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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
<b>Counsel for the State Bar</b> THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT Charles Calix, Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Telephone: (213) 765-1255  Bar #                    146853	<b>Case number(s)</b>  01-O-01343; 04-O-11715 04-O-14235  <b>PUBLIC MATTER</b>	(for Court's use)   <div style="text-align: center;"><b>FILED</b> <i>JD</i></div> <div style="text-align: center;">NOV 15 2005</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
<input checked="" type="checkbox"/> <b>Counsel for Respondent</b> <input type="checkbox"/> <b>In Pro Per, Respondent</b> David A. Clare 4675 MacArthur Court #1250 Newport Beach, CA 92660 949-417-5640  Bar #                    44971	Submitted to <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>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of</b>  ARTHUR GOOTKIN LAWRENCE  Bar #                    29554  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 June 10, 1959  
(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 20 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) 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.

**ORIGINAL**  
Actual Suspension

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years:  
2006, 2007 & 2008  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

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 (1) LA 2905; (2) LA 3070/3159

(b)  Date prior discipline effective (1) 6/3/82; (2) 2/17/82

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

(d)  Degree of prior discipline (1) Private Reprimand; (3) Private Reprimand

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

(2)  Dishonesty: Respondent's misconduct was 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.

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- (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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted 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.

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- (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:

**D. Discipline:**

- (1)  **Stayed Suspension:**
  - (a)  Respondent must be suspended from the practice of law for a period of 6 months
    - 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 as set forth in the Financial Conditions form attached to this stipulation.
    - iii.  and until Respondent does the following: \_\_\_\_\_
  - (b)  The above-referenced suspension is stayed.

- (2)  **Probation:**

Respondent must be placed on probation for a period of 2 years which will commence upon the effective date of the Supreme Court order in this matter.  
(See rule 953, Calif. Rules of Ct.)

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(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 30 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 as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following: \_\_\_\_\_

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and 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 must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

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- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: \_\_\_\_\_
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  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             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended. Reason: \_\_\_\_\_
- (2)  **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: \_\_\_\_\_
- (5)  **Other Conditions:**

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In the Matter of  ARTHUR GOOTKIN LAWRENCE	Case Number(s):  01-0-1343; 04-0-11715; 04-0-14235
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### Law Office Management Conditions

- a.  Within \_\_\_ days/ \_\_\_ months/ \_\_\_ years of the effective date of the discipline herein, Respondent must develop a law office management/ organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within \_\_\_ days/ 6 months \_\_\_ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 12 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will 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 must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for 2 year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

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In the Matter of  ARTHUR GOOTKIN LAWRENCE	Case Number(s):  01-0-01343; 04-0-11715; 04-0-14235
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF of the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay the above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than \_\_\_\_\_.

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, 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";

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In the Matter of  ARTHUR GOOTKIN LAWRENCE	Case Number(s):  01-0-01343; 04-0-11715; 04-0-14235
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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 Office of Probation 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.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation 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.

In the Matter of Arthur Gootkin Lawrence	Case Number(s): 01-O-01343 04-O-11715 04-O-14235
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**e. Mandatory Fee Arbitration**

Within 30 days of the effective date of the discipline herein, Respondent shall begin attempts to contact Mulugheta T. Belay ("Belay") by certified mail, return receipt requested, and to advise him that as part of Belay's complaint to the State Bar, Respondent agreed to: (1) participate in Mandatory Fee Arbitration concerning the \$2,500 that Belay paid Respondent; and (2) pay the cost of the filing fee. Respondent will provide Belay with the information necessary for Belay to participate in Mandatory Fee Arbitration, including but not limited to pursuant to Business & Professions Code sections 6200 to 6206 and Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California, and permit Belay to select the Bar Association to perform the arbitration hearing. Respondent shall attempt to contact Belay by sending three letters by certified mail, return receipt requested, to initiate the Mandatory Fee Arbitration. The first letter shall be sent within 30 days of the effective date of the discipline herein; the second letter on or about 30 days after the first letter; and the third letter on or about 30 days after the second letter.

If Respondent is unable to contact Belay, Respondent shall provide a declaration to the Office of Probation setting forth his attempts to contact Belay, including copies of the letters sent to Belay and attempts to locate additional addresses for Belay. If Belay refuses to participate, Respondent shall provide proof of Belay's refusal to the Office of Probation. If Belay agrees to Mandatory Fee Arbitration, the arbitration hearing shall be conducted as soon as possible, and no later than six months of the effective date of the discipline herein, unless agreed to in writing by Belay and/or at the request of the arbitrator. Respondent shall provide a copy of the arbitration award with the Office of Probation, including proof of payment of any award in favor of Belay within 30 days of the service of the arbitration award.

**f. Restitution**

Prior to effective date of the discipline herein, Respondent shall locate his file concerning the client for whom he deposited \$5,000 into his CTA on September 7, 2004 (the "\$5,000 Client"). Within 30 days of the effective date of the discipline herein, Respondent shall begin attempts to contact the \$5,000 Client by contacting the homeless shelter that the \$5,000 Client frequented and making arrangements for the posting of a notice alerting the \$5,000 Client that Respondent is holding funds in trust for her and how the \$5,000 Client can contact Respondent and obtain payment of the funds. Respondent shall contact the homeless shelter at least once a month for six months to ensure that the notice remains posted and will take whatever steps are necessary to ensure that it remains posted for six months. If the \$5,000 Client does not contact Respondent during that six month period, Respondent shall interplead the \$5,000 with the Los Angeles Superior Court.

If Respondent is unable to contact the \$5,000 Client, Respondent shall provide a declaration to Office of Probation, including but not limited to a copy of the Notice, the dates of each telephone call to the homeless shelter and the name of the person spoken to, with his third quarterly report. Respondent shall provide a copy of the interpleader to the Office of Probation with his fourth quarterly report, and a copy of the decision of the Superior Court on the interpleader attached to the quarterly report in which the decision is rendered, but no later than the end of his two year probation.

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

IN THE MATTER OF:       ARTHUR GOOTKIN LAWRENCE

CASE NUMBER(S):       01-0-01343, 04-O-11715, and 04-O-14235

**FACTS AND CONCLUSIONS OF LAW.**

Arthur Gootkin Lawrence ("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.

**JURISDICTION.**

Respondent was admitted to the practice of law in the State of California on June 10, 1959, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

**1.     Case No. 01-O-01343 (Judicial Officer) - Facts**

In or about January 1999, Respondent began representing Martha Hernandez in *Hernandez v. Liu, DDS*, Los Angeles Superior Court Case No. KC 032517 ("*Hernandez v. Liu*").

On or about February 13, 2001, one of the defendants in *Hernandez v. Liu* filed a motion for summary judgement.

On or about March 2, 2001, Respondent filed a Reply to the Motion for Summary Judgement (Reply) attaching two declarations dated February 16, 2001. At the end of each declaration immediately above the signature line was the sentence, "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on February 16, 2001 at Los Angeles, California." Respondent printed the name "Martha Hernandez" on the signature line of her declaration and the name "Philip Solomon" on the signature line of his declaration.

On or about March 16, 2001, at the hearing for the Motion for Summary Judgment, Respondent told the Court that he printed the names of the declarants on the declarations.

**2. Case No. 01-O-01343 (Judicial Officer) - Conclusions of Law**

By printing the names of the declarants on their declarations, Respondent intentionally, recklessly, and/or repeatedly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

**3. Case No. 04-O-11715 (Belay) - Facts**

On or about July 20, 2003, Mulugheta Belay ("Belay") employed Respondent to represent him in family law matters including county-sought arrearages on unpaid child support and a marital dissolution. Respondent did not provide Belay with a fee agreement.

On or about August 8, 2003, Belay paid Respondent \$1,500 in advanced fees for legal services.

On or about August 30, 2003, Belay paid Respondent an additional \$500 in advanced fees for legal services.

On or about November 4, 2003, Belay paid Respondent an additional \$500 in advanced fees for legal services.

On or about February 4, 2004, Respondent attended a hearing on Belay's matter and was given notice that the matter was continued to March 22, 2004.

On or about March 22, 2004, the court held another hearing on Belay's matter. Respondent failed to appear. On or about that same date, Respondent was properly served with the order after the hearing which included a temporary support order totaling \$1,763 per month and notice of the next continued hearing on June 4, 2004.

On or about March 29, 2004, Belay mailed a letter to Respondent at his office asking for a refund of his retainer, his file, and a status of what was happening on his case as well as what work Respondent intended to do on the case. Respondent failed to inform Belay of the pending garnishment or possible need for immediate action regarding the garnishment.

In or about April 2004, an order was entered such that Belay's wages were to be garnished in the amount of \$2,203.75 a month in order to pay current and past-due child support.

On or about April 19, 2004, the State Bar opened an investigation, case no. 04-O-11715, pursuant to a complaint filed by Mulugheta Belay ("the Belay matter").

On or about May 3, 2004, State Bar Investigator Susan Kim wrote to Respondent regarding the Belay matter. On or about June 22, 2004, Investigator Kim wrote to Respondent again regarding the Belay matter.

Both the May 3, 2004 and June 22, 2004 letters were placed in sealed envelopes correctly addressed to Respondent at his State Bar of California 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 on or about the date on each letter. The United States Postal Service did not return the investigator's letters as undeliverable or for any other reason.

The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Belay matter. Respondent did not substantively respond to the investigator's letters; however, in or about July 2004, Respondent did telephonically request two extensions of time to respond. Respondent still failed to ever substantively respond.

#### **4. Case No. 04-O-11715 (Belay) - Conclusions of Law**

By failing to inform Belay that he had failed to attend a court hearing in relation to Belay's matter, of the impending garnishment, or the possible need for immediate action regarding the garnishment, Respondent failed to keep a client informed of significant developments in violation of Business and Professions Code section 6068(m).

By not providing a written response to the allegations in the Belay matter or otherwise cooperating in the investigation of the Belay matter, Respondent failed to cooperate in a disciplinary investigation in violation of Business and Professions Code section 6068(i).

#### **5 Case No. 04-O14235 (SBI) - Facts**

In 2004, Respondent maintained a client trust account at Bank of America, titled "Law Offices of Arthur G. Lawrence [¶] Attorney/Client Trust Account," Account Number 16649-03213 ("CTA").

Between March 19, 2004 and May 6, 2004, Respondent issued three checks from the CTA that were either paid against insufficient funds or returned due to insufficient funds. The checks that Respondent issued during this period without sufficient funds being on deposit are as follows:

Check No.	Date Presented	Amount
1224	3/19/04	\$625.00
1241	3/29/04	\$55.00
1252	5/6/06	\$447.00

Respondent issued Check Nos. 1224, 1241, and 1252, when he knew or should have known with reasonable diligence that there were insufficient funds in his CTA to pay the checks.

Between January and September 2004, Respondent repeatedly issued checks drawn on his CTA and/or withdrew funds to pay for his personal or business expenses as follows: —

Check No.	Payee	Date of Check	Amount
1214	Cash	2/9/04	\$125.00
1215	Cash	6/19/04 <sup>1</sup>	\$150.00
1217	Not Listed, but Endorsed by Respondent	2/7/04	\$275.00
1218	Cash	2/11/04	\$100.00
1219	Cash	2/13/04	\$1,200.00
1220	Norms	2/13/04	\$21.41
1222	Cash	2/13/04	\$500.00
1223	Cash	3/2/04 <sup>1</sup>	\$150.00
1226	Adelphia	2/17/04	\$231.33
	Cash	2/21/04	\$1,020.00
1234	Cash	2/23/04	\$2,000.00
1235	Metropolitan News	3/1/04	\$100.00
1241	Central Medical Center	3/19/04	\$55.00

<sup>1</sup> The dates of 6/19/04 and 3/2/04 checks do not correspond with the check numbers, but accurately reflect the CTA records.

1243	Central Medical Center	3/20/04	\$180.00
1249	Cash	4/10/04	\$50.00
1254	Cash	5/5/04	\$150.00

Between January and September 2004, Respondent repeatedly withdrew cash from his CTA to pay personal or business expenses as follows:

<b>Date of Withdrawal</b>	<b>Payee</b>	<b>Amount</b>
1/12/04	Cash Withdrawal	\$50.00
2/18/04	Cash Withdrawal	\$1,857.78
2/24/04	Cash Withdrawal	\$2,000.00
2/27/04	Cash Withdrawal	\$900.00
3/8/04	Cash Withdrawal	\$200.00
3/8/04	Cash Withdrawal	\$1,740.00
3/11/04	Cash Withdrawal	\$75.00
3/15/04	Cash Withdrawal	\$100.00
3/22/04	Cash Withdrawal	\$100.0
3/26/04	Cash Withdrawal	\$200.00
3/29/04	Cash Withdrawal	\$75.00
4/16/04	Cash Withdrawal	\$200.00
4/19/04	Cash Withdrawal	\$40.00
4/29/04	Cash Withdrawal	\$200.00
5/5/04	Cash Withdrawal	\$150.00
5/12/04	Cash Withdrawal	\$104.00
5/13/04	Cash Withdrawal	\$400.00
5/17/04	Cash Withdrawal	\$50.00

5/17/04	Cash Withdrawal	\$150.00
6/1/04	Cash Withdrawal	\$100.00
6/1/04	Cash Withdrawal	\$800.00
6/2/4	Cash Withdrawal	\$75.00
6/7/04	Cash Withdrawal	\$225.00
6/14/04	Cash Withdrawal	\$100.00
6/16/04	Cash Withdrawal	\$50.00
6/21/04	Cash Withdrawal	\$150.00
6/22/04	Cash Withdrawal	\$1,000.00
6/22/04	Cash Withdrawal	\$1,500.00
6/28/04	Cash Withdrawal	\$300.00
6/30/0	Cash Withdrawal	\$1,500.00
7/2/04	Cash Withdrawal	\$800.00
7/8/04	Cash Withdrawal	\$100.00
7/13/04	Cash Withdrawal	\$15.00
7/27/04	Cash Withdrawal	\$300.00
7/29/04	Cash Withdrawal	\$200.00
8/2/04	Cash Withdrawal	\$200.00
8/5/04	Cash Withdrawal	\$40.00
8/6/04	Cash Withdrawal	\$20.00
8/11/04	Cash Withdrawal	\$240.00
8/23/04	Cash Withdrawal	\$500.00
8/27/04	Cash Withdrawal	\$100.00
8/30/04	Cash Withdrawal	\$20.00
9/3/04	Cash Withdrawal	\$250.00

9/13/04	Cash Withdrawal	\$100.00
9/14/04	Cash Withdrawal	\$800.00
9/16/04	Cash Withdrawal	\$300.00
9/17/04	Cash Withdrawal	\$300.00
9/20/04	Cash Withdrawal	\$200.00
9/22/04	Cash Withdrawal	\$500.00
9/27/04	Cash Withdrawal	\$750.00

On September 7, 2004, Respondent deposited \$5,000.00 into his CTA for settlement of a case and/or claim asserted by a client (the "\$5,000 Client"). There was \$89.39 in the CTA before Respondent deposited the \$5,000 settlement. Respondent cannot recall the name of the \$5,000 Client and cannot locate the file concerning the \$5,000 Client due to disruption of his practice caused by closing his office located at 370 N. San Vicente Boulevard, Los Angeles, California. All Respondent can recall is that the \$5,000 Client is homeless and frequents a homeless shelter near his old office.

Although Respondent could not locate the retainer agreement or evidence of any payments to the \$5,000 Client, he made the following cash withdrawals on the \$5,000.00 deposit: \$100.00 on September 13, 2004; \$800.00 on September 14, 2004; \$300.00 on September 16, 2004; \$300.00 on September 17, 2004; \$200.00 on September 20, 2004; \$500.00 on September 22, 2004; and \$750 on September 27, 2004. After withdrawing \$2,950.00 in cash from his CTA or 59% of the settlement, \$2,139.39 remained, of which at least \$2,050 belonged to the \$5,000 Client.

#### **6 Case No. 04-O14235 (SBI) - Conclusions of Law**

By depositing and maintaining personal funds in his CTA and issuing payment of personal and business debts from his CTA, including but not limited to numerous cash withdrawals, Respondent deposited or commingled funds in a CTA in violation of Rule 4-100(A) of the Rules of Professional Conduct ("Rule(s)").

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was December 17, 2004.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 12, 2005, the estimated prosecution costs in this matter are approximately \$4,273.00,. 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.

## **DISMISSALS.**

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

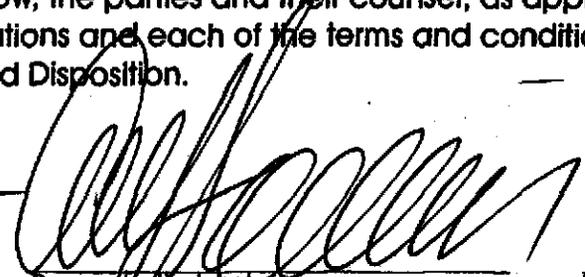
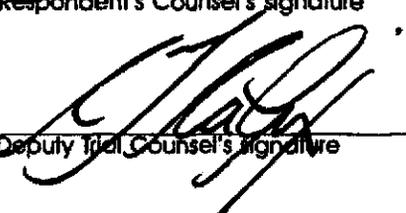
<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
01-O-01343	1	Business & Professions Code 6106 [Moral Turpitude]
01-O-01343	2	Business & Professions Code 6106 [Seeking to Mislead a Judge]
04-O-01343	1	Rule 3-110(A) of the Rule of Professional Conduct [Failure to Perform with Competence]
04-O-01343	3	Rule 3-700(D)(2) of the Rule of Professional Conduct [Failure to Refund Unearned Fee]
04-O-01343	4	Rule 3-700(D)(1) of the Rule of Professional Conduct [Failure to Release File]

(Do not write above this line.)

In the Matter of  ARTHUR GOOTKIN LAWRENCE	Case number(s):  01-0-01343; 04-0-11715; 04-0-14235
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

<u>9/27/05</u> Date	 Respondent's signature	ARTHUR LAWRENCE Print name
<u>9/10/05</u> Date	 Respondent's Counsel's signature	DAVID A. CLARE Print name
<u>10-12-05</u> Date	 Deputy Trial Counsel's signature	CHARLES T. CALIX Print name

(Do not write above this line.)

In the Matter of Arthur Gootkin Lawrence	Case number(s): 01 O 01343 PEM
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### 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, paragraph A, item (8) second box under costs to be paid, the listed years are deleted and replaced with "2007, 2008 and 2009."

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

11/8/05

  
RICHARD A. HONN  
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 of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on November 22, 2005, I deposited a true copy of the following document(s):

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

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

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

**DAVID ALAN CLARE  
4675 MACARTHUR CT #1250  
NEWPORT BEACH CA 92660**

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

**CHARLES CALIX, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **November 22, 2005**.

  
**Laretta Cramer**  
Case Administrator  
State Bar Court