


<p>Counsel for the State Bar Office of the Chief Trial Counsel, Enforcement John T. Kelley, 193646 1149 S. Hill St. Los Angeles, CA 90015</p> <p>213/765-1000</p>	<p>Case number(s) 02-O-14914; 03-O-01297</p> <p>kwiktag® 035 115 310</p> 	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED <i>pm</i></p> <p>JAN 08 2004</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent In Pro Per</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of Marvin Levy</p> <p>Bar # 101042 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 1, 1981.
(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):
 - ☐ costs added to membership fee for calendar year following effective date of discipline
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:
2005-2007
(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 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) ☒ 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.
- (10) ☐ 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.
- (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:

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of eighteen 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: _____

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.)

E. Additional Conditions of Probation:

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

- (4) ☐ 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.
- (5) ☒ 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.

- (6) ☒ 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.
- (7) ☐ 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.
- (8) ☐ The following conditions are attached hereto and incorporated:
- ☐ Substance Abuse Conditions ☐ Law Office Management Conditions
- ☐ Medical Conditions ☐ Financial Conditions
- (9) ☐ 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 within one year. 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.

ATTACHMENT TO STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION

IN THE MATTER OF: MARVIN LEVY, SBN 101042

CASE NUMBER(S): 02-0-14914; 03-O-01297

FACTS AND CONCLUSIONS OF LAW

Respondent, Marvin Levy, admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct:

ALL COUNTS

1. Respondent was admitted to the practice of law in the State of California on December 1, 1981, was a member at all times pertinent to the facts described below, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 02-O-14914

Rules of Professional Conduct, rule 3-110(A)

[Failure to Perform with Competence]

2. On or about April 7, 2000, attorney Stanley W. Arky ("Arky") filed a civil complaint on behalf of his client Kirk D. Ball ("Ball"), Los Angeles Superior Court case No. BC227917 ("the LASC case").

3. On or about October 30, 2000, the entire action was dismissed because of Arky's failure to appear in the LASC case and file a proof of service that the complaint had been served.

4. On or about March 7, 2001, Respondent associated into the LASC case with attorney Arky.

5. On or about March 7, 2001, Respondent filed a Notice of Motion and Motion to Set Aside Dismissal.

6. On or about April 16, 2001, the court granted Respondent's Motion to Set Aside Dismissal.

7. On or about July 30, 2001, Respondent appeared at the initial status conference, and advised the court that he would be filing an amended complaint in the LASC case. The court ordered the complaint be filed on or before August 9, 2001. The court also continued the initial status conference to September 25, 2001, and ordered Respondent to give notice.

8. Respondent failed to file the amended complaint in the LASC case.

9. Respondent failed to appear at the continued status conference on or about September 25, 2001. The court dismissed the LASC case in its entirety due to Respondent's failure to comply with the court's July 30, 2001, order to file an amended complaint by August 9, 2001.

10. The court served Respondent with a copy of the order of dismissal.
11. Respondent received the court's order of dismissal.
12. On or about March 25, 2002, Respondent filed a Notice of Motion for Relief of Judgment of Dismissal in the LASC case.
13. On or about May 2, 2002, the court denied Respondent's Motion after Respondent presented oral argument. The court ordered Respondent to give notice.
14. On or about July 8, 2002, Respondent advised Ball in a telephone conversation that the LASC case had been dismissed. Respondent falsely advised Ball that the reason for the dismissal was due to enactment of a federal law which prevented the LASC case from being litigated. During this telephone conversation, Ball asked Respondent to send him a copy of the federal law Respondent cited as a bar to pursuing the LASC case. Respondent agreed to send the requested documents to Ball, but he failed to do so.

LEGAL CONCLUSION

15. By failing to file an amended complaint pursuant to a court order, and failing to appear at a noticed hearing, thereby causing the LASC case to be dismissed, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT TWO

Case No. 02-O-14914

Business and Professions Code, section 6068(m)

[Failure to Inform Client of Significant Development]

16. The allegations of paragraphs 2 through 14 are incorporated by reference.
17. At no time did Respondent inform Ball that on or about September 25, 2001, the court dismissed the LASC case in its entirety due to Respondent's failure to comply with the court's order of July 30, 2001 to file an amended complaint by August 9, 2001.
18. It was not until on or about July 8, 2002, that Respondent informed Ball that the LASC case had been dismissed.

LEGAL CONCLUSION

19. By not timely informing Ball that the LASC case had been dismissed, and then misinforming Ball nearly a year later concerning the true reasons for the dismissal, Respondent failed to keep a client reasonably informed of a significant development in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

COUNT FOUR

Case No. 02-O-14914

Rules of Professional Conduct, rule 3-700(D)(1)

[Failure to Release File]

20. The allegations of paragraphs 16 through 18 are incorporated by reference.
21. On or about August 17, 2001, Ball wrote Respondent a letter requesting a copy of his case file.
22. Respondent received Ball's August 17, 2001, letter but failed to provide Ball with a copy of his case file.
23. In or about July 2002, after learning during a telephone conversation between Ball and Respondent that his case had been dismissed, Ball terminated Respondent and asked Respondent to send him a copy of his case file. Respondent agreed to send the requested documents to Ball, but he failed to do so.
24. On or about January 6, 2003, Ball sent Respondent a letter by certified mail requesting a copy of his case file.
25. Ball's January 6, 2003, certified letter was signed for on or about January 24, 2003.
26. Respondent received Ball's January 6, 2003, certified letter but failed to provide Ball with a copy of his case file.

LEGAL CONCLUSION

27. By not returning Ball's case file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT FIVE

Case No. 03-O-01297

Rules of Professional Conduct, rule 3-110(A)

[Failure to Perform with Competence]

28. On or about February 5, 2000, Bing F. Pi ("Pi") employed Respondent to represent her in a civil business dispute in Los Angeles Superior Court case BC215029, *Bing Fei Pi, aka Sophia Pi v. Xing Sheng Sun*, (the "Pi case").
29. On or about February 5, 2000, Respondent and Pi executed a written fee agreement.
30. On or about March 8, 2001, Respondent advised the court that the parties agreed to binding arbitration. As a result, the court vacated the trial date and dismissed Pi's case. Respondent filed notice of the court's ruling on March 13, 2001.
31. In or about December 2000, Respondent advised Pi that he had joined the law firm of Early Maslach & Rudnicki, and that, accordingly, he would be relocating his office.
32. Between in or about December 2000, and February 2002, Pi would contact Respondent by telephone to inquire about the status of the binding arbitration in her case. Each time Respondent stated that he was still working on it.
33. On or about February 2, 2002, Pi met with Respondent at his office. At that time, Respondent assured Pi that he was still working on the binding arbitration in her case and would try to complete his work as soon as possible.
34. On or about May 20, 2002, Pi telephoned Respondent who assured Pi that he would set

up a binding arbitration hearing date for no later than the middle of June 2002.

35. In or about May or June 2002, Respondent met with attorney Kathy G. Neumann ("attorney Neumann") to discuss a number of cases, including the Pi case, for which Respondent wanted attorney Neumann to substitute in as attorney of record. Respondent advised attorney Neumann that he did not have enough time to devote to the cases.

36. Respondent did not inform his client, Pi, that he did not have sufficient time to devote to her matter.

37. After reviewing the case files Respondent provided her, attorney Neumann informed Respondent that she would not accept the Pi case. Thereafter, attorney Neumann arranged at least four meetings with Respondent on August 19, 2002, September 3, 2002, September 17, 2002, and September 24, 2002, to return the Pi case file to him.

38. Respondent failed to keep any of the scheduled appointments with attorney Neumann.

39. In or about October or November 2002, attorney Neumann took the Pi case file to the law offices of attorney Ira Cohen ("attorney Cohen"). Attorney Cohen had informed attorney Neumann that he had scheduled an appointment to meet with Respondent there. Thereafter, attorney Cohen tried repeatedly to meet with Respondent to give him the Pi case file, but Respondent failed to keep any of the appointments.

40. In or about December 2002, Pi telephoned Respondent at the law firm of Early Maslach & Rudnicki, and was informed by a staff employee that Respondent was no longer employed there, but that Respondent's mail was being forwarded.

41. At no time did Respondent inform Pi that he was no longer employed at Early, Maslach & Rudnicki.

42. At no time did Respondent inform Pi of his new address.

43. Between in or about January 2003 and March 2003, Respondent retrieved the Pi case file from attorney Cohen's office.

44. On or about March 25, 2003, Pi filed a complaint with the State Bar regarding Respondent's handling of her case. Subsequently, on or about April 15, 2003, Respondent contacted opposing counsel in the Pi case and attempted to schedule a binding arbitration meeting. At that time, opposing counsel refused to proceed with the arbitration.

45. During a telephone conversation on May 16, 2003, Respondent informed Pi that opposing counsel was refusing to proceed with the binding arbitration and that, therefore, he had filed a complaint in the matter on Pi's behalf.

46. Respondent did not actually file a complaint on Pi's behalf until June 19, 2003.

47. On or about June 2, 2003, Pi faxed a letter to Respondent asking for a copy of a stipulation the parties in the case had signed, and also a copy of the complaint Respondent said he had filed.

48. Respondent received Pi's faxed letter of June 2, 2003, and agreed to meet with Pi to provide her the requested documents.

49. On or about June 10, 2003, Respondent met with Pi, but did not bring the requested documents with him. Instead, Respondent brought a check, number 1780, drawn on his law office general account, dated June 10, 2003, in the amount of \$11,000, made payable to Bing Fei Pi.

50. Respondent did not explain to Pi why he provided her the check for \$11,000.

51. During a telephone conversation on or about June 11, 2003, Respondent told Pi not to worry about paying him any attorney fees and to just keep the entire \$11,000 Respondent had given to her. Respondent also stated that he was still working on her case.

52. On or about June 19, 2003, Respondent filed a complaint on Pi's behalf in the Superior Court for the County of Los Angeles, Northeast District, Alhambra Courthouse, case no. 03C00941.

53. On or about June 20, 2003, Respondent met with Pi and provided her with a copy of the complaint. At this time, Pi asked Respondent again for a copy of the original signed stipulation.

54. At no time did Respondent provide Pi with a copy of the stipulation she requested.

LEGAL CONCLUSION

55. By failing to timely pursue the binding arbitration agreed upon by all the parties in Pi's case, by failing to take any action to protect Pi's interests after Respondent learned that Neumann would not substitute in as attorney of record, by paying Pi \$11,000 without explanation, and by failing to provide Pi with a copy of the executed stipulation, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT SIX

Case No. 03-O-01297

Business and Professions Code, section 6068(m)

[Failure to Inform Client of Significant Development]

56. The allegations of paragraphs 28 through 54 are incorporated by reference.

LEGAL CONCLUSION

57. By not informing Pi that he did not have sufficient time to devote to her matter, by not informing Pi that he was no longer employed at Early, Maslach & Rudnicki, and by not informing Pi of his new address, Respondent failed to keep a client reasonably informed of a significant development in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

COUNT EIGHT

Case No. 03-O-01297

Business and Professions Code, section 6068(m)

[Failure to Respond to Client Inquiries]

58. The allegations of paragraphs 28 through 54 are incorporated by reference.

59. Between on or about June 21, 2003 and June 24, 2003, Pi telephoned Respondent six times and left messages for him to provide her information regarding the status of her case

60. Respondent received Pi's telephone messages but at no time responded to them.

61. On or about June 23, 2003, Pi sent Respondent a letter requesting an explanation as to why the complaint in her case was filed in Alhambra instead of Los Angeles, where the case had originated. Pi also again requested that Respondent provide her with a copy of the signed stipulation.

62. Respondent received Pi's June 23, 2003, letter, but failed to respond.

LEGAL CONCLUSION

63. By not responding to Pi's numerous telephone messages and letter of June 23, 2003, Respondent failed promptly respond to reasonable status inquires of a client in wilful violation of Business and Professions Code, section 6068(m).

COUNT TEN

Case No. 03-O-01297

Rules of Professional Conduct, rule 3-700(D)(1)

[Failure to Release File]

64. The allegations of paragraphs 58 through 62 are incorporated by reference.

65. In or about June 2003 after Respondent withdrew from representing Pi, Pi wrote a letter to Respondent asking Respondent to send her a copy of her file.

66. Respondent received Pi's June letter.

67. At no time did Respondent provide Pi a copy of her file.

LEGAL CONCLUSION

68. By failing to release promptly, at the request of the client, all client papers and property, Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1).

DISMISSALS

The parties agree to dismiss the following counts in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Allegation</u>
02-O-14914	Count Three	B&P § 6106
03-O-01297	Count Seven	B&P § 6106
03-O-01297	Count Nine	rule 3-700(A)(2)
03-O-01297	Count Eleven	B&P § 6106

PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6) was December 12, 2003.

MITIGATING CIRCUMSTANCES

Respondent has been diagnosed with acute depression stemming from family problems and financial pressures which existed prior to or concurrently with his misconduct.

ADDITIONAL FACTORS CONSIDERED

In stipulating to this discipline, the parties considered that Respondent had always worked within the supervision of a law firm until he was laid off in June 1999. At that time Respondent reluctantly went into solo practice. Respondent was unprepared to operate a business on his own. Respondent's inexperience in running a law office, combined with the emotional stress of divorcing his wife of over twenty years, contributed to Respondent's misconduct. Respondent is employed with a professional law corporation and is no longer a solo practitioner.


AUTHORITIES SUPPORTING LEVEL OF DISCIPLINE

Van Sloten v. State Bar (1989) 48 Cal.3d 921. In a single client matter Van Sloten committed a single act of failure to perform and failure to communicate. In mitigation, Van Sloten had no prior record of discipline in five years of practice and there was no harm to the client. Van Sloten received a six month stayed suspension.

Colangelo v. State Bar (1991) 53 Cal.3d 1255. Colangelo improperly withdrew in three client matters, failed to refund unearned fees in three client matters, failed to perform in four client matters, and failed to respond to client inquiries in a single client matter, and failed to keep clients informed of significant developments in three client matters. In mitigation, Colangelo had no prior record of discipline in five years of practice. Colangelo received a one-year stayed suspension with 18 months probation.

In Re Kennon (1990) 1 Cal. State Bar Ct. Rptr. 267. Kennon failed to perform and retained unearned fees in one client matter and failed to perform and improperly withdrew in a second client matter. In mitigation, Kennon had no prior record of discipline in eleven years of practice. In aggravation, Kennon's misconduct consisted of multiple acts, there was harm to a client, and Kennon displayed a lack of candor. Kennon received a two-year stayed suspension with 30 days actual.

12/15/03
Date


Respondent's signature

Marvin Levy
print name

Date

Respondent's Counsel's signature

print name

15 Dec 03
Date

John T. Kelley
Deputy Trial Counsel's signature

John T. Kelley
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.)

1/8/04
Date


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 8, 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:

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

**MARVIN LEVY
11780 MOORPARK ST #A
STUDIO CITY CA 91604**

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

JOHN KELLEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **January 8, 2004.**



Bernadette C. O. Molina
Case Administrator
State Bar Court