


**PUBLIC MATTER**

(Do not write above this line.)

~~CONFIDENTIAL~~

<p><b>State Bar Court of California</b>                  Hearing Department    <input type="checkbox"/> Los Angeles    <input checked="" type="checkbox"/> San Francisco  <b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES</b></p>		
<p>Counsel for the State Bar  <b>Cydney Batchelor</b>                  Deputy Trial Counsel                  180 Howard St., 7th Fl.                  San Francisco, CA 94105                  Tele: 415/538-2204</p> <p>Bar #    114637</p>	<p>Case Number(s)</p> <p>02-0-11698-PEM                  02-0-13963                  02-0-16001                  02-0-14389</p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">SEP 17 2007</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE                  SAN FRANCISCO</p>	<p>(for Court use)</p> <p style="text-align: center;"><del>CONFIDENTIAL</del></p> <p style="text-align: center;"><b>LODGED</b></p> <p style="text-align: center;">JUL 18 2005</p> <p style="text-align: center;">STATE BAR COURT                  CLERK'S OFFICE                  SAN FRANCISCO</p> <p style="text-align: right;">kwiktag®    031 978 813</p> 
<p><input checked="" type="checkbox"/> Counsel for Respondent  <input type="checkbox"/> In Pro Per</p> <p><b>Michael E. Wine, Esq.</b>                  3218 E. Holt Ave., #100                  West Covina, CA 91791                  Tele: 626/858-0602</p> <p>Bar #    58657</p>		
<p>In the Matter of</p> <p><b>ROBERT G. PADRICK</b>                  Bar # 103971                  A Member of the State Bar of California                  (Respondent)</p>	<p>Submitted to Program Judge</p> <p style="text-align: center;"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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 6/18/82 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of \_\_\_\_\_ pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."  

See attached
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."  

See attached

(Do not write above this line.)

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs-Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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

- (1)  Prior Record of Discipline [see standard 1.2(f)]
  - (a)  State Bar Court Case # of prior case \_\_\_\_\_
  - (b)  Date prior discipline effective \_\_\_\_\_
  - (c)  Rules of Professional Conduct/State Bar Action violations \_\_\_\_\_
  - (d)  Degree of prior discipline \_\_\_\_\_
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (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.  
**See attached**
- (5)  Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  Lack of Cooperation: Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.  
**See attached**
- (8)  No aggravating circumstances are involved.

Additional aggravating circumstances:

None

(Do not write above this line.)

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.  
**See attached**
- (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 ~~victim of his/her misconduct and to the State Bar~~ during disciplinary investigation and proceedings.  
**See attached**
- (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.  
**See attached**
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat of force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **~~Emotional/Physical~~ Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme ~~emotional difficulties or~~ physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.  
**See attached**
- (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 attached**

(Do not write above this line.)

In the Matter of  <b>ROBERT G. PADRICK</b>	Case number(s):  <b>02-0-11698-PEM, et al.</b>
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### 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 Facts and Conclusions of Law.

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

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

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

<u>6-16-05</u> Date	 Respondent's signature	<u>ROBERT G. PADRICK</u> Print name
<u>6/17/05</u> Date	 Respondent's Counsel's signature	<u>MICHAEL E. WINE</u> Print name
<u>6/30/05</u> Date	 Deputy Trial Counsel's signature	<u>CYDNEY BATCHELOR</u> Print name

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

IN THE MATTER OF:       **ROBERT G. PADRICK**  
CASE NUMBER(S):       **02-O-11698, 02-O-16001, 02-O-14389, 02-O-13963**

**DISMISSAL.**

Upon Respondent's acceptance into the State Bar Court Lawyer Assistance Program, and Respondent's final payment to complainant Denise Hark, the State Bar hereby agrees to dismiss State Bar case number 02-O-13963, without prejudice.

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the State Bar Act and/or Rules of Professional Conduct:

**Case No. 02-O-11698 (Alfred Robinson)**

Facts: In October 1998, Alfred Robinson employed Respondent to represent him in a personal injury case. In July 2001, Respondent negotiated a settlement of \$15,000.00 for Mr. Robinson and placed the funds in his trust account. Respondent did not disburse the full amount of the settlement to Mr. Robinson until September 2004, after the intervention of the State Bar. Respondent also failed to respond to Mr. Robinson's numerous requests for information about the case.

Conclusions of Law: By willfully failing to disburse settlement funds to Mr. Robinson from July 2001 to September 2004, Respondent failed to render to his client funds that he was entitled to have, in violation of Rule of Professional Conduct 4-100(B)(4). By willfully failing to respond to Mr. Robinson's repeated requests for information about the case, Respondent failed to respond to reasonable status inquiries from his client, in violation of Business and Professions Code section 6068(m).

**Case No. 02-O-16001 (Wallach and Grigg)**

Facts: In October 1998, Ms. Pamela Wallach and Mr. Stephen Grigg employed Respondent to represent them as co-plaintiffs in a personal injury case arising from a single motorcycle accident in September 1998. That month, with his clients' consent, Respondent settled their cases for \$8500.00. Respondent failed to distribute the settlement funds to Mr. Grigg until May 2004, and to Ms. Wallach until June 2005, both after the intervention of the State Bar. Respondent also failed to respond to numerous requests from Ms. Wallach and Mr. Grigg for information about their cases.

Conclusions of Law: By willfully failing to pay settlement funds in his possession to Mr. Grigg (until May 2004) and to Ms. Wallach (until June 2005), Respondent failed to pay promptly, as requested by his clients, funds in his possession which the clients were entitled to receive, in violation of Rule of Professional Conduct 4-100(B)(4). By willfully failing to respond to Mr. Grigg's and Ms. Wallach's repeated requests for information about their cases, Respondent failed to respond to reasonable status inquiries from his clients, in violation of Business and Professions Code section 6068(m).

**Case No. 02-O-14389 (Rose Rugan)**

Facts: In September 1997, Rose Rugan employed Respondent to represent her in a personal injury case. Respondent thereafter received a partial settlement of Ms. Rugan's case in the amount of \$12,500.00 in the form of an insurance company check made out jointly to Ms. Rugan and to him. Respondent thereafter failed promptly to provide Ms. Rugan with an accounting of the partial settlement to her despite her repeated requests, until June 2005, after the intervention of the State Bar. Ms. Rugan made several attempts to communicate with Respondent; however, he failed to reply, or to perform any further legal services on her behalf.

Conclusions of Law: By recklessly failing to conclude Ms. Rugan's personal injury case, Respondent failed to perform competently the legal services for which he was employed, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to communicate with Ms. Rugan despite her numerous attempts to contact him, Respondent failed to communicate adequately with his client, in violation of Business and Professions Code section 6068(m). By not providing Ms. Rugan with an accounting regarding his receipt and disbursement of the partial settlement funds until June 2005, Respondent failed to render a prompt accounting, in willful violation of Rule of Professional Conduct 4-100(B)(3).

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was June 13, 2005.

## **AGGRAVATING CIRCUMSTANCES.**

### **Facts Supporting Aggravating Circumstances:**

Multiple Acts of Misconduct: The facts and conclusions set forth above involve multiple acts of misconduct to multiple clients.

Significant Harm: Rose Rugan had to negotiate and settle her personal injury case without benefit of counsel.

## **MITIGATING CIRCUMSTANCES.**

### **Facts supporting mitigating circumstances:**

No prior record: Respondent has no prior record of discipline, since being admitted to practice in June 1982 (23 years ago).

Remorse: Although he did not do so until after the intervention of the State Bar, Respondent paid full restitution to Pamela Wallach (principal plus interest), Rose Rugan (principal plus interest) and Alfred Robinson. Respondent also waived his costs in Mr. Grigg's matter, and released all the settlement funds to him.

Candor/Cooperation: Through counsel, Respondent has been completely candid and cooperative with the undersigned deputy trial counsel in resolving these cases.

Physical Problems: Respondent has provided documentary proof to the State Bar that from September 2002 to June 2003, he suffered from a "rare fungal bronchitis" that interfered with his ability to practice law. Respondent was treated from the condition, and no longer suffers from it.

### **Additional mitigating circumstances:**

Participation in Lawyer's Assistance Program: In July 2004, Respondent voluntarily signed a pre-enrollment assessment agreement with the State Bar's Lawyer Assistance Program (LAP). Respondent was then assessed and monitored for a period of time by the

LAP. At the conclusion of the LAP evaluation, Respondent met with its Evaluation Committee, and was accepted into the program. On December 16, 2004, Respondent signed a participation agreement with LAP which memorialized his 5 year commitment. He has remained in full compliance with LAP ever since his first contact.



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In the Matter of Robert G. Padrick	Case number(s): 02-O-11698; 02-O-13963; 02-O-16001; 02-O-14389
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### 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All Hearing dates are vacated.

The following charges are hereby dismissed with prejudice:

Case No. 02-O-16001--Count 3--rule 3-700(D)(1)  
Count 4--section 6068( j)  
Count 5--rule 4-100(B)(3)  
Case No. 02-O-14389--Count 2--rule 3-700(A)(2)  
Count 4--section 6068(i)  
Count 6--4-100(B)(4)  
Count 7--section 6068(n)

The charge in Count 2 in Case No. 02-O-11698 is changed from 3-110(A) to 4-100(B)(4) as stipulated.

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(d), Rules of Procedure.)

July 18, 2005  
Date

Pat McElroy  
PAT McELROY  
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 San Francisco, on July 18, 2005, I deposited a true copy of the following document(s):

**DECISION RE ALTERNATIVE RECOMMENDATIONS FOR DEGREE OF  
DISCIPLINE**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR  
COURT'S ALTERNATIVE DISCIPLINE PROGRAM**

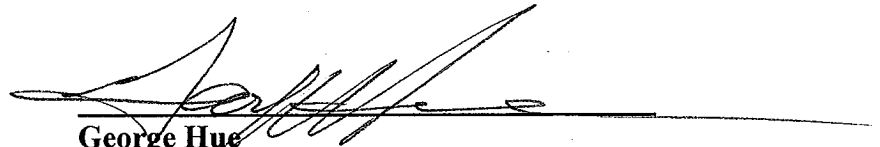
in a sealed envelope for collection and mailing on that date as follows:

by personally delivering such documents to the following individuals at 180 Howard Street, 6th Floor, San Francisco, California 94105-1639:

**CYDNEY BATCHELOR**

**ROBERT GORDON PADRICK**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **July 18, 2005**.



**George Hue**  
Case Administrator  
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 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 San Francisco, on October 3, 2007, I deposited a true copy of the following document(s):

**DECISION AND ORDER SEALING DOCUMENTS**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

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 San Francisco, California, addressed as follows:

**ROBERT GORDON PADRICK**  
**ROBERT G. PADRICK, A PROF LAW CORP**  
**2225 E BAYSHORE RD STE 200**  
**PALO ALTO, CA 94303**

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

**CYDNEY BATCHELOR , Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 3, 2007**.



**Laretta Cramer**  
Case Administrator  
State Bar Court