

**ORIGINAL**

Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL CHARLES A. MURRAY, No. 146069 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299	Case number(s) 02-C-10961  <b>PUBLIC MATTER</b>	(for Court's use)  <b>FILED</b> MAY 29 2003 STATE BAR COURT CLERKS OFFICE LOS ANGELES
Counsel for Respondent ARTHUR MARGOLIS MARGOLIS & MARGOLIS LLP 2000 RIVERSIDE DR. LOS ANGELES, CA 90039-3758	kwiktag® 031 974 551 	
In the Matter of  JOHN CARLOS MONTANO, JR. Bar # 166382 A Member of the State Bar of California (Respondent)	Submitted to <input checked="" type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge <i>CM</i> STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 1, 1993 (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) 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:  
2004, 2005  
 (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 [Definition, see Standards for Attorney Actions 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 97-C-15063
- (b)  date prior discipline effective August 22, 1999
- (c)  Rules of Professional Conduct/ State Bar Act violations: 2 drunk driving convictions  
constituting other misconduct warranting discipline.
- 
- (d)  degree of prior discipline public reproof (1 yr.)
- (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 extent of ~~XXXXXX~~ 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:

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of one (1) year

- 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 five (5) 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 ninety (90) 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 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, 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:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Substance Abuse Conditions<br>See attached. (p. 9-10). | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions  | <input type="checkbox"/> 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. Respondent has been on interim suspension since August 10, 2002.

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

IN THE MATTER OF:       **JOHN CARLOS MONTANO, JR.** ("Respondent"), #166382

CASE NUMBER:           **02-C-10961**

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was March 26, 2003.

**PARTIES ARE BOUND BY THE STIPULATED FACTS:**

The parties intend to be and are hereby bound by the stipulated facts contained in this stipulation. This stipulation as to facts and the facts so stipulated shall independently survive even if the conclusions of law and/or stipulated disposition set forth herein are rejected or changed in any manner whatsoever by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

**WAIVER OF FINALITY OF CONVICTION (rule 607):**

Pursuant to the Rules of Procedure of the State Bar of California, rule 607 the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final.

Respondent waives finality of his conviction and consents to the State Bar Court's acceptance of this Stipulation as to facts, conclusions of law and discipline in all respects as if the conviction was final, including the entry of findings consistent with this Stipulation, imposition of discipline, or entry of a recommendation as to the degree of the discipline to be imposed.

Respondent waives any right to challenge on the basis of a lack of finality of his conviction the State Bar Court's recommendation of discipline, if any, and the actual imposition of discipline, if any, by the State Bar Court or the California Supreme Court.

Respondent further waives any right he may have to seek review or reconsideration on the basis of any relief he may receive as a result of any appeal of, or petition regarding, the criminal conviction underlying any recommendation of and/or actual imposition of discipline by the State Bar Court or the California Supreme Court.

**STIPULATION AS TO 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/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline:

**STIPULATED FACTS:**

On August 25, 2001, at approximately 7:15 p.m. Costa Mesa Police Department ("CMPD") police officers ("Officers") received a CMPD dispatch call regarding a male who was slumped over

his steering wheel of his vehicle, which was stopped at a green light on southbound Harbor Boulevard at Newport Boulevard in the City of Costa Mesa. Officers discovered Respondent passed out leaning over his steering wheel, his vehicle running, in drive and his foot was on the brake. Officers woke Respondent and asked him to put the vehicle in park and exit the vehicle. Respondent gave officers permission to search his person and the officers discovered a brown bottle with a dropper on top. The officer also found a plastic baggy containing 10 white pills inside Respondent's left front pocket. When the officer asked Respondent if he had drank any alcohol or taken any drugs in the last 24 hours, Respondent replied that he had taken Ecstasy, but could not remember when he took it. He further admitted drinking alcohol but wasn't sure how many drinks he had. Respondent exhibited objective symptoms and conduct consistent with someone who was under the influence of alcohol and/or drugs, including a constant sway in a circular motion and he was unable to maintain a fixed position with his feet. Officers asked Respondent the questions on the DUI Supplemental Report form and then conducted field sobriety tests. During several portions of the tests Respondent delayed the tests by asking unrelated questions of the officers. At the conclusion of this investigation, Officers formed the opinion that Respondent was under the influence of an alcoholic beverage and/or drug and had been operating a motor vehicle upon a public roadway placing him in violation of Vehicle Code section 23152(a), a DUI. Respondent was placed under arrest, handcuffed, and transported to jail where he was booked.

The Orange County Crime Lab ("OCCL") tested the substances found on Respondent at the time of his arrest. The pills were tested and found to contain GBL, Gamma-Butyrolactone. The liquid was tested and found to contain Butanediol, another chemical form of GBL. OCCL Analyst Andera reported that GBL, Gamma-Butyrolactone, a schedule 11 drug, can not be bought in the State of California.

On or about November 7, 2001, Respondent was charged in the Superior Court of the County of Orange, Harbor Justice Center, case no. 01HF1311, with unlawful possession of a controlled substance (to wit: Gamma-Butyrolactone), a felony violation of Health and Safety Code section 11377(a), and driving under the influence of alcohol and/or a drug, or both (violation of Vehicle Code section 23152(a)) with an enhancement (section 23546(a)) for two prior convictions for alcohol and/or drug impaired driving within 7 years (see below).

On May 2, 2002, Respondent entered into a plea agreement and based thereon was convicted as charged, sentencing was suspended and he was placed on probation for 5 years on terms and conditions that included 180 days in jail; payment of fines, fees and assessments; cooperation with his probation officer in any plan for psychiatric, psychological alcohol or drug testing, treatment or counseling; register pursuant to Health and Safety Code section 11590; 3 year driver's license revocation; and other conditions of probation.

#### **CONCLUSIONS OF LAW:**

The facts and circumstances surrounding Respondent's conviction for driving under the influence of an alcoholic beverage and/or a drug, in wilful violation of California Vehicle Code section 23152(a), with enhancement for two prior convictions for alcohol and/or drug impaired driving within 7 years, do not involve moral turpitude but do involve other misconduct warranting discipline and constitute a wilful violation of Business and Professions Code section 6068(a).

The facts and circumstances surrounding Respondent's felony conviction for possession of a controlled substance, to wit: Gamma-Butyrolactone, in a wilful violation of Health and Safety

Code section 11377(a), do not involve moral turpitude but do involve other misconduct warranting discipline and constitute a wilful violation of Business and Professions Code section 6068(a).

The facts and circumstances surrounding Respondent's convictions as described above involved violations of his two criminal probations and failures to obey the orders of the Court, in wilful violation of Business and Professions Code section 6103.

**FACTS IN SUPPORT OF AGGRAVATION:**

1<sup>st</sup> prior alcohol-related driving conviction (Reckless driving involving alcohol consumption):

On or about July 5, 1991, Respondent was convicted for reckless driving involving the consumption of alcohol in Santa Monica Municipal Court, case no. 91M02793.

2<sup>nd</sup> prior alcohol-related driving conviction (DUI):

On or about June 4, 1997, Respondent was arrested for drunk driving and refused to submit to a test to determine his blood alcohol level. On July 10, 1997, in Orange County Superior Court, Case No. 97CM07534, Respondent was charged with violations of Vehicle Code sections 23152(a), driving while under the influence of an alcoholic beverage, and 23152(b), driving a motor vehicle with a blood alcohol content over .08% and under .20%, with an enhancement for both counts due to the prior alcohol-related driving conviction in 1991. On September 15, 1997, Respondent was convicted as charged and sentenced to 3 years probation with standard 2<sup>nd</sup> drunk driver offender conditions, including the SB38 multiple offender program.

3<sup>rd</sup> prior alcohol-related driving conviction (DUI):

On or about September 26, 1998, Respondent was arrested for driving with a suspended or revoked license; operating a motor vehicle not equipped with a drunk driving and refused to submit to a test to determine his blood alcohol level. On July 10, 1997, in Orange County Superior Court, Case No. 97CM07534, Respondent was charged with violations of Vehicle Code sections 23152(a), driving while under the influence of an alcoholic beverage, and 23152(b), driving a motor vehicle with a blood alcohol content over .08% and under .20%, with an enhancement for both counts due to the prior conviction. On September 15, 1997, Respondent was convicted as charged and sentenced to 3 years probation with standard 2<sup>nd</sup> drunk driver offender conditions, including the SB38 multiple offender program.

Prior Discipline:

On August 6, 1999, the State Bar Court imposed a Public Reproval on Respondent based upon the circumstances of and surrounding the 2<sup>nd</sup> and 3<sup>rd</sup> drunk driving convictions. The reproval was for a period of 1 year and included among its conditions that Respondent attend a minimum of 2 meetings of alcoholics Anonymous per month and comply with the conditions of his criminal probation.

**AUTHORITIES SUPPORTING DISCIPLINE:**

Standards 1.2, 1.3, 1.4(b), 1.5, 1.6, 1.7, 2.6 and 3.4 of the Standards of Attorney Sanctions for Professional Misconduct, Title IV, of the Rules of Procedure of the State Bar of California.

*In re Kelley* (1990) 52 Cal.3d 487. Attorney convicted of second DUI found culpable of other misconduct warranting discipline. No finding of moral turpitude. Discipline recommended by the Review Department of the State Bar Court and affirmed by the Supreme Court was a public reproof for 3 years with conditions which included a referral to the State Bar's then existing Program on Alcohol Abuse on the condition that the attorney comply with all terms of that program.

The Supreme Court has held that a second conviction for driving under the influence of alcohol is conduct warranting discipline (*Kelley* at p. 494) and that multiple impaired driving and felony drug possession convictions warrant significant actual suspension (*In re Carr* (Review Department 1992) 2 Cal. State Bar Ct. Rptr. 108). Protection of clients, the public, the courts, and the integrity of the legal profession guide our imposition of discipline. Respondent's repeated failed attempts to address his problem, its effect on his life, and its potential effect on his professional practice, heighten the need for discipline.

Under Standard 3.4, the discipline suggested for an attorney convicted of a crime not involving moral turpitude but involving other misconduct warranting discipline is discipline that is appropriate to the nature and extent of the misconduct.

Standard 2.6 provides that the discipline for violation of section 6103 should be suspension or disbarment.

Standard 1.7 provides that if a member has a record of one prior discipline, the degree of discipline to be imposed shall be greater than that imposed in the prior proceeding.

In *Kelley*, despite the finding that the crimes were serious (2 drunk driving convictions) and involved a threat to the public, the Court found the misconduct did not cause specific harm to the public and the courts. Further several significant mitigating factors, including the lack of prior discipline, were found in *Kelley*. For these reasons the Court found that a relatively minimal level of discipline was appropriate in *Kelley* and they imposed upon her a public reproof and ordered her to the then existing State Bar Program on Alcohol Abuse. Here the criminal offenses are more numerous and significant. Further, Respondent was disciplined before for similar misconduct.

In *Carr*, where the facts and circumstances surrounding the subject criminal offenses are more similar to those here, the discipline imposed included actual suspension for 6 months and until a showing of compliance with standard 1.4(c)(ii).

#### **SUBSTANCE ABUSE CONDITIONS:**

##### **LAP Evaluation:**

- No later than thirty (30) days after the effective date of the discipline in this matter, if he has not done so already, Respondent shall:
  - report to the Lawyer Assistance Program of the State Bar of California (LAP) for an evaluation regarding substance abuse and mental health issues;
  - sign a written agreement with LAP to be evaluated; and,
  - sign a waiver directing and authorizing LAP to timely notify the Probation Unit of his compliance and noncompliance with the terms and conditions of his LAP evaluation agreement, according to the protocol for such reporting developed by the LAP and the State Bar Court.

Respondent shall provide satisfactory evidence of such compliance to the Probation Unit, according to the protocol for such reporting compliance developed by the LAP and the State Bar Court.

- Respondent shall comply with the terms and conditions of his LAP evaluation agreement.

With each written report required pursuant to this order, Respondent shall provide satisfactory evidence of such compliance to the Probation Unit, according to the protocol for such reporting developed by the LAP and the State Bar Court.

**LAP Participation:**

- At the conclusion of his evaluation by LAP, Respondent shall sign enter into a LAP participation agreement with the LAP and he shall sign a waiver directing and authorizing LAP to timely notify the Probation Unit of his compliance and noncompliance with the terms and conditions of his LAP participation agreement, according to the protocol for such reporting developed by the LAP and the State Bar Court.

Within ten (10) days of signing his LAP participation agreement, Respondent shall provide satisfactory evidence of such compliance to the Probation Unit, according to the protocol for such reporting developed by the LAP and the State Bar Court.

- Respondent shall remain in compliance with all treatment and monitoring terms and conditions of his LAP participation agreement, whether as initially agreed to or as LAP may change or modify those conditions thereafter.

With each written report required pursuant to this order, Respondent shall provide satisfactory evidence of such compliance to the Probation Unit, according to the protocol for such reporting developed by the LAP and the State Bar Court.

///  
///  
///

5/8/03  
Date

*John C. Montano, Jr.*  
Respondent's signature

JOHN C. MONTANO, JR.  
print name

5/9/03  
Date

*Arthur L. Margolis*  
Respondent's Counsel's signature

ARTHUR MARGOLIS  
print name

5/20/03  
Date

*Charles A. Murray*  
Deputy Trial Counsel's signature

CHARLES A. MURRAY  
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.)

5/27/03  
Date

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. 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 May 29, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING, filed May 29, 2003**

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

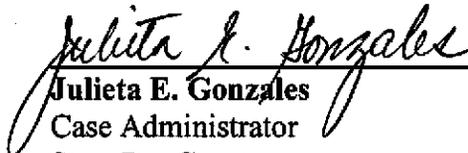
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ARTHUR L MARGOLIS ESQ  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DRIVE  
LOS ANGELES, CA 90039-3758**

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

**Charles A. Murray, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 29, 2003.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court