


Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT LEE ANN KERN, No. 156623 1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1000	Case number(s) 02-J-12848 kwiktag® 031 975 084 	(for Court's use) ORIGINAL FILED JUL 30 2003 STATE BAR COURT CLERKS OFFICE LOS ANGELES PUBLIC MATTER
Counsel for Respondent DIANA WEINERT, IN PRO PER 2226 Heather Hills Dr. St. Joseph, IL 61873 Telephone: (217) 469-0268	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of DIANA WEINERT Bar # 112953 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted May 1, 1984 (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 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. (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:
 2005, 2006, 2007
 (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 recorded.

(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. (In connection with issuing checks against insufficient funds in Arizona.)

(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:

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of Two Years

- ☐ I. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ II. and until Respondent pays restitution 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 Two 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 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: *See page 10, "Ethics School Exclusion", for 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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" 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) & (b), 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.

In the Matter of

DIANA WEINERT

A Member of the State Bar

Case Number(s):

02-J-12848

Financial Conditions

- a. ☐ Respondent shall pay restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of _____, plus 10% interest per annum accruing from _____, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,
- ☐ no later than _____
- or
- ☐ on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b. ☒ 1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
- b. respondent has kept and maintained the following:
- i. a written ledger for each client on whose behalf funds are held that sets forth:
1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c. ☐ Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Financial Conditions form approved by SBC Executive Committee 10/16/00)

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DIANA WEINERT

CASE NUMBER(S): 02-J-12848

The disciplinary proceeding against Respondent is brought pursuant to California Business and Professions Code section 6049.1 and rule 620 through 625, Rules of Procedure of the State Bar of California.

FACTS AND CONCLUSIONS OF LAW.

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

PROFESSIONAL MISCONDUCT IN ANOTHER JURISDICTION

1. Respondent was admitted to practice law in the State of Arizona in October 1984.
2. On or about June 4, 2001, the Hearing Officer in Respondent's Arizona disciplinary proceeding found that Respondent violated Arizona Supreme Court Rule 42,¹ specifically:
 - A. Arizona Rule of Professional Conduct 1.15 (safekeeping property);²
 - B. Arizona Rule of Professional Conduct 8.1(b) (failure to respond to lawful demand for information from disciplinary authority);

¹ The Arizona Rules of Professional Conduct are referenced in the Arizona Supreme Court Rules as Rule 42.

² The relevant sections of the Arizona Rules of Professional Conduct and the Arizona Supreme Court Rules are incorporated by references and are attached to the Notice of Disciplinary Charges filed on May 1, 2003.

- C. Arizona Supreme Court Rule 43 (trust account verification);
- D. Arizona Supreme Court Rule 44 (trust accounts; interest thereon);
- E. Arizona Supreme Court Rule 51(h) (failure to furnish information or respond promptly); and,
- F. Arizona Supreme Court Rule 51(i) (evading service or other refusal to cooperate).

3. The Hearing Officer made his findings by clear and convincing evidence. The Arizona Bar sought review by the Disciplinary Commission of the Supreme Court of Arizona ("the Commission") of the Hearing Officer's decision for several reasons, including the degree of discipline imposed.

4. On or about December 11, 2001, the Commission issued a recommendation to the Supreme Court of Arizona that the Respondent be actually suspended from the practice of law for a period of six months, placed on probation for two years, notify her clients, and pay the costs of the disciplinary proceedings.

5. On or about May 1, 2002, the Supreme Court of Arizona issued a Judgment and Order ("Order") in Arizona Supreme Court case number SB-02-0024-D adopting the Commission's findings of fact, conclusions of law, and disciplinary recommendations as to the Respondent.³

6. The findings of fact, as adopted by the Arizona Supreme Court, are, in pertinent part, set forth below.

A. On or about December 31, 1998, the State Bar of Arizona ("Arizona Bar") was notified that Respondent's trust account, which she maintained at Norwest Bank ("The Norwest Account"), was overdrawn in the amount of \$1,346.87 and that Norwest Bank had paid the checks that Respondent had written against insufficient funds.

B. On or about March 29, 1999, the United States Bankruptcy Court notified the Arizona Bar about other disbursements from a second trust account maintained by Respondent at Bank One.

³ A certified copy of the Order and the Disciplinary Commission Report of the Supreme Court of Arizona are incorporated by reference and are attached to the Notice of Disciplinary Charges filed on May 1, 2003.

C. The Arizona Bar requested that Respondent produce her trust account records. Respondent informed the Arizona Bar that she possessed no Bank One records. Respondent did not address the overdrafts from the Norwest Account.

D. Thereafter, Respondent informed the Arizona Bar that she could not produce any trust account records because her secretary's computer and the operating account register had been stolen when her office was burglarized in September 1997. Notwithstanding the burglary, Respondent did not close the trust account at Bank One, but instead wrote counter checks from that account. Respondent also informed the Arizona Bar that bank records for the period of October 1997 through December 1997 were misplaced when she moved her office.

E. On or about November 1, 1999, the Arizona State Bar filed a Request for Writ of Attachment with the Maricopa County Superior Court. Respondent appeared before a judge with the available records and was deposed as to those records.

F. The Arizona State Bar subpoenaed the records from the Norwest Account and asked Respondent to reconstruct the account register. Respondent failed to provide the Arizona State Bar with the reconstructed register.

G. On or about April 13, 2000, the Arizona State Bar dismissed its action in Maricopa County Superior Court and filed its disciplinary complaint on or about June 8, 2000. Respondent eventually provided the Arizona State Bar with a reconstructed check register for the trust account at Bank One.

H. In or about 1997, Respondent deposited personal funds into the trust account at Bank One and in the Norwest Account.

COUNT ONE: **Rules of Professional Conduct, rule 4-100(A)**
[Commingling Personal Funds in Client Trust Account]

8. Paragraphs 1 through 7 are incorporated by reference.

9. LEGAL CONCLUSION: By failing to keep client funds separate from her own, the Commission found that Respondent violated ARPC 1.15 and Arizona Supreme Court Rule 44. As a result of those findings by the Supreme Court of Arizona, Respondent violated the corresponding California rule, rule 4-100(A), Rules of Professional Conduct, which precludes an attorney from wilfully depositing or commingling funds belonging to Respondent in a bank account labeled "Trust Account,"

"Client's Funds Account" or words of similar import.

COUNT TWO: **Rules of Professional Conduct, rule 4-100(B)(3)**
[Failure to Maintain Records of Client Funds]

10. Paragraphs 1 through 7 are incorporated by reference.

11. **LEGAL CONCLUSION:** By failing to maintain complete and accurate records of the use and maintenance of her trust account and by failing to maintain client ledgers indicating debits, credits, and balances on her accounts, the Commission found that Respondent violated ARPC 1.15 and Arizona Supreme Court Rules 43 and 44. As a result of those findings by the Supreme Court of Arizona, Respondent violated the corresponding California rule, rule 4-100(B)(3), Rules of Professional Conduct, which requires an attorney to maintain, from the date of receipt of client funds through the period ending five years from the date of appropriate disbursement of such funds, records pertaining to Respondent's client trust account in the form of written ledgers and journals, bank statements, and monthly reconciliations relating to all client funds coming into Respondent's possession.

COUNT THREE: **Business and Professions Code, section 6068(i)**
[Failure to Cooperate in State Bar Investigation]

12. Paragraphs 1 through 7 and all exhibits attached hereto are incorporated by reference.

13. **LEGAL CONCLUSION:** The Commission found that by failing to provide information and documentation pursuant to the State Bar of Arizona's investigation, Respondent failed to respond to a lawful demand for information from a disciplinary authority, in violation of ARPC 8.1(b) and Arizona Supreme Court Rule 51, subsections (h) and (i). As a result of those findings by the Supreme Court of Arizona, Respondent violated the corresponding California statute, Business and Professions Code section 6068(i), which requires an attorney to cooperate and participate in a disciplinary investigation pending against that attorney.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was June 18, 2003.

STATE BAR ETHICS SCHOOL EXCLUSION.

It is not recommended that Respondent attend State Bar Ethics School because Respondent currently resides in the State of Illinois and it would be impractical for Respondent to travel to California to

attend Ethics School.

In lieu of Ethics School and as an additional condition of her probation, Respondent shall, within one year of the effective date of the discipline herein, attend 6 hours of Mandatory Continuing Legal Education courses in legal ethics in the State of Illinois and furnish proof of attendance to the Probation Unit of the State Bar of California.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") requires a minimum of three months actual suspension, regardless of mitigating circumstances, for an attorney found culpable of commingling, not amounting to wilful misappropriation, in violation of rule 4-100, Rules of Professional Conduct.

Standard 2.6 provides that a violation of Business and Professions Code section 6068(i) shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim.

Standard 1.6(a) provides that if two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by those standards for the acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

As to Respondent's violations of rules 4-100(A) and 4-100(B)(3), Rules of Professional Conduct, the California Supreme Court has held that "[c]ommingling, like misappropriation (the misconduct involved [in *Grimm*]), is a serious offense involving funds entrusted to an attorney. (Std. 2.2(a) & (b).)" (*Grim v. State Bar* (1991) 53 Cal.3d 21, 32.)

Additionally, the Court has held that the failure to keep proper books and records has long been disciplinable as a breach of the attorney's fiduciary duties (*Fitzsimmons v. State Bar* (1983) 34 Cal.3d 327, 332.) and that an attorney has a "personal obligation of reasonable care to comply with the critically important rules for the safekeeping and disposition of client funds." (*Palomo v. State Bar* (1984) 36 Cal.3d 785, 795.)

As to Respondent's aggravating factor of writing checks from a trust account against insufficient funds, the Review Department in *In the Matter of Heiser* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 47, recommended that Heiser be suspended from the practice of law for one year, stayed, and placed on two years probation on conditions, including actual suspended for six months. (*Id.* at p. 56.) Heiser had issued seven checks against insufficient funds to satisfy personal debts during an 11-month period.

He had practiced law without prior discipline for 16 years and defaulted in the disciplinary proceedings.

Balancing the relevant factors, including Respondent's misconduct, the case law, the Standards, and the fact that the aggravating circumstances predominate over the mitigating circumstances, six months actual suspension is the appropriate degree of discipline in California for Respondent's misconduct.

7-18-03

Date

Diana Crouch for Weinert
Respondent's signature

DIANA WEINERT

print name

Date

Respondent's Counsel's signature

print name

7/25/03
Date

Lee Ann Kern
Deputy Trial Counsel's signature

LEE ANN KERN
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.)

Date

7/28/03

[Signature]
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 July 30, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed July 30, 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:

**DIANA WEINERT, A/L
2226 HEATHER HILLS DR.
ST. JOSEPH IL 61873**

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

LEE KERN, A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 30, 2003**.


Rose M. Luthi
Case Administrator
State Bar Court