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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar BRANDON K. TADY Bar # 83045	Case Number (s) 07-O-10350	(for Court's use) <div style="text-align: center;"> FILED MAY 02 2008 <i>loc</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent DAVID CAMERON CARR Bar # 124510	PUBLIC MATTER	
In the Matter Of: STEPHEN CRAIG CLARK Bar # 102064 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO 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 24, 1981**
- (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 consists of _____ pages, not including the order.
- (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.



- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ costs added to membership fee for calendar year following effective date of discipline.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years: **2009, 2010, 2011**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ costs entirely waived

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

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
 - (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 a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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. **Respondent was admitted on December 24, 1981 and has no prior record of discipline.**
- (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.
- (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

None

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one 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 as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ 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.
- (3) ☒ 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.
- (4) ☒ 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.

- (5) ☐ 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.
- (6) ☒ 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.

- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ 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.
- (9) ☐ 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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☐ **Other Conditions:**
- None**

(Do not write above this line.)

Attachment language (if any):

See Attachment to Stipulation re Facts, Conclusions of Law, and Disposition.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Stephen Craig Clark (102064)

CASE NUMBER(S): 07-O-10350

FACTS AND CONCLUSIONS OF LAW.

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

CASE NUMBER 07-O-10350

FACTS

1. In May, 1987, Respondent prepared the Skedd Family Trust. The original trustees of the Skedd Family Trust were Lois Skedd and her husband Jack Skedd. Respondent also prepared the Last Wills and Testaments of Jack and Lois Skedd. When Jack Skedd died in November, 1991, Respondent amended the Skedd Family Trust to add Lois Skedd as the sole trustee.
2. Jack and Lois Skedd's three adult children are John M. Skedd, Russell M. Skedd, and Susan K. Taylor ("the Skedd children").
3. On July 3, 2004, Lois Skedd died. At the time of her death, the title to Lois Skedd's home was held by the Skedd Family Trust.
4. When Lois Skedd passed away in 2004, John Skedd contacted Respondent for assistance. Respondent met with John Skedd and his wife at his request for at least 1.5 hours in August 2004. There was discussion of the possibility, at some future date, of transferring Lois Skedd's single family home ("Lois Skedd's home") out of the Skedd Family Trust to the Skedd children who were the beneficiaries. Respondent agreed to assist John Skedd with matters connected with his mother's estate. Respondent agreed to prepare and file an Affidavit of Death of Trustee, and to file the Last Will and Testament of Lois Skedd with the probate court. No written fee agreement was prepared setting forth the scope of Respondent's employment. In or about February, 2005, John Skedd paid Respondent \$150.00 for his services.
5. John Skedd faxed Respondent a letter on February 12, 2005, asking that he prepare documents

including a Quitclaim Deed transferring title from the trust to the Skedd children who were the trust beneficiaries. Respondent did not reply to this fax.

6. On April 26, 2005, Respondent sent a letter to John Skedd with an unsigned Affidavit of Death re Trustee ("Affidavit") and asked John Skedd to sign and return the original notarized Affidavit to him.

7. On May 8, 2005, John Skedd sent a letter to Respondent enclosing a signed and notarized Affidavit and a certified copy of Lois Skedd's Death Certificate ("Death Certificate"). John Skedd asked Respondent to file it as soon as possible. The May 8, 2005 letter also asked that Respondent prepare the Quitclaim Deed transferring title from the Skedd Family Trust to the trust beneficiaries. Respondent did not respond to this letter.

8. Respondent received the signed and notarized Affidavit and Death Certificate and the May 8, 2005, letter. Respondent did not respond to the May 8, 2005 letter.

9. On August 31, 2005, Respondent sent a letter to John Skedd stating that he filed the Affidavit with the San Diego County Recorder's Office but the Affidavit had not been returned to him. In the letter dated August 31, 2005, Respondent enclosed a second, Affidavit of Death re: Trustee and asked John Skedd to sign and return the original notarized Affidavit to him with another certified copy of the Death Certificate. John Skedd received the letter.

10. On September 24, 2005, John Skedd sent Respondent a second, signed original notarized Affidavit. On October 12, 2005 John Skedd sent Respondent a second, certified copy of the Death Certificate.

11. Respondent received the second Affidavit and filed it with the San Diego County Recorder's Office. Once it was returned to Respondent, he forwarded it to John Skedd. Respondent also filed the Last Will & Testament of Lois Skedd with the probate court. Once it was returned to Respondent, he forwarded a copy of the same and the receipt for the Last Will & Testament to John Skedd.

12. Between November 2005 and November 2006, John Skedd made efforts to contact Respondent but was unsuccessful in speaking with him.

13. On November 2, 2006, John Skedd sent a letter to Respondent stating that he made numerous attempts to contact Respondent and had not received answers to his inquiries about the Quitclaim Deed. In that letter, John Skedd stated that he did not know the status of the Skedd Family Trust and that he hired another attorney to draft the Quitclaim Deed he wanted. Respondent did not respond to this letter because John Skedd stated he had hired another attorney to draft the Quitclaim Deed.

14. John Skedd's understanding was that the \$150.00 he paid to Respondent was payment for the consultation, the preparation and filing of the Affidavit of Death of Trustee, the filing of the Last Will and Testament of Lois Skedd, and preparing and filing the Quitclaim Deed. Respondent did not believe that he had been employed to prepare and file the Quitclaim Deed and he would have charged Mr. Skedd an additional fee for the Quitclaim Deed. However, Respondent did not communicate this limitation on the scope of his representation in writing.

15. On January 3, 2007, John Skedd filed a complaint against Respondent with the State Bar of California ("State Bar Complaint")

16. On February 2, 2007, a State Bar of California ("State Bar") investigator sent a letter to Respondent concerning John Skedd's State Bar Complaint and asking Respondent to respond in writing to the State Bar's questions and to provide copies of documents contained in Respondent's legal file for John Skedd.

17. Respondent received the State Bar's letter dated February 2, 2007. Respondent did not respond to the State Bar's letter.

18. On February 22, 2007, a State Bar investigator sent Respondent a second letter again asking Respondent to respond to the State Bar's questions and to provide copies of documents contained in Respondent's legal file for John Skedd.

19. Respondent received the State Bar's letter dated February 22, 2007, Respondent did not respond to the State Bar's letter.

CONCLUSIONS OF LAW

20. By not responding to John Skedd's fax of February 12, 2005, and letter of May 8, 2005, and John Skedd's other attempts to communicate with him, requesting that he prepare documents transferring title, Respondent was grossly negligent in failing to communicate a significant development in a matter with regard to which he had agreed to provide legal services, e.g. that limitations existed on the scope of his employment (*Nichols v. Keller* (1993) 15 Cal.App.4th 1672, 1678: "if counsel elects to limit or prescribe his representation of the client then counsel must make such limitations in representation very clear to his client"), in violation of Business and Professions Code Section 6068(m).

21. By failing to respond to the State Bar's letters dated February 2, 2007 and February 22, 2007, Respondent failed to cooperate in the State Bar's disciplinary investigation pending against him in wilful violation of Business and Professions Code, section 6068 (i).

PENDING PROCEEDINGS

None.

///

AGGRAVATING CIRCUMSTANCES

None.

MITIGATING CIRCUMSTANCES

No prior discipline (Standard 1.2 (e) (i)).

Respondent was admitted to the State Bar on December 24, 1981 and has no prior record of discipline since admission.

AUTHORITIES SUPPORTING DISCIPLINE

In this matter, Respondent has admitted violating the following statutes: Business and Professions Code, sections 6068 (i) and 6068 (m). The stipulated discipline of one- year suspension stayed and one-year probation is supported by applicable law.

Standard 1.3 provides the primary purposes of discipline are the protection of the public, the courts, and the legal profession, the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.

Standard 2.6 provides that the culpability of a member for violating Business and Professions Code, section 6068, including section 6068 (i) shall result in disbarment or suspension depending on the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Standard 2.4 (b) states the culpability of a member for wilfully failing to communicate with a client shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

In *In re Silvertown*, (2005) 36 Cal. 4th 81, the Supreme Court held that application of the Sanction Standards are entitled to great weight in determining the appropriate level of State Bar discipline. A departure from the Sanction Standards is only warranted where there is clear and convincing evidence by the Respondent of "extraordinary circumstances" or a demonstration that adherence to the Standards would result in manifest injustice. (*In re Silvertown*, supra, 36 Cal. 4th 92.)

Standard 2.6 provides suspension to disbarment for a member found culpable of violating Business and Professions Code, section 6068 (i).

Case law supports the level of discipline of one- year suspension stayed and one- year probation. (*Van Sloten vs. State Bar* (1989) 48 Cal. 3d 921, where a single act of failing to perform requested services without serious consequences to the client and failure to attend a hearing in the State Bar's Review Department merits six months stayed suspension and one year probation.).

(Do not write above this line.)

In the Matter of
Stephen Craig Clark

Case number(s):
07-O-10350

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 Fact, Conclusions of Law and Disposition.


4/28/08
Date

4/28/08
Date

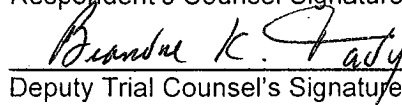
4/28/08
Date


Respondent's Signature

Stephen Craig Clark
Print Name


Respondent's Counsel Signature

David Cameron Carr
Print Name


Deputy Trial Counsel's Signature

Brandon K. Tady
Print Name

(Do not write above this line.)

In the Matter Of
Stephen Craig Clark

Case Number(s):
07-O-10350

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.

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 9.18(a), California Rules of Court.)**

4/30/08
Date


Judge of the State Bar Court

RICHARD A. HONN

1 **DECLARATION OF SERVICE BY REGULAR MAIL**

2 **CASE NUMBER: 07-O-10350**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California
5 90015, declare that I am not a party to the within action; that I am readily familiar with the State
6 Bar of California's practice for collection and processing of correspondence for mailing with the
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,
8 correspondence collected and processed by the State Bar of California would be deposited with
9 the United States Postal Service that same day; that I am aware that on motion of party served,
10 service is presumed invalid if postal cancellation date or postage meter date on the envelope or
11 package is more than one day after date of deposit for mailing contained in the affidavit; and that
12 in accordance with the practice of the State Bar of California for collection and processing of
13 mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on
14 the date shown below, a true copy of the within

15 **STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND**
16 **ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION.**

17 in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below,
18 addressed to:

19
20 **David C. Carr**
21 **Law Office of David Cameron Carr**
22 **3333 Camino Del Rio S Ste 215**
23 **San Diego, CA 92108**

24 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

25 **N/A**

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

28 DATED: April 28, 2008

SIGNED: 

Michael Angelo Kanterakis
Declarant

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 May 2, 2008, I deposited a true copy of the following document(s):

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

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

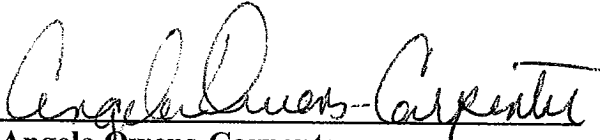
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID C CARR
LAW OFFICE OF DAVID C CARR
3333 CAMINO DEL RIO S STE 215
SAN DIEGO CA 92108**

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

BRANDON TADY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 2, 2008**.


Angela Owens-Carpenter
Case Administrator
State Bar Court