


<p>Counsel for the State Bar  OFFICE OF THE CHIEF TRIAL COUNSEL  ENFORCEMENT  DESIREE T. WASHINGTON, No. 217368  180 Howard Street  San Francisco, CA 94105-1639   Phone: 415-538-2000</p>	<p>Case number(s)  02-0-12943   <b>PUBLIC MATTER</b>   kwiktag® 035 115 410  </p>	<p>(for Court's use)   <b>FILED</b> <i>APS</i>  JAN - 5 2004   STATE BAR COURT CLERK'S OFFICE  SAN FRANCISCO</p>
<p>Counsel for Respondent  Jeffrey A. Nelson, No. 74834  435 Seaside Ave., #308  Honolulu, Hawaii 96815  Phone: 209-756-2137  IN PROPRIA PERSONA</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  AND ORDER APPROVING  ACTUAL SUSPENSION   <input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of   JEFFREY A. NELSON  Bar # 74834   A Member of the State Bar of California  (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 28, 1977 (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 12 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." See attachment.
- (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  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth under "Partial Waiver of Costs"
  - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

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

(1)  Prior record of discipline [see standard 1.2(f)]

(a)  State Bar Court case # of prior case \_\_\_\_\_

(b)  date prior discipline effective \_\_\_\_\_

(c)  Rules of Professional Conduct/ State Bar Act violations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d)  degree of prior discipline \_\_\_\_\_

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(2)  Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3)  Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4)  Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5)  Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(6)  Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

(8)  No aggravating circumstances are involved.

Additional aggravating circumstances:

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

- (1)  No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3)  Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  Restitution: Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  Good Faith: Respondent acted in good faith.
- (8)  Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. JRW
- (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 2 years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
  - ii. and until Respondent pays restitution to Linneman Burgess [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \$5,000, plus 10% per annum accruing from June 24, 2001 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 2 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 6 months
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
  - ii. and until Respondent pays restitution to Linneman Burgess [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \$5,000, plus 10% per annum accruing from June 24, 2001 and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
  - iii. and until Respondent does the following: \_\_\_\_\_

E. Additional Conditions of Probation:

- (1)  If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all

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

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

- (5)  Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6)  Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7)  Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended.
- (8)  Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9)  The following conditions are attached hereto and incorporated:
- |  |   |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions    | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" 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) & (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.

In the Matter of

Case Number(s):

JEFFREY A. NELSON, No. 74834

02-0-12943

A Member of the State Bar

Financial Conditions

- a.  Respondent shall pay restitution to Linneman Burgess [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of \$5,000, plus 10% interest per annum accruing from June 24, 2001, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,  no later than 1 year from effective date of Disciplinary Order.
- 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)

In the Matter of  
JEFFREY A. NELSON, No. 74834  
A Member of the State Bar

Case Number(s):  
02-0-12943

### Medical Conditions

- a.  Respondent shall obtain psychiatric or psychological help/ treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of 1 times per month and shall furnish evidence to the Probation Unit that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment shall continue for N/A days or N/A months or 2 years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- b.  Upon the request of the Probation Unit, respondent shall provide the Probation Unit with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Probation Unit shall be confidential and no information concerning them or their contents shall be given anyone except members of the Office of the Chief Trial Counsel, including the Probation Unit, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

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

IN THE MATTER OF:       JEFFREY A. NELSON, SBN 74834  
CASE NUMBER:            02-O-12943

**FACTS AND CONCLUSIONS OF LAW**

*COLLINS MATTER:*

1. In or about June 1, 2001, Linneman Burgess et al. ("Linneman Burgess" or "firm") and respondent were retained by Clifford Collins ("Collins") to represent him with regard to a conditional use permit matter. In or about that time, respondent assumed sole responsibility for representing Collins on the firm's behalf.
2. On or about June 14, 2001, Collins wrote a check in the amount of \$5,000 in advanced fees, check no. 7505, drawn on Union Safe Deposit Bank, and made it payable to respondent. On or about the same date, Collins delivered check no. 7505 to respondent.
3. On or about August 21, 2001, respondent deposited check no. 7505 into a personal account maintained by respondent at Wells Fargo Bank, account no. 0235537487.
4. At no time did respondent transfer any portion of the advanced fees to a client trust account, or any other bank account designated to hold advanced client fees in trust.
5. It is the firm's practice to deposit all advanced legal fees into a firm maintained client trust account. It is also the firm's practice to reference in a client's file receipt of advanced legal fees, and to otherwise, give the firm notice that advanced fees were received. Respondent was aware of and agreed to maintain the above-referenced practices.
6. At no time did respondent inform partners, or any other staff members at Linneman Burgess, that he received advanced fees for services to be performed on Collins' behalf. At no time did respondent reference in Collins' file having received advanced fees, or otherwise disclose in any fashion to the firm that he received advanced fees.

Conclusions of Law:

By holding onto Collins' advanced fees for a lengthy period of time before he deposited the funds into his personal banking account, and by failing to deposit the advanced fees into a trust account, respondent failed to deposit funds received for the benefit of a client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

By concealing that he received Collins' advanced legal fees, when he agreed to inform the firm of his receipt of advanced legal fees, and by depositing Collins' advanced fees into a personal account, when he agreed to deposit such funds into a client trust account, respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

*DAGGETT MATTER:*

7. On or about August 25, 2000, Linneman Burgess and respondent were retained by Ronald



- Daggett (hereinafter "Daggett") to represent him in a living trust litigation matter in Madera County Superior court, (case no. P10759). In or about that time, respondent assumed sole responsibility for representing Daggett on the firm's behalf.
8. On or about March 19, 2001, respondent advised Daggett that opposing counsel wanted to depose Daggett, and further advised that they would wait for opposing counsel to set a date for the deposition.
  9. On or about June 11, 2001, Daggett asked respondent if opposing counsel would depose him. Respondent advised Daggett that he would probably have to give a deposition, but gave no further specifics. Respondent failed to schedule Daggett's deposition.
  10. In or about the summer of 2001, respondent advised Daggett to prepare responses to special interrogatories propounded by opposing party. Daggett complied with respondent's request and returned his responses to respondent on or about August 6, 2001. Respondent failed to produce Daggett's signed and verified responses to the special interrogatories.
  11. On or about September 6, 2001, respondent appeared for a hearing in Madera County Superior court (hereinafter "the court"), wherein the court granted opposing party's motion to compel Daggett's production of documents and responses to special interrogatories. The court further ordered Daggett to pay monetary sanctions in the amount of \$510. Respondent failed to advise Daggett of the motion to compel and sanctions.
  12. On or about September 6, 2001, the court heard opposing party's motion to strike Daggett's answer. Respondent failed to oppose the motion to strike.
  13. Respondent failed to advise Daggett that he would not oppose the motion to strike.
  14. On or about November 5, 2001, the court ordered Daggett to pay monetary sanctions in the amount of \$612 for failing to make discovery. The court also ordered Daggett's answer stricken, cancelled a scheduled settlement conference and entered a default judgment against Daggett. Further, the court found that opposing counsel had in fact noticed respondent with regard to the November 5, 2001 date.
  15. On or about November 5, 2001, respondent telephoned Daggett and advised him that the previously scheduled settlement conference had been postponed. Respondent told Daggett he did not know why the settlement conference had been postponed, and further advised that the trial date in Daggett's matter remained set for December 4, 2001.
  16. In the same telephone discussion on or about November 5, 2001, Daggett asked when he would be deposed. Respondent failed to answer.
  17. Respondent failed to advise Daggett that sanctions were ordered and that his answer was stricken. Respondent further failed to advise Daggett that a default judgment was entered against him.
  18. On or about November 20, 2001, the court ordered damages on the default judgement for \$857,472.
  19. On or about January 4, 2002, Daggett received from the court notice that an involuntary lien was placed on property belonging to him in Madera, and that an abstract of judgement had been entered.
  20. In or about January 2002, Daggett telephoned respondent and inquired about the judgment. Respondent advised that he knew nothing about a judgment, and that the court failed to properly notice the parties.
  21. On or about January 11, 2002, Daggett and his wife met with respondent, and respondent

- advised Daggett to relax because respondent would have the judgment set aside.
22. On or about March 25, 2002, respondent left his office at Linneman Burgess and failed to make scheduled court appearances the following day. Respondent has not reported for work at the firm since.
  23. On or about May 28, 2002, Alfred Whitehurst, of Linneman Burgess, obtained an order: (a) setting aside the default judgment; (b) ordering respondent to pay \$4,469.75 in attorneys fees to opposing counsel forthwith; (c) ordering that the previously awarded sanctions apply to respondent rather than Daggett; and, (d) ordering that respondent personally pay a penalty in the amount of \$1,000 directly to opposing counsel forthwith.
  24. On or about April 2, 2002, Daggett met with Linneman Burgess partner, Thomas Keene (hereinafter "Keene"). In or about that time, Keene advised Daggett that opposing party obtained a default judgment, was successful in striking Daggett's answer, and was awarded monetary sanctions for Daggett's failure to make discovery.

### Conclusions of Law:

By failing to give opposing party signed and verified responses to interrogatories, by failing to schedule Daggett's deposition, by failing to oppose the motion to strike, by failing to take measures to have the judgment set aside, and by otherwise failing to perform any service of value beyond the filing of Daggett's answer, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

By failing to respond to Daggett's inquiry into when he would be deposed, respondent failed to respond promptly to reasonable status inquiries of a client, in wilful violation of Business and Professions Code, section 6068(m).

By failing to advise Daggett: (a) that he failed to make discovery and that motion to compel and sanctions were entered as a result; (b) that opposing party successfully motioned to strike Daggett's answer and respondent did not oppose it; (c) that a default judgment was entered; (d) that respondent would terminate his practice at the firm and would no longer work to set aside the judgment, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

By misrepresenting to Daggett that he actively worked on Daggett's matter, when in fact, respondent passively allowed Daggett's matter to reach a default judgment, and by misrepresenting that he did not receive notice of the proceedings resulting in the default judgment, when in fact respondent did receive notice of the proceedings resulting in the default judgment, respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

By concealing from Daggett the true status of his matter, when respondent knew or should have known the matter reached a judgment by default, respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

By permanently leaving his practice at Linneman Burgess without first advising its partners, any other staff members, and Daggett, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

**PENDING PROCEEDINGS:**

The disclosure date referred to on page one, paragraph A.(6), was November 24, 2003.

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

Date

12/02/03

Respondent's signature

*Jeffrey A. Nelson*

JEFFREY A. NELSON  
print name

Date

Respondent's Counsel's signature

print name

Date

12/4/03

Deputy Trial Counsel's signature

*Desiree T. Washington*

DESIREE T. WASHINGTON  
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.

*See attached Modifications.*

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

1/5/04

Judge of the State Bar Court

*J. C. M. Renke*

**IN THE MATTER OF JEFFREY A. NELSON**  
**State Bar Court Case No. 02-O-12943-JMR**

**COURT'S MODIFICATIONS TO STIPULATED FACTS,**  
**CONCLUSIONS OF LAW AND DISPOSITION**

1. On page 4, section E(1), an "x" shall be inserted in the paragraph indicating that if Respondent is actually suspended for two years or more, he shall remain actually suspended until he proves to the State Bar Court his rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
2. On page 6, regarding "Financial Conditions," the "x" shall be deleted from the box indicating that Respondent shall pay restitution "no later than 1 year from effective date of Disciplinary Order." Pursuant to the Stipulation, Respondent shall remain actually suspended until he pays restitution as set forth on page 4, section D, paragraph 3 on actual suspension and therefore this provision is inconsistent.

Dated: January 5, 2004

  
JOANN M. REMKE  
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 January 5, 2004, 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:

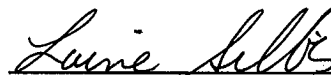
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JEFFREY ALAN NELSON  
435 SEASIDE AVE #308  
HONOLULU HI 96815**

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

**DESIREE WASHINGTON, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **January 5, 2004**.



\_\_\_\_\_  
**Laine Silber**  
Case Administrator  
State Bar Court