  
Date

  
Respondent's signature

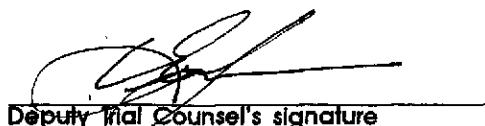
Robert T. Plumb  
print name

N/A  
Date

Respondent's Counsel's signature

print name

July 26, 2004  
Date

  
Deputy Trial Counsel's signature

ERIC H. HSU  
print name

### ORDER

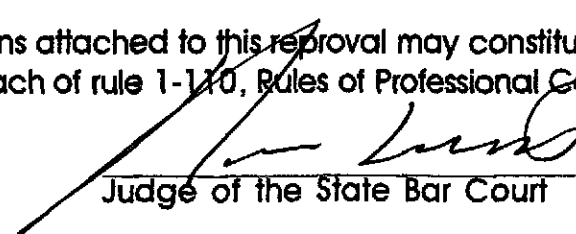
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

8/20/04  
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 27, 2004, 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:

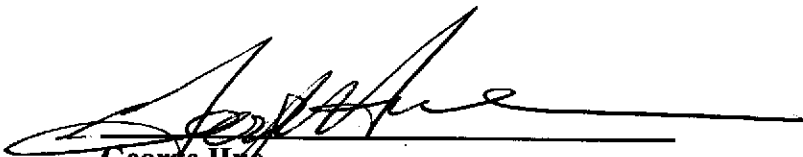
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**ROBERT THOMPSON PLUMB, II**  
**P O BOX 180734**  
**CORONADO, CA 92178-0734**

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

**ERIC HSU, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 27, 2004.

  
George Hye  
Case Administrator  
State Bar Court