


<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL SUSAN J. JACKSON, No. 125042 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299 213-765-1000</p>	<p>Case number(s) 01-0-05282 01-0-04057 02-0-10182 02-0-11112 02-0-13332 02-0-15667 02-0-15558</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 18pt; font-weight: bold;">NOV 03 2003</p> <p style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center; font-size: 10pt;">kwiktag® 035 115 272</p> 
<p>Counsel for Respondent EDWARD O. LEAR PAUL J. VIRGO CENTURY LAW GROUP 5200 W. CENTURY BLVD., #940 LOS ANGELES, CA 90045 310-642-6900</p>	PUBLIC MATTER	
<p>In the Matter of ROBERT E. HOLZINGER</p> <p>Bar # 200278</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted January 14, 1999 (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 14 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):
 - 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:

(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."

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:

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:

See pages 12 to 13.

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of two (2) 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 to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of three (3) years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of six (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 to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- 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 shall 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 shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all

conditions of probation during the preceding calendar quarter. If the first report would cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.

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

- (5) Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) The following conditions are attached hereto and incorporated:
- Substance Abuse Conditions Law Office Management Conditions
- Medical Conditions Financial Conditions
- (10) Other conditions negotiated by the parties:
- Multistate Professional Responsibility Examination: 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 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.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Robert E. Holzinger

CASE NUMBER(S): 01-O-05282; and
 Investigation matters: 01-O-04057; 02-O-10182;
 02-O-11112; 02-O-13332; 02-O-15667; 02-O-15558.

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the foregoing facts are true and that he/she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 01-O-05282: (HRG OPN)

Statement of Facts:

Sy Levin employed Respondent on March 30, 2000, to represent him in an unlawful detainer matter and an unpaid wages claim before the Department of Industrial Relations ("DIR"). Respondent also agreed to file a civil lawsuit for defamation against Solomon Fingold. Levin paid a retainer fee of \$1,500 and agreed to pay a contingency fee of 50% for any monetary recovery.

Although Respondent handled the unlawful detainer matter, he failed to file a civil lawsuit for defamation, and he failed to represent Levin at a DIR hearing. Respondent was required to submit signed complaint forms to the DIR. He failed to do so and Levin's claim was closed. Levin later learned that Respondent did not submit the forms necessary for his DIR claim. Levin through his own efforts, had his claim reopened and represented himself at the hearing.

In June 2001, Levin lost contact with Respondent. He made approximately 15 telephone calls to Respondent's office requesting an update for his matters. Respondent never returned any of his phone calls.

Conclusions of Law:

By failing to return the signed complaint forms to the DIR, failing to otherwise pursue his

clients' unpaid wages claims and by failing to prosecute the defamation lawsuit for which he was employed, Respondent abandoned his client's case and thereby intentionally, recklessly or repeatedly failed to perform legal services with competence, in violation of rule 3-110(A), Rules of Professional Conduct.

By failing to inform Levin that he had failed to return the signed complaint forms to the DIR and that the DIR closed the claims, Respondent failed to keep a client reasonably informed of significant developments in a matter in which he had agreed to provide legal services and by failing to return Levin's telephone calls, Respondent failed to respond promptly to reasonable status inquiries of clients, in violation of section 6068(m), Business and Professions Code.

Case No. 01-O-04057: (NTS OPN)

Statement of Facts:

Between February 2001 and October 2001, Respondent issued 67 checks from his client trust account for payment of personal expenses.

Conclusions of Law:

By maintaining funds in his client trust account for payment of personal expenses, Respondent commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Accounts" or words of similar import, in violation of rule 4-100(A), Rules of Professional Conduct.

Case No. 02-O-10182: (NTS OPN)

Statement of Facts:

From September 1, 2001, to January 3, 2002, the State Bar of California suspended Respondent from the practice of law for failing to comply with the minimum continuing legal education ("MCLE") requirements. On or about December 18, 2001, during the period Respondent was suspended from the practice of law, Respondent appeared in court to represent defendant Jose Carmen Delacruz in case number 1SF04787 on the day it was set for jury trial.

On or about December 18, 2001, Deputy District Attorney Andrew P. Reynolds and Senior Investigator Michael Lehr, from the Los Angeles County District Attorney's Office learned that Respondent was not entitled to practice law and relayed this fact to the court. Judge Elizabeth A. Lippitt then questioned Respondent, on the record, if he was permitted to practice law in California. Respondent admitted that he was not entitled to practice law in California.

Respondent was immediately substituted out as the attorney of record for DelaCruz.

Conclusions of Law:

By appearing in court to represent defendant DelaCruz, when Respondent was not an active member of the State Bar of California, Respondent failed to support the laws of this state, in violation of section 6068(a), Business and Professions Code.

By practicing law in California while being an inactive member of the State Bar, Respondent wilfully violated section 6125, Business and Professions Code.

By practicing law in the State of California while suspended from the practice of law, Respondent wilfully violated section 6126(b), Business and Professions Code.

Case No. 02-O-11112: (INV OPN)

Statement of Facts:

On November 12, 2001, Columba Romero, employed Respondent to represent her boyfriend, Jaime Arista, at a probation revocation hearing. The district attorney's office requested a probation revocation in lieu of filing a new case against Mr. Arista. Ms. Romero paid Respondent \$2,000. She was informed that the total cost for representing Mr. Arista would be \$4,000. Ms. Romero agreed to pay the remaining amount with monthly payments.

The revocation hearing was set for November 14, 2001. On that day, Respondent sent another individual to court to stand in for him. The hearing was continued to November 29, 2001. On November 29, 2001, Respondent failed to appear. Ms. Romero and other family members called Respondent's office several times. Respondent's secretary told them Respondent was on his way to court. Respondent never appeared; the public defender represented Mr. Arista at his probation violation hearing.

Conclusions of Law:

By failing to appear in court on November 29, 2001, and failing to represent Arista at his probation violation hearing, Respondent abandoned his client's case and thereby intentionally, recklessly or repeatedly failed to perform legal services with competence, in violation of rule 3-110(A), Rules of Professional Conduct.

Case No. 02-O-15667: (INV OPN)

Statement of Facts:

Jose Albir employed Respondent on September 9, 2002, for a dissolution matter. Albir agreed to pay \$1,200 for Respondent's services. Albir paid his first installment of \$600 on September 10, 2002, his second installment of \$200 on October 9, 2002, and paid the filing fee of \$196 on October 18, 2002. On October 31, 2002, Albir received a request to enter default. Albir immediately contacted Respondent's office and asked to speak to Respondent. Albir was informed that Respondent was not available. Respondent never returned Albir's call.

Respondent's office sent a letter to Albir regarding the return of his money. Respondent's name did not appear on the letterhead, but the name "Kenneth Caulkins" did appear on the letterhead. Attorney Kenneth Calkins worked with Respondent on other cases but not on Albir's case. Respondent failed to supervise his office staff who used Calkin's name, printed Calkin's name (as "Caulkins") on letterhead, and signed Calkin's name (as "Caulkins") on the letter to Albir, despite the fact that Calkins did not work on Albir's case.

Conclusions of Law:

By failing to supervise office staff regarding the use of Caulkin's name, failing to work on Albir's dissolution matter -- resulting in a request for default against Albir -- and failing to otherwise perform legal services on behalf of Albir, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in violation of rule 3-110(A), Rules of Professional Conduct.

Case No. 02-O-13332: (INV OPN)

Statement of Facts:

On November 26, 2001, Jaime Cruz Lara employed Respondent for a child custody matter. Lara made payments to Respondent totaling \$2,000 for his services. Without Lara's permission, Respondent then transferred Lara's matter to attorney Kenneth Calkins. Lara was dissatisfied with Calkin's services. Lara, subsequently, asked Respondent for an accounting. Respondent failed to provide an accounting.

Conclusions of Law:

By failing to work on Lara's child custody matter or otherwise perform legal services on behalf of Lara and by transferring Lara's case to Calkins without Lara's permission, Respondent

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

By failing to provide Lara with an accounting of funds, Respondent failed to render appropriate accounts to a client in violation of rule 4-100(B)(3), Rules of Professional Conduct.

Case No. 02-O-15558: (INV OPN)

Statement of Facts:

In or about January 2002, Felicia Enriquez employed Respondent to represent her son Pablo Bastidos in a criminal matter. Mrs. Enriquez hired Respondent because she wanted an experienced attorney to represent her son in a serious felony case. She received a flyer in Spanish distributed by Respondent's office that stated attorneys in the law offices of Robert Holzinger have more than 20 years of experience. At the time Respondent represented Pablo Bastidos, he had only been an attorney for three years. There were no attorneys employed by Respondent. Pablo Bastidos was convicted and sentenced to 55 years in prison.

Conclusions of Law:

By knowingly advertising that the attorneys at the law offices of Robert Holzinger have more than 20 years of experience, Respondent's communication or solicitation contained matters which were false, deceptive, or which tended to confuse, deceive or mislead the public, in violation of rule 1-400(D)(2), Rules of Professional Conduct.

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-05282	4	Rules of Professional Conduct, rule 3-700(A)(2)
01-O-05282	5	Rules of Professional Conduct, rule 3-700(D)(2)
01-O-05282	6	Business and Professions Code, section 6068(j)

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was October 27, 2003.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

Pablo Bastidos, the complainant in Case No. 02-O-15558, has requested that respondent provide to him or to his appellate counsel, his client files, including all documents to which Bastidos is entitled. Respondent represents that he has already provided such files and documents to Erica Bastidos, Pablo Bastidos's sister. Respondent agrees that, within 10 days of the date that respondent signs this stipulation, respondent will also provide a copy of Bastidos's client files, including all documents to which Bastidos is entitled, to Bastidos's appellate lawyer, A. William Bartz, Esq.

AUTHORITIES SUPPORTING DISCIPLINE.

Rules of Procedure of the State Bar of California, Title IV, Standards for Attorney Sanctions for Professional Misconduct, 1.3

Rules of Procedure of the State Bar of California, Title IV, Standards for Attorney Sanctions for Professional Misconduct, 2.2(b)

Rules of Procedure of the State Bar of California, Title IV, Standards for Attorney Sanctions for Professional Misconduct, 2.4(b)

Rules of Procedure of the State Bar of California, Title IV, Standards for Attorney Sanctions for Professional Misconduct, 2.6(a) and (d).

Lester v. State Bar (1976) 17 Cal.3d 547:

Petitioner was involved in four cases of misconduct concerning failure to perform work after being retained and failure to return retainer money. Petitioner attorney was actually suspended from the practice of law for six months.

Farnham v. State Bar (1976) 17 Cal.3d 605:

In two separate matters, R failed to perform, failed to communicate and made misrepresentations to clients. In one case, R engaged in the unlawful practice of law. R was actually suspended for six months

In the Matter of Doran (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 871:

During a three-year period of time, Respondent deposited personal funds in his client trust account and used the account for his personal expenses. Respondent issued 28 NSF checks. In addition, Respondent was found culpable for failing to perform competently and for improperly withdrawing from employment in one client matter. Respondent had no prior record. The Review Department concluded that six months actual suspension was appropriate discipline.

Chasteen v. State Bar (1985) 40 Cal.3d 586:

The Supreme Court ordered two months actual suspension where an attorney was suspended for non-payment of membership dues and failed to diligently prosecute a personal injury matter.

In the Matter of Robins (Rev. Dept. 1991), 2 Cal. State Bar Ct. Rptr. 708:

Robins with gross negligence failed to supervise his staff and misappropriated more than \$20,000 in medical liens. Robins had no prior record of discipline, had extreme physical disabilities at the time of some of the misconduct, performed extensive pro bono work, and diligently worked to improve his law office management practices upon learning of the problems in his office management. The Review Department determined that one year actual suspension was appropriate discipline.

In the Matter of Bouyer (Rev. Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404:

This case involved four client matters, wherein Bouyer failed to supervise his office staff and misappropriated client funds, failed to pay medical liens and failed to communicate. Bouyer was frequently out of his law office dealing with civil rights litigation and delegated the handling of personal injury settlements almost entirely to his office staff with little or no supervision. Bouyer made voluntary restitution to his clients and implemented a better office management system. The Review Department determined that six months actual suspension was appropriate discipline.

RESPONDENT'S MITIGATION STATEMENT.

Respondent represents the following:

Respondent represents that he has taken objective steps towards office reforms so that similar ethical violations will not occur again.

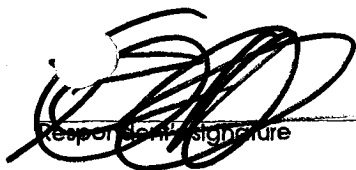
From in or about September 2001 to in or about January 2003, respondent's office was organized to handle new cases received in response to a direct mail advertising campaign. Those new cases were primarily criminal defense matters. As a result of his marketing campaign, respondent was frequently in court or traveling between courts. His office staff consisted of a secretary, an office

administrator and a part-time administrator. Respondent's secretary performed the normal secretarial duties including the answering of phones, opening and sending correspondence, etc. The office administrators primarily responded to calls resulting from the direct mail advertising campaign and would also interview potential clients, although respondent would decide whether to accept a case.

As a result of the volume of incoming business, respondent believes that he lacked the "hands on" personal involvement in accepting new clients as well as the oversight of support staff, and that this lack of oversight lead to client dissatisfaction, as well as many of the ethical problems.

Respondent represents that he learned a valuable lesson and realized that he required better office management. Consequently, in or about January or February 2003, he ceased his direct mail advertising campaign and began accepting only new cases that were referred to him. Since in or about July 2003, he has managed his own law office. His support staff consists of his secretary. He has recommenced his direct mail advertising campaign, but now personally responds to all responses. Moreover, he interviews each potential client in his office before deciding whether to accept the case.

Date 10/27/03


Respondent's signature

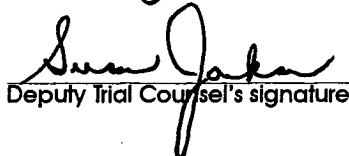
ROBERT E. HOLZINGER
print name

Date 10/27/2003


Respondent's Counsel's signature

PAUL J. VIRGO
print name

Date 10/27/03


Deputy Trial Counsel's signature

SUSAN J. JACKSON
print name

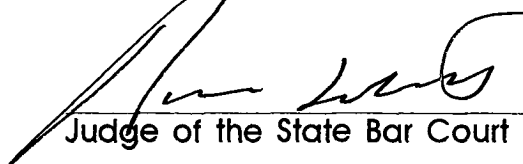
ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

10-28-03
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 Los Angeles, on November 3, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed November 3, 2003**

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

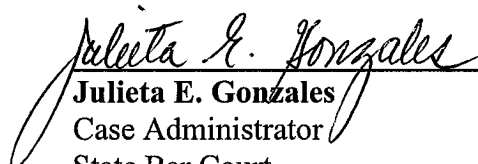
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**EDWARD O LEAR ESQ
5200 W CENTURY BLVD #940
LOS ANGELES CA 90045**

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

Susan J. Jackson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **November 3, 2003**.



Julieta E. Gonzales
Case Administrator
State Bar Court