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State Bar Court of California Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco		
Counsel for the State Bar Sherrie B. Meletchie 180 Howard, 7th Floor San Francisco CA 94105 (415) 538-2297 Bar # 85447	Case number(s) 03-0-00127	(for Court's use) PUBLIC MATTER FILED MAY 18 2005 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent Jerome Sapiro, Jr. 711 Van Ness, #440 San Francisco CA 94102 Bar # 40068 (415) 771-0100	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge	
In the Matter of E. Alan Nuñez Bar # 62288 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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 18, 1974 (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) 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.

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In the Matter of E. Alan Nuñez	Case Number(s): 03-0-00127
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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 plea, 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 must 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 must be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

4/27/05 _____
 Date Signature **E. Alan Nuñez**
 Print name

(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):

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

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 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.

(Do not write above this line.)

- (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 "Conclusions of Law", p. 8 and "Facts", 912 and footnote 1, p. 8.
- (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. (thirty)
- (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. Respondent's cooperation is evidenced by this stipulation.
- (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.

(Do not write above this line.)

- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) No mitigating circumstances are involved.

Additional mitigating circumstances: See p. 8.

D. Discipline:

(1) Stayed Suspension:

- (a) Respondent must be suspended from the practice of law for a period of one year
 - 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 as set forth in the Financial Conditions form attached to this stipulation.
 - iii. and until Respondent does the following: _____
- (b) The above-referenced suspension is stayed.

(2) Probation:

Respondent must be placed on probation for a period of two years which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

(Do not write above this line.)

(3) Actual Suspension:

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of 30 (thirty) days
- 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 as set forth in the Financial Conditions form attached to this stipulation.
- 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 must 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 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 of the State Bar 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 thirty (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 period of probation. 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 probation during the preceding calendar quarter. Respondent must also state 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 30 days, that report must 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.

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

(Do not write above this line.)

(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 at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. 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 to be filed with the Office of Probation.

(10) The following conditions are attached hereto and incorporated:

- Substance Abuse Conditions
- Law Office Management Conditions
- Medical Conditions
- Financial Conditions

F. Other Conditions Negotiated by the Parties:

(1) **Multistate Professional Responsibility Examination:** 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 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. Reason: _____

(2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(3) **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____

(5) **Other Conditions:**



ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: E. Alan Nunez

CASE NUMBER(S): 03-O-00127

FACTS AND CONCLUSIONS OF LAW.

Facts

1. On or about August 20, 1996, criminal defendant Isidro Lucero ("Lucero") was charged in a multi-count complaint with felony drug offenses. Nobel Insurance Company ("Nobel") posted a bail bond in the amount of \$250,000 on May 9, 1997, and Lucero was released from custody. When Lucero failed to appear for his preliminary hearing on July 31, 1997, the court issued a bench warrant for his arrest and ordered the bail forfeited; however, the forfeiture order was not made in open court. Notice of forfeiture was mailed to Nobel on August 7, 1997.

2. On February 4, 1998, Nobel, filed a motion to extend the period in which the forfeiture could be vacated pursuant to section 1305.4 of the Penal Code. On February 26, 1998, 18 days after the expiration of the initial set-aside period, the motion was granted and the period to set aside the forfeiture was extended 90 days to May 28, 1998.

3. On May 19, 1998, Nobel filed a second motion to extend the forfeiture set-aside period. The motion was granted on May 28, 1998, and the period to set aside the forfeiture was extended to September 1, 1998. The court ordered that no further extensions would be granted.

4. On August 31, 1998, Nobel filed a motion to vacate the forfeiture and exonerate the bail on the ground the court lost jurisdiction over the bond on July 31, 1997, when it failed to make the bail forfeiture order in open court. The Court denied the motion and Nobel appealed the decision.

5. Commencing in or about September 1998, respondent became the attorney for Nobel on appeal.

6. In 1997, when a court made a bail forfeiture order, a declaration of forfeiture had to be reflected in a minute order and the surety notified of the forfeiture by mail. In 1999, Penal Code section 1305(a) was amended to add the words "in open court". The purpose of the amendment was to give the surety prompt notice of the forfeiture so the fugitive could be immediately pursued.

7. On appeal in *People v. Nobel Insurance Company*, San Bernardino County Superior Court case number CIV A 1078, respondent argued on behalf of Nobel that the trial court lost

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jurisdiction over the bond when it failed to make the forfeiture order in open court as required by section 1305(a). Respondent relied on the 1999 amendment to section 1305(a) in making this argument. Alternatively, respondent argued that the trial court lost jurisdiction over the bond when it failed to hold a timely hearing on Nobel's request to extend the bail forfeiture set-aside period.

8. In January 2002 in Nobel's opening brief in *People v. Nobel Insurance Company*, respondent cited *People v. Ranger Insurance Co.* (1999) 76 Cal. App.4th 326 for the proposition that a court must make the declaration of forfeiture in open court. In fact, the *Ranger* court held in December 1999 that the 1999 amendment to section 1305(a) was *not* retroactive, and therefore, a court was not required to make the declaration of forfeiture in open court. Respondent had been counsel for *Ranger* in the *People v. Ranger* case. Respondent did not inform the *Nobel* court of the lack-of-retroactivity holding in *Ranger* or that that particular holding was directly adverse to the position of his client.

9. The appellate division of the Superior Court found that respondent advanced a frivolous argument and that he attempted to intentionally mislead the court.

10. Respondent argued alternatively that the trial court lost jurisdiction over the bond on February 26, 1998, when it failed to timely rule on Nobel's motion to extend the forfeiture set-aside period and that the bail was exonerated by operation of law. The appellate division of the Superior Court found that Nobel knowingly sought and consented to the rulings on the motions to extend the time to vacate the forfeiture and therefore, was estopped from arguing that such rulings caused the court to lose jurisdiction.

11. The court sanctioned respondent and Nobel jointly and severally in the amount of \$10,000 to be paid to the clerk of the court for making a frivolous argument on appeal and for misleading the court. Respondent paid the sanctions.

12. Respondent did not report the sanction in *People v. Nobel Insurance Company* to the State Bar of California.¹

Conclusions of Law

1. By inaccurately citing the holding in *Ranger* to the *Nobel* court, respondent failed to perform legal services with competence in violation of rule 3-100(A), Rules of Professional Conduct.

2. By failing to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of the judicial sanctions against him, respondent wilfully violated Business and Professions Code, section 6068(o)(3).

ADDITIONAL MITIGATING CIRCUMSTANCES

In the appellant's opening brief in *People v. Nobel Insurance Co.*, respondent cited

¹ Respondent was also sanctioned by the court in *People v. Ranger* for filing a frivolous appeal and failed to report that sanction to the State Bar.



People v. Ranger Insurance Co. (1999) 76 Cal.App.4th 326, for the holding that an amendment to Penal Code section 1305 required a court to declare a bail forfeiture in open court but did not indicate that *Ranger* also held that the amendment was not retroactive. The reason respondent did not state that the amendment was not retroactive is that respondent believed that, under *County of San Bernardino v. Ranger Ins. Co.* (1995) 34 Cal.App.4th 1140, the amendment was applicable to *People v. Nobel Insurance Co.*, which was then a pending case.

SUPPORTING AUTHORITIES.

With respect to rule 3-100(A) of the Rule of Professional Conduct, which is not specified in the Standards for Attorney Sanctions for Professional Misconduct ("standards" or "Standards"),

Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. [Standard 2.10]

With respect to Business and Professions Code section 6068(o),

Culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3:

(a) Sections 6067 and 6068 [Standard 2.6]

PENDING PROCEEDINGS.

The disclosure date referred to on page one, paragraph A.(7), was April 22, 2005.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 22, 2005, the estimated prosecution costs in this matter are approximately \$2,128.36. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.



STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

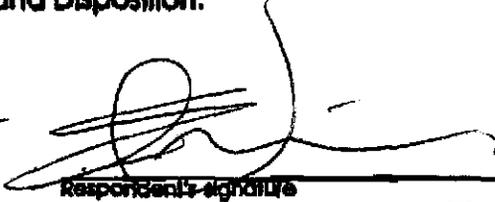
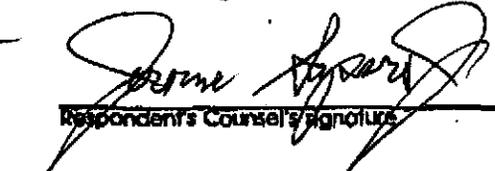


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In the Matter of E. Alan Nuñez	Case number(s): 03-0-00127
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SIGNATURE OF THE PARTIES

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.

<u>4/27/05</u> Date	 Respondent's signature	<u>E. Alan Nuñez</u> Print name
<u>4/28/05</u> Date	 Respondent's Counsel's signature	<u>Jerome Sapira, Jr.</u> Print name
<u>4-29-05</u> Date	 Deputy Trial Counsel's signature	<u>Sherrrie B. McLetchie</u> Print name

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In the Matter of E. Alan Nuñez	Case number(s): 03-0-00127
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

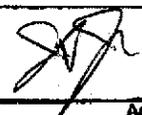
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

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 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

_____ Judge of the State Bar Court

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In the Matter of E. Alan Nunez	Case number(s): 03-O-00127
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ORDER

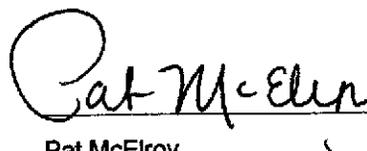
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The 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.
- All Hearing dates are vacated.

1. On page 5, D(1)(b) an "X" must be inserted in front of the box.
2. On page 8 under Conclusions of law--Respondent failed to perform legal services with competence in violation of rule 3-110(A) instead of rule 3-100(A).
3. On page 9 under Supporting Authorities the first sentence must read: With respect to rule 3-110(A) Standard 2.4(b) is applicable.

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.)

May 17, 2005
Date


Pat McElroy
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 18, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed May 18, 2005**

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:

**JEROME SAPIRO JR
711 VAN NESS AVE #440
SAN FRANCISCO CA 94102 3270**

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

SHERRIE MCLETCHIE , Enforcement, San Francisco

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


Laretta Cramer
Case Administrator
State Bar Court