State Bar Court of the State Bar of California
Hearing Department: x Los Angeles ☐ San Francisco
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

ORIGINAL

Counsel for the State Bar The State Bar of California Office of the Chief Trial Counsel Charles Weinstein, No. 138554 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000	Case Number(s) 01-O-03939 RECEIVED FEB 24 2003 STATE BAR COURT CLERKS OFFICE LOS ANGELES	(for Court use) FILED JUN 19 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Co-Counsel for Respondent Richard Beauchamp 1301 Dove Street, #950 Newport Beach, CA 92660 (949) 660-0010 Ellen R. Peck 2410 Crestview Estates Place Escondido, CA 92027		
In the Matter of Robert B. Beauchamp Bar # 132198 A Member of the State Bar of California (Respondent)	Submitted to Pilot Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW kwiktag® 022 603 802 ☐ PREVIOUS STIPULATION REJECTED	

A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted December 11, 1987 (Date).

(2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.

(3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." This stipulation consists of 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 and will pay timely any disciplinary costs imposed in this proceeding.

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

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

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

(a) ☐ State Bar Court Case # of prior case _____

(b) ☐ Date prior discipline effective _____

(c) ☐ Rules of Professional Conduct/State Bar Action violations _____

_____

_____

(d) ☐ Degree of prior discipline _____

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

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

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

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

(5) ☐ Indifference: Respondent demonstrated indifference toward 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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.

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

(8) ☒ No aggravating circumstances are involved.

Additional aggravating circumstances:

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

(1) ☒ No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. (Respondent admitted to practice law on December 11, 1987 and misconduct occured in May 1986.)

(2) ☒ No Harm: Respondent did not harm the client or person who was the object of the misconduct.
See attached

(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 of force of disciplinary, civil or criminal proceedings.

(6) ☐ Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.

(7) ☐ Good Faith: Respondent acted in good faith.

(8) ☐ Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.

(9) ☐ Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(10) ☐ Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

(11) ☒ Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
See attached

(12) ☐ Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances:

See attached

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent does not sign the Pilot Program contract or is not accepted into the Pilot Program, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of the Program or termination from the Program this Stipulation will be filed and either the reduced or enhanced discipline as set forth in Pilot Program contract, as appropriate, will be imposed by the State Bar Court or recommended to the Supreme Court.

2/24/03		ROBERT B BEAUCHAMP
Date	Respondent's Signature	Print Name
2/24/03	N/A	
Date	Respondent's Counsel Signature	Print Name
2/24/03		Charles Weinstein
Date	Deputy Trial Counsel's Signature	Print Name

DISMISSALS

Count Two (01-O-03939) Rules of Professional Conduct, rule 5-200

Count Three (01-O-03939) Business and Professions Code, section 6106

FACTS

JURISDICTION

1. ROBERT B. BEAUCHAMP ("Respondent") was admitted to the practice of law in the State of California on December 11, 1987, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

GENERAL BACKGROUND

2. In or about 1979, Respondent and Melinda Hoose ("Melinda") were married.

3. On or about January 17, 1988, Respondent and Melinda obtained a loan from Melinda's father, Clinton M. Hoose, Jr. ("Hoose"), and executed a promissory note ("Note") in the face amount of $158,000.00, in favor of Hoose.

4. In or about January 1994, Respondent and Melinda separated. Respondent subsequently filed for divorce, in *In re Marriage of Robert B. Beauchamp and Melinda L Beuachamp*, Orange County Superior Court Case No. 94D 01280 (the "dissolution matter"). Their marital status ended on October 15, 1994.

5. In or about early 1994, Hoose initiated a civil action to enforce the Note against Respondent in *Clinton Hoose v. Robert Beauchamp*, Orange County Superior Court Case No. 727207 (the "Hoose matter"). Respondent cross-complained against Melinda. On or about January 23, 1995, the court issued a Judgment After Trial. On or about May 17, 1995, the court issued a Judgment After Trial by Court as Amended and Corrected Nunc Pro Tunc. The court found, among other findings, that the Note would become due and payable on December 31, 1998, that Respondent and Melinda were jointly and severally liable to Hoose upon the Note, that the principal balance of the Note was $158,000 as of December 19, 1994 and that the balance due on the Note would continue to accrue interest until paid in full.

6. On or about March 17, 1995, the court in the dissolution matter filed a Judgment on Reserved Issues, approving the stipulation of Respondent and Melinda regarding the division of assets, child support, spousal support and other issues, including the parties' agreement that each party is responsible for one-half the debt owed on the Note to Hoose, as reflected in the Judgement After Trial in the Hoose matter, or as that Judgment may be amended or corrected.

The court awarded Robert and Melinda joint legal custody of their children, Brooke Beauchamp, born January 12, 1983, and Robert Beauchamp, born December 15, 1985.

7. Respondent and Mynette D. Dufresne ("Mynette") were married in August 1995.

8. On or about March 16, 1996, at Respondent's request, Mynette opened Eldorado Bank checking account number 351419709 ("Eldorado Account"), for the purpose of depositing attorneys fees paid to Respondent. Mynette opened the account with a check payable to Respondent for attorneys fees, which Respondent endorsed over to her.

9. From on or about March 16, 1996 to on or about May 21, 1996, Respondent endorsed checks to Mynette in the total amount of approximately $14,776, and, at Respondent's request, Mynette deposited those checks into the Eldorado Account. After some withdrawals, the balance in the account on or about May 21, 1996 was approximately $10, 935. Mynette was the sole signatory on the Eldorado Account, which was in her name alone, but Mynette and Respondent both understood that the funds in the Eldorado Account belonged to Respondent.

10. On or about May 16, 1996, Melinda filed a Chapter 13 bankruptcy petition. On or about May 16, 1996, Respondent was informed by another attorney that Melinda had filed a Chapter 13 bankruptcy petition. Subsequently, all but a small portion of Melinda's debt to Hoose on the Note was discharged, leaving Respondent responsible for virtually the entire amount.

11. On or about May 16, 1996, Respondent hired counsel to prepare a Chapter 7 bankruptcy petition on his behalf. On that day, Respondent spoke by telephone to a paralegal in his attorney's office and provided that paralegal with information regarding his assets and liabilities, so that the petition could be prepared. Respondent failed to disclose the Eldorado Account to the paralegal and, as a result, the petition that was prepared for him did not include the funds in the Eldorado Account. On or about May 17, 1996, Respondent signed his Chapter 7 petition, which did not include the Eldorado Account. Respondent signed the petition declaring under penalty of perjury that the information provided therein was true and correct. The petition specifically required disclosure of all assets.

12. On May 21, 1996, through counsel, Respondent filed his Chapter 7 bankruptcy petition in *In re Robert Beauchamp, Debtor*, United States Bankruptcy Court, Central District of California, Santa Ana Division, case number SA96-15984-JR ("Petition"). In the schedules attached to the Petition, Respondent listed total assets of approximately $14,800, consisting solely of personal property, but failed to identify the Eldorado Account or include the funds in the Eldorado Account, which contained a balance of approximately $10,935 on or about May 21, 1996.

13. On or about June 5, 1996, Hoose gave notice to Respondent of his intent to seek a Rule 2004 examination of Respondent and Mynette, to obtain further information regarding Respondent's acts, conduct, property, financial condition or any other matter which may affect the administration of Respondent's estate or his right to a discharge. On or about June 10, 1996, the court ordered the examinations and production of documents. Both Respondent and Mynette were served with orders to appear for examination and produce documents. They received those orders no later than June 13, 1996.

14. On or about June 27, 1996, Respondent executed amended schedules to his Bankruptcy petition to include, among other things, the Eldorado Account. On or about June 28, 1996, the amended schedules were filed with the court. On or about July 3, 1996, the Section 341 meeting of creditors was held.

15. In or about October 1996, Hoose filed a complaint objecting to discharge of Respondent's debt to Hoose on the Note, in *Clinton Hoose v Robert Beauchamp*, United States Bankruptcy Court, Central District of California, Santa Ana Division, Adv. No. SA96-2070 JR.

16. In its Judgment Denying Discharge After Trial by Court, entered on or about May 6, 1998, the Bankruptcy Court found, in part, that Respondent should be denied a discharge of any debts pursuant to 11 United States Code section 727(a)(2), because he transferred funds to Eldorado Bank under the control of Mynette with the intent to hinder and delay creditors.

17. In its Findings of Fact and Conclusions of Law After Trial by Court, entered May 6, 1998, the Bankruptcy Court found that: Respondent transferred funds totaling $14,776 to Mynette with the intent to hinder and delay a creditor; Melinda and Hoose were creditors of

Respondent; Respondent was aware at the time that he executed his Chapter 7 petition on May 17, 1996, that Melinda had filed a Chapter 13 petition on May 16, 1996; Respondent filed his bankruptcy petition on May 21, 1996, because of Melinda's filing on May 16, 1996; Respondent was aware at the time that he executed the amendment to his petition that Hoose had served upon him an order authorizing examination of him and Mynette and for production of documents; Respondent's omission of the Eldorado Account from the original petition was material and constituted intentional concealment with the intent to hinder and delay a creditor even in light of his eventual amendment to the Petition prior to the Section 341 meeting of creditors.

18. Respondent appealed to the Bankruptcy Appellate Panel for the Ninth Circuit ("BAP"). BAP affirmed the trial court decision, in *In re Robert Beauchamp, Debtor; Robert Beauchamp v. Clinton Hoose* (9th Cir. BAP 1999) 236 B.R. 727.

19. Respondent then appealed to the Ninth Circuit Court of Appeals, which summarily affirmed the Bankruptcy Appellate Panel's decision in an unpublished per curiam opinion in *In re Robert Beauchamp, Debtor, Robert Beauchamp v, Clinton Hoose* (9th Cir. 2001) 2001 WL 246057.

CONCLUSIONS OF LAW

By being grossly negligent in failing to include the Eldorado Account as an asset in his Chapter 7 bankruptcy petition filed with the court, Respondent willfully violated Business and Professions Code, section 6068(d).

MITIGATING CIRCUMSTANCES

COOPERATION WITH THE STATE BAR

Respondent has been consistently cooperative with the State Bar, including by quickly providing all requested information and documents.

GOOD CHARACTER

Respondent has presented character evidence from several lawyers who have known Respondent for several years, including several who knew Respondent at the time of the misconduct in 1996, and attest to Respondent's otherwise high standing in the legal community and high ethical standards and substantial community service.

NO HARM

Respondent's misconduct did not harm any of the creditors, as Respondent filed amended schedules to his Bankruptcy Petition about five weeks after filing the petition and before the section 341 creditors meeting was held. In addition, Respondent's former father-in-law, Hoose, ultimately benefitted from Respondent's misconduct in that Respondent's substantial debt to Hoose was declare to be non-dischargeable.

CIVIC SERVICE AND PRO BONO WORK

Respondent has performed a variety of civic service and pro bono work since becoming an attorney. He is one of the founders of, and has been an active participant in, his church's (Compostela de Santiago Catholic Church) Men's Fellowship Chapter which provides community service and support for its members. Respondent is also active in the St. Thomas More Society, an organization of judges and attorneys who endeavor to maintain their religious values in the practice of law. Respondent has spent at least an average of 50 hours a year over the last several years on pro bono matters. Respondent is currently assisting a retired member of his parish in a dispute over damages to his property.

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 July 24, 2006, I deposited a true copy of the following document(s):

DECISION AND DISCIPLINE ORDER; ORDER FILING AND SEALING CERTAIN DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

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

ROBERT R. BEAUCHAMP
3151 AIRWAY AVE STE U2
COSTA MESA, CA 92626

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 24, 2006.**

Tammy R. Cleaver
Case Administrator
State Bar Court