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State Bar Court of California		
Hearing Department		<input checked="" type="checkbox"/> Los Angeles
		<input type="checkbox"/> San Francisco
Counsel for the State Bar The State Bar of California Office of The Chief Trial Counsel Anthony J. Garcia 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1089 Bar # 171419	Case number(s) 01-0-03184 03-0-00704-RAH 05-0-02280 - <i>investigation</i>	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-weight: bold;">JUN 30 2005</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
PUBLIC MATTER		
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent Thomas A. Kosakowski Pansky & Markle 1114 South Fremont Avenue South Pasadena, CA 91030 Bar # 186009	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge	
In the Matter of Roy Chester Dickson Bar # 105583 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 December 3, 1982
(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 11 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.

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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 Two years
- 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 Two 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 Seventy-five (75) 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.

(Do not write above this line.)

- (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: Not part of stipulated agreement
- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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:**
Within one (1) year of the effective date of the Discipline imposed by this stipulation, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Client Trust Accounting school, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of Roy Chester Dickson	Case number(s): 01-0-03184; 03-0-00704
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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.

6-17-05 *Roy C. Dickson* Roy Chester Dickson
 Date Respondent's signature Print name

_____ _____ Thomas A. Koskowski
 Date Respondent's Counsel's signature Print name

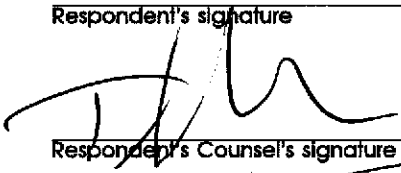
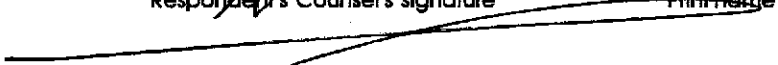

_____ _____ Anthony J. Garcia
 Date Deputy Trial Counsel's signature Print name

(Do not write above this line.)

In the Matter of Roy Chester Dickson	Case number(s): 01-0-03184; 03-0-00704
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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.

Date	Respondent's signature	Roy Chester Dickson Print name
6/20/05		
Date	Respondent's Counsel's signature	Thomas A. Koskowski Print name
6/20/05		
Date	Deputy Trial Counsel's signature	Anthony J. Garcia Print name
6/20/05		

(Do not write above this line.)

In the Matter of Roy Chester Dickson	Case number(s): 01-0-03184; 03-0-00704
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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.

See the following modifications on Page 6, # (8) - Put an X in the box - " 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" and delete the X in the box and the reason on - "No Ethics School recommended".

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

6/29/05

Judge of the State Bar Court

ROBERT M. TALCOTT

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

IN THE MATTER OF: ROY CHESTER DICKSON

CASE NUMBERS: 01-O-3184-RAH, 03-O-704-RAH, 05-O-2280

A. FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and Rules of Professional conduct.

Case no. 03-O-704 (The Gutierrez Matter)

Facts:

Respondent was hired in August 2000 to represent a group of beneficiaries (collectively referred to as the "Gutierrez clients") in a probate matter. The Gutierrez clients agreed to pay Respondent a flat fee of \$5,000 and 15% of any assets that he recovered on their behalf.

Respondent received the following proceeds on behalf of the Gutierrez clients as a result of his work in the probate matter:

\$91,633.52, on about May 15, 2001;
\$54,293.59, prior to May 24, 2001; and
\$50,233.42, on about June 6, 2001.

On May 24, 2001, Respondent sent a letter to the spokesperson for the Gutierrez clients, Teresa Gutierrez, updating them on the results of his work. In that letter, Respondent failed to disclose that he had received \$91,633.52, from the sale of some real property on about May 15, 2001.

Several of the Gutierrez clients (Complainants) retained a new attorney in December 2001 to pursue additional assets in a probate proceeding. As of that time, Respondent had not given the Gutierrez clients a written accounting of the money that he received on their behalf, nor had he informed them, in writing, of the \$91,633.52, that he received in May 2001.

The Complainants eventually learned that Respondent had received \$91,633.52, on about May 15, 2001, on their behalf and asked him for their share of that money. Respondent harbored a mistaken, but good faith, belief that he was owed the entire sum as attorneys fees because some additional trust assets had been discovered at or near the time that the Complainants hired new counsel.

Eventually, the Complainants attempted to force disgorgement of funds held by Respondent in the probate action. In October 2003, Respondent and the Gutierrez settled their dispute in a confidential settlement agreement. As a result of that agreement, Respondent owes no restitution to the Gutierrez in this matter.

In April 2005, Respondent delivered an accounting to the Gutierrez clients that properly accounted for the funds that he received, and the disbursements that he made on their behalf.

Legal Conclusions:

By not promptly notifying the Gutierrez clients in writing that he had received \$91,633.52 on about May 15, 2001, Respondent wilfully violated Rule 4-100(B)(1) of the Rules of Professional Conduct.

By not maintaining a complete and accurate record of all funds that he received on the Gutierrez' behalf and by not delivering a complete and accurate accounting of the funds that he received on the Gutierrez' behalf, Respondent wilfully violated Rule 4-100(B)(3) of the Rules of Professional Conduct.

Case no. 01-O-3184 (the Lawrence matter)

Facts:

In December 1999, Rebecca Lawrence hired Respondent to review several legal matters for her. In March 2000 Respondent hired Ms. Lawrence to perform clerical duties in his law office. After Ms. Lawrence's employment ended in October 2000, she claimed that Respondent owed her unpaid wages. Ms. Lawrence filed a claim against Respondent with the California State Labor Commissioner. In July 2001, the Labor Commissioner awarded \$15,870 to Ms. Lawrence as a result of her claim.

By April 2005, Respondent had paid Ms. Lawrence's claim, including interest, to Ms. Lawrence or to third parties that had perfected their interest in her funds. As a result, Respondent owes no restitution to Ms. Lawrence or any successors in interest.

Legal Conclusion:

By not timely paying the Labor Commission award, Respondent wilfully violated Business and Professions Code section 6068(a).

Case no. 03-O-704 (The SBI Matter)

Facts:

On March 7, 2005, Respondent wrote check #1078, in the amount of \$2,500 against his client trust account (CTA). The check was payable to Respondent and was for legal fees in a matter that Respondent was handling. Check #1078 was presented for payment on March 7, 2005. On March 7, 2005, the balance in Respondent's CTA was \$280.25. Respondent's bank paid check #1078 against insufficient funds.

Respondent has stated that he wrote the check in error and that he forgot that he had already withdrawn those funds from his CTA.

Legal Conclusion:

By not maintaining a written ledger for his CTA that contains the name of the account, every transaction for the account, and the current balance of the account, Respondent wilfully violated Rules Professional Conduct, rule 4-100(C)(1)(b).

B. PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6), was May 10, 2005.

C. SUPPORTING AUTHORITIES

In the Matter of Ward (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47: Three years stayed suspension, three years probation, and ninety days actual suspension. Ward misappropriated client trust funds in violation of the predecessor of rule 4-100(B)(4). Ward's misappropriation did not involve dishonesty. Ward's misappropriation involved moral turpitude because it resulted from his gross negligence in fulfilling his trust account responsibilities. Ward misappropriated \$ 12,000. Ward also failed to adequately communicate with a client in violation of Business and Professions Code section 6068, subdivision(m). In aggravation, Ward's misconduct caused harm to the client.

In the Matter of Bleecker, (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 113: 60-day period of actual suspension. In *Bleecker* the attorney (1) violated the predecessor to rule 4-100(A) by misappropriating and commingling client trust funds, which involved "gross negligence" moral turpitude, and (2) engaged in moral turpitude by concealing his assets from levy. The misappropriation in *Bleecker* was of a relatively small amount (\$ 240) and for a relatively short period of time. In addition, the attorney made prompt restitution.

D. DISMISSALS

The parties move the court to dismiss all remaining counts in the interest of justice.

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 Los Angeles, on June 30, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed June 30, 2005**

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

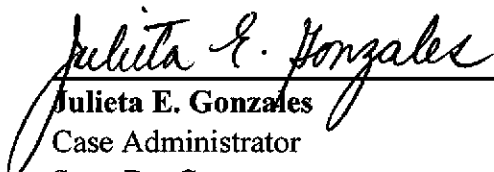
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**THOMAS A KOSAKOWSKI ESQ
PANSKY & MARKLE
1114 FREMONT AVENUE
SOUTH PASADENA CA 91030**

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

Anthony J. Garcia, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 30, 2005**.



Julieta E. Gonzales
Case Administrator
State Bar Court