


<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ANTHONY J. GARCIA, # 171419 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1000</p>	<p>Case number(s) 02-0-14177-RAH 03-0-00944-RAH</p> <p>PUBLIC MATTER</p> <p>kwiktag® 031 978 340 </p>	<p>(for Court's use)</p> <p>FILED</p> <p>JUN 11 2004 ✓</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent GEORG DAVID HARTSON, II IN PROPIA PERSONA 8209A Foothill Blvd., # 267 Sunland, CA 91040-2807</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of GEORG DAVID HARTSON, II Bar # 119812 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 December 10, 1985 (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 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):
 - costs added to membership fee for calendar year following effective date of discipline (public reproval)
 - case ineligible for costs (private reproval)
 - costs to be paid in equal amounts 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."

In the Matter of GEORG DAVID HARTSON, II

Case Number(s):

A Member of the State Bar

02-0-14177-RAH

03-0-00944-RAH

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code §6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

(a) Admission of culpability.

(b) Denial of culpability.

(c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

RULE 133, Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition shall set forth each of the following: . . .

(5) a statement that respondent either

(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

(ii) **pleads nolo contendere to those facts and violations. If the respondent pleads nolo contendere, the stipulation shall include each of the following:**

(a) an acknowledgment that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and

(b) If requested by the Court, a statement by the deputy trial counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter. (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code §6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea shall be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

June 1, 2004
Date

David Hartson
Signature

David Hartson
print name

(8) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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.
- (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) Private reproof (check applicable conditions, if any, below)

(a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).

(b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2) Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproof:

(1) Respondent shall comply with the conditions attached to the reproof for a period of one (1) year.

(2) During the condition period attached to the reproof, 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 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the 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 conditions attached to the reprobation.
- (7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- No Ethics School ordered.
- (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 required to be filed with the Probation Unit.
- (9) 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 within one year of the effective date of the reprobation.
- No MPRE ordered.
- (10) 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 |
- (11) Other conditions negotiated by the parties:

Respondent shall refund \$100.00 to Dorothy Cooper (Case No. 03-0-944) and provide proof of payment to the Probation Office with the first quarterly report that he sends to Probation.

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

IN THE MATTER OF: GEORG DAVID HARTSON
CASE NUMBERS: 02-O-14177-RAH, 03-O-944-RAH

A. FACTS AND CONCLUSIONS OF LAW

Respondent pleads nolo contendere to the following facts and violations of the specified statutes and Rules of Professional conduct.

Respondent acknowledges that he completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his culpability of the statutes and Rules of Professional conduct specified in this stipulation.

If requested by the court, the deputy trial counsel assigned to this matter is prepared to state that the factual stipulations are supported by the evidence obtained in the State Bar investigation of these matters.

Case no. 02-O-14177, The Danielle Cardenas matter

On January 30, 2001, Danielle Cardenas (Cardenas) hired Respondent to represent her in a divorce. They agreed that Cardenas would pay Respondent \$1,000 as an advance legal fee and give Respondent a check payable to the court in the amount of \$194 for filing fees.

On January 30, 2001, Cardenas paid Respondent \$1,000 as an advance fee and tendered a \$194 check for filing fees.

In about May 2001, Respondent prepared divorce papers for Cardenas but never filed them. Cardenas is still married.

In about May 2001, Respondent sold his practice and transferred almost all of his files to Donald Dunham (Dunham). Cardenas' file was on a list of files that Dunham agreed to take from Respondent. However, Respondent did not immediately turn over Cardenas' file because he was continuing to investigate the whereabouts of Juan Cardenas.

Cardenas called several times. Respondent failed to call her back within a reasonable period of time.

Respondent has not refunded any of Cardenas' money.

Mitigating facts

Cardenas also hired Respondent to defend her against a child support collection action. Cardenas said that Respondent performed competently, reducing her monthly support liability from \$658 to zero, and from a total liability for arrears from around \$26,000 to \$2,004. Cardenas believes that Respondent has earned the money she paid him for his legal services.

Legal Conclusions

Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A) by not completing that work that Cardenas hired him to perform.

Respondent wilfully violated Business and Professions Code, section 6068(m) by not responding promptly to Cardenas' reasonable requests for information about her case.

Case no. 02-O-10268, The Dorothy Cooper matter

On December 5, 2002, Dorothy Cooper (Cooper) called the office of Bass & Stern seeking an appointment to prepare a simple will. Cooper spoke to Virginia Stern (Stern) who told her that Respondent would prepare a simple will for her and that Cooper would be charged \$250 for the preliminary consultation.

Cooper met with Respondent and adamantly declared that she would not pay more than \$250 for the consultation. Respondent explained to Cooper that he charged \$250 an hour for consultations and that he would not charge her more than \$250 for the consultation without her further agreement.

Cooper met with Respondent for about one hour and thirty minutes. Respondent told Cooper that he would only charge \$250 for the time that they spent talking and suggested that she send him a list of the changes that she wanted made to her will. Respondent told Cooper that he would charge her an additional one hundred dollars (\$100) to type a draft will for her.

Cooper paid Respondent \$350. On December 6, 2002, Cooper mailed a four page list of proposed changes to her will to Respondent. A few days later, Cooper had a change of heart. She called Respondent's office and spoke to Stern. Cooper demanded that Respondent return her money and her papers. Respondent never typed a draft will for Cooper.

On about May 16, 2003, Respondent returned Cooper's papers, but has not returned her \$100.

Mitigating facts

Respondent claims that he provided additional legal services pursuant to Cooper's instructions and Respondent claimed that he was entitled to additional legal fees under a claim of quantum meruit. Respondent offered to arbitrate a fee dispute over the \$100.

Legal Conclusion

Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2) by failing to refund Cooper's unearned fee (\$100).

B. PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6), was May 28, 2004.

C. RESTITUTION

Respondent agrees to pay a total of \$100 in restitution to Dorothy Cooper and to provide proof of

his payment to the State Bar Probation Department with the first quarterly report that he submits to the Probation Department.

D. SUPPORTING AUTHORITIES

Standard 2.4(b): Culpability of a member of wilfully failing to perform services in a client matter shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

Van Sloten v. State Bar, (1989) 48 Cal.3d 921.

Respondent was found culpable of a single act of failure to perform the requested services without serious consequences to the client . The court suspended Respondent from the practice of law for six months, stayed, on the condition that he be placed on probation for the period of one year.

E. DISMISSALS

The State Bar moves the court to dismiss the following in the interest of justice:

- Case no. 02-O-14177, Count Three, Count Four
- Case no. 03-O-944, Count One, Count Three

Date June 1, 2004

David Hartson
Respondent's signature

GEORG DAVID HARTSON, II
print name

Date _____

Respondent's Counsel's signature _____

print name _____

Date 6/8/04

[Signature]
Deputy Trial Counsel's signature

ANTHONY J. GARCIA
print name

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date June 10, 2004 Anthony J. Cobb
PRO TEM 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 June 11, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed June 11, 2004**

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

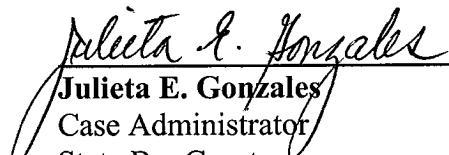
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**GEORG DAVID HARTSON, II ESQ
8209A FOOTHILL BLVD #267
SUNLAND, CA 91040-2807**

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

Anthony P. Garcia, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 11, 2004**.



Julieta E. Gonzales
Case Administrator
State Bar Court