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State Bar Court of California			
Hearing Department		<input checked="" type="checkbox"/> Los Angeles	<input type="checkbox"/> San Francisco
Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL JOY CHANTARASOMPOTH 1149 SOUTH HILL STREET LOS ANGELES, CALIFORNIA 90015 TELEPHONE: 213.765.1718 Bar # 222009	Case number(s) 02-O-15887	(for Court's use) <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">JAN 10 2005</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent BARRY STEPHEN PARKER 10880 WILSHIRE BOULEVARD LOS ANGELES, CALIFORNIA 90024 TELEPHONE: 310.824.4000 Bar # 72191	<div style="font-size: 36pt; font-weight: bold; opacity: 0.5;">PUBLIC MATTER</div>		
In the Matter of BARRY STEPHEN PARKER Bar # 72191 A Member of the State Bar of California (Respondent)	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

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 December 22, 1976
(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."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- (a) costs added to membership fee for calendar year following effective date of discipline (public reproof)
- (b) case ineligible for costs (private reproof)
- (c) costs to be paid in equal amounts for the following membership years:

 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- (d) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- (e) costs entirely waived

(9) 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 inquires 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 _____

(Do not write above this line.)

- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "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. See page 9 (Attachment page 3).
- (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 with 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.

(Do not write above this line.)

- (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. See page 10 (Attachment page 4).
- (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 must comply with the conditions attached to the reproof for a period of one year
- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), 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) Within 30 days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must 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. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and, if so, the case number and current status of that proceeding. If the first report would cover less than thirty (30) days, that report must 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.

- (6) Respondent must be assigned a probation monitor. Respondent must 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 must furnish such reports as may be requested, in addition to quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.

(Do not write above this line.)

- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation 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.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- No Ethics School ordered. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.
- No MPRE ordered. Reason: _____
- (11) 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 |

F. Other Conditions Negotiated by the Parties:

On August 14, 2002, KPT informed Appa that Respondent had not responded to any of KPT's inquiries regarding the payment on Michele Appa's account. KPT informed Appa that Respondent had told KPT on August 8, 2002, that the insurance carrier, State Farm, had not accepted Michele Appa's claim and did not have a file on Michele Appa.

From August 2002 through September 2002, Appa called Respondent's office at least ten times on different days to learn the status of the matter. Appa left a message each time for Respondent to return her call but Respondent did not return any of these calls to Appa.

On September 13, 2002, Appa sent Respondent a letter stating that Respondent had failed to return Appa's telephone calls and cooperate with State Farm regarding Appa's claim.

From April 2000 to September 2002, Respondent failed to file a claim, arising from the accident of April 26, 2000, with the court in Michele Appas' matter. Respondent never communicated to Appa that he had not filed a claim, on Michele Appa's behalf, with the court.

From July 18, 2000 through September 2002, Respondent had not taken any steps to transfer Michele Appas' matter to another attorney or inform Appa and Michele Appa that Respondent was not going to work on their matter for which Respondent was hired.

On or about September 13, 2002, Appa sent Respondent a letter requesting Respondent to contact Appa regarding Michele Appa's matter. Respondent did not respond.

From April 2002 through September 2002, Respondent did not communicate with Appa. After July 18, 2000, Respondent ceased working on Michele Appa's case. By ceasing all work after July 18, 2000, Respondent essentially terminated employment and did not intend to do any further work on Michele Appa's matter.

On December 2, 2002, the State Bar opened an investigation, case number 02-O-15887, pursuant to a complaint filed by Appa.

On January 2, 2003, State Bar Investigator Dolores Faile wrote to Respondent regarding the instant matter requesting a written response. Respondent received Faile's letter. Respondent did not respond to Faile's letter or otherwise communicate with Faile.

On January 24, 2003, Faile wrote again to Respondent regarding the instant matter and again requesting a written response. Respondent received Faile's letter. However, Respondent did not respond to Faile's letter or otherwise communicate with Faile.

By not submitting medical bills and documentation requested by State Farm, not pursuing the claim for medical reimbursement for Michele Appa; and, not doing any work on

Michele Appa's matter after July 18, 2000, on the case for which Respondent was retained to represent Michele Appa, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(a).

By not returning any of Appa's telephone calls regarding the status of Michele Appa's matter and not filing a claim with the court on behalf of Michele Appa, Respondent wilfully violated Business and Professions Code section 6068(m), by failing to respond promptly to reasonable status inquiries of a client and by failing to keep a client reasonably informed of significant developments in the case for which Respondent was retained to represent.

By not doing any work after July 18, 2000, on the case for which Respondent was retained to represent Michele Appa, Respondent improperly withdrew from employment. By ceasing all work after July 18, 2000, and effectively terminating all representation of Michele Appa's matter and not doing anything to protect them, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to the clients for which Respondent was hired in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

By not providing a written response to the allegations in Michele Appa's matter or otherwise cooperate in the investigation of this matter, Respondent failed to cooperate in a State Bar disciplinary investigation in willful violation of Business and Professions Code section 6068(i).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was December 13, 2004.

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

B. (7) Multiple Acts of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing as he failed to competently perform legal services for which he was hired, failed to respond to Appa's inquiries, improperly withdrew from employment and failed to cooperate in the State Bar investigation of the instant matter.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

C. (1) No Prior Discipline: Respondent has no prior record of discipline and had been practicing law for approximately 25 years prior to the misconduct at bar. Respondent's misconduct is not deemed serious.

(8) Emotional Difficulties: At the time of the professional misconduct Respondent was dealing with the death of his father with whom he had a very close relationship. In about January 2000, Respondent's brother was diagnosed with a brain tumor, which is when Respondent became the spokesperson for the family. In about May 2000, Respondent's mother was diagnosed with cancer. She was treated for the cancer and Respondent believed she would be fine since the cancer was detected early. However, in about April 2001, Respondent's mother was diagnosed with a brain tumor. Shortly thereafter, the doctor announced that his mother's condition was terminal and she had only six months to live. Respondent's mother died on October 18, 2001. In about December 2000, Respondent's uncle, who was quadriplegic, died. Respondent was very close to his uncle. All of these events affected Respondent's ability to concentrate on his work and appropriately attend to his cases.

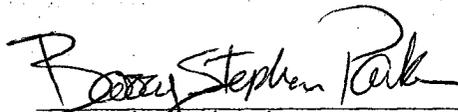
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In the Matter of BARRY STEPHEN PARKER	Case number(s): 02-0-15887
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SIGNATURE OF THE PARTIES

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, Conclusions of Law and Disposition.

01/6/05
Date


Respondent's signature

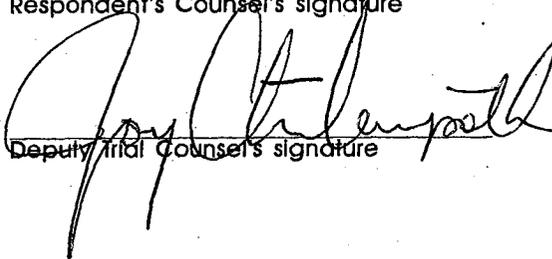
BARRY STEPHEN PARKER
Print name

Date

Respondent's Counsel's signature

Print name

1-6-05
Date


Deputy Trial Counsel's signature

JOY CHANTARASOMPOTH
Print name

(Do not write above this line.)

In the Matter of BARRY STEPHEN PARKER	Case number(s): 02-0-15887
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ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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.
- All court dates in the Hearing Department are vacated.

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 125(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 reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

JANUARY 07, 2005
Date

Paul A. Stewart
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 January 10, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed January 10, 2005**

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

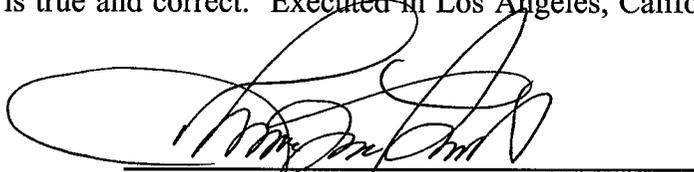
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**BARRY STEPHEN PARKER
10880 WILSHIRE BLVD #1050
LOS ANGELES CA 90024**

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

JOY CHANTARASOMPOTH , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 10, 2005**.



Johnnie Lee Smith
Case Administrator
State Bar Court