



ORIGINAL

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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 <b>Gordon L. Grenier</b> Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1237  Bar # 225430	Case number(s)  03-O-02625 05-O-04499	(for Court's use)  <div style="text-align: center;"> <b>FILED</b>  <b>JUL 19 2006</b> <i>HC</i>            STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES         </div> <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent <b>Michael G. Gerner</b> 10100 Santa Monica Blvd., #30 Los Angeles, CA 90067 Bar # 65906	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>REPROVAL</b> <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of  <b>MATTHEW P. FLETCHER</b> Bar # 189923 A Member of the State Bar of California (Respondent)		

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 October 14, 1997  
(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 15 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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- (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 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 \_\_\_\_\_

(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.
- (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.

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- (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:**

Respondent has no prior record of discipline in over 8 years of practice.

Respondent has displayed candor and cooperation with the State Bar during the disciplinary investigation and proceedings.

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#### 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 1 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.

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- (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: See MPRE waiver on page 12.
- (11)  The following conditions are attached hereto and incorporated:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions                        |

**F. Other Conditions Negotiated by the Parties:**

Respondent must complete the equivalency of 10 hours of Anger Management counseling through Beitner, Marvin S. PHD and provide proof to the Probation Department within nine months of the effective date of the discipline herein.

(Do not write above this line.)

in the Matter of <b>MATTHEW P. FLETCHER</b>	Case Number(s): <b>03-0-02625, 05-0-04499</b>
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**Law Office Management Conditions**

a. Within 30 days/ \_\_\_\_\_ months/ \_\_\_\_\_ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.

b. Within \_\_\_\_\_ days/ 9 months/ \_\_\_\_\_ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than \_\_\_\_\_ hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar).

c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for \_\_\_\_\_ year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Law Office Management Conditions form approved by SBC Executive Committee 10/16/2000, Revised 12/16/2004.

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

IN THE MATTER OF:        MATTHEW P. FLETCHER  
CASE NUMBER(S):        03-O-02625, 05-O-04499

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and Rules of Professional conduct.

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY**

The parties waive any variance between the Notices of Disciplinary Charges filed on November 22, 2005 and April 27, 2006, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended NDC.

**Case No. 03-O-02625**

**Statement of Facts:**

1. From May 21 through June 18, 2002, Respondent represented the defendant at the jury trial of *People v. Figueroa*, Los Angeles Superior Court Case No. NA 033661 ("the Figueroa trial"), a criminal case over which the Honorable Mark Kim ("Judge Kim") presided. During the course of this trial, Respondent engaged in the following conduct.
2. On May 24, 2002, Judge Kim ordered Respondent to disclose certain reports to the District Attorney. Respondent reacted by tossing the papers to the Deputy District Attorney.
3. On May 30, 2002, Respondent laughed in open court after Judge Kim made an unfavorable ruling. Judge Kim then admonished Respondent for laughing and failing to show respect to the court. Respondent then questioned whether he could laugh at home, in the hallway, or if someone made a joke. Respondent went on to tell Judge Kim, "I have no idea where you think that you have the basis to tell me that I cannot laugh" and that "if something is laughable, I can laugh."
4. On May 30, 2002, Respondent asked for a mistrial, stating that Judge Kim was

“clearly prejudiced” and did not “have a firm enough grasp of the right to confront and cross-examination hearsay to handle this matter.”

5. On May 30, 2002, Judge Kim made a ruling on an evidentiary objection. Respondent voiced his disagreement with the Judge Kim’s ruling. Judge Kim advised Respondent that the record was clear for the purposes of appeal and that Respondent could add to his record at the break. Judge Kim then ordered that the jury be brought back into the courtroom. Respondent, however, continued to make his record while the jury was reentering the courtroom, asserting that “the court is making rulings that are racially motivated against [him] or the defendant.” Respondent had no reasonable basis to substantiate his claim of racial prejudice.

6. On May 30, 2002, Respondent told Judge Kim that he did not have the right to instruct Respondent not to laugh and not to speak in front of the jury. Respondent told Judge Kim that he was racially motivated or biased against Respondent and/or his client. Respondent had no reasonable basis to substantiate his claim of racial prejudice.

7. On May 30, 2002, Respondent again addressed Judge Kim’s admonishment that he not laugh. Judge Kim reminded Respondent that he laughed out loud, to which Respondent replied, “I thought it was funny.” Respondent then questioned Judge Kim as to what would happen if he had an involuntary motion to itch. Judge Kim reiterated his warning that Respondent would be sanctioned if he laughed in open court and Respondent responded that it would “be on the appeals board tomorrow.”

8. On May 31, 2002, Respondent argued that Judge Kim “has absolutely no logic” and clearly doesn’t understand the purpose of refreshing recollection.

9. On June 10, 2002, Respondent objected to one of Judge Kim’s rulings by stating that Judge Kim’s “reasoning has defied [Respondent] from day one.” Judge Kim then told Respondent, “All right. Mr. Fletcher, you made your argument.” Respondent replied by stating, “No, I haven’t made my record.”

10. At the completion of the Figueroa trial, Respondent’s client, Mr. Figueroa, was acquitted by the jury.

11. Respondent’s conduct during the Figueroa trial resulted in a contempt hearing, *Fletcher v. the Superior Court of Los Angeles County*, Case No. B164256 (“the contempt hearing”). The contempt hearing was originally intended to address a single allegation of contempt involving an improper comment Respondent allegedly made before the jury.

12. The Honorable John Lord (“Judge Lord”) presided over the contempt hearing. After reviewing the record, Judge Lord filed a “Statement of Facts” alleging ten acts of contempt

occurring during the Figueroa trial.

13. At the conclusion of the contempt hearing, Judge Lord found that Respondent had engaged in nine out of the ten acts of contempt. Judge Lord sentenced Respondent to a two-day jail term and a fine of \$400 on two of the counts and gave him three years probation on the remaining counts. One of the conditions of probation required Respondent to notify all courts of his probationary status.

14. On January 16, 2003, Respondent filed a petition for review. On June 19, 2003, the Court of Appeal denied Respondent's petition on eight out of the nine counts of contempt. Respondent was not found culpable of the original allegation of contempt involving making an improper comment before the jury.

Conclusions of Law:

15. By the foregoing conduct, Respondent failed to maintain the respect due to the courts and judicial officers in violation of Business and Professions Code section 6068(b).

Case No. 05-O-04499

Statement of Facts:

16. In March 2005, Respondent represented the defendant in the criminal case entitled *People v. Andaliwa A. Andrus*, Los Angeles Superior Court Case No. BA 260824 (the Andrus matter).

17. On February 24, 2005, Respondent and the Office of the Los Angeles District Attorney stipulated that the Andrus matter would be set for jury trial on March 2, 2005, at 8:30 a.m., before Judge David S. Wesley ("Judge Wesley").

18. On March 2, 2005, at about 8:50 a.m., the Andrus matter was called for trial. The deputy district attorney was present. Respondent was not present and had not contacted the court.

19. The deputy district attorney was released from the courtroom until 9:45 a.m. Respondent appeared at about 9:35 a.m., at which time the court inquired as to the reason for his late arrival and why he did not call. Respondent stated he had a family matter to attend to and had asked his secretary and his paralegal to call the court.

20. The court informed Respondent that it was considering sanctions for his failure to timely appear and told Respondent to be seated. At that time, Respondent stated, "I'm going to

ask the record to note the court is pointing its finger at me and raising its voice.”

21. The court then requested a further explanation from Respondent for his late arrival. In response, Respondent requested that the court recuse itself under CCP 170.3. Respondent stated, “The court has shown a clear bias.” He further stated, “Record should note an African-American [Respondent] being ordered by a Caucasian-American [Judge Wesley], that I cannot leave the room. I find it to be reprehensible.” Respondent had no reasonable basis to substantiate his claim of racial prejudice. The court denied Respondent’s motion to recuse.

22. When the court denied Respondent’s motion to recuse, Respondent requested counsel. When Respondent’s request for counsel was denied, Respondent refused to provide further explanation for his late arrival. The court ordered money sanctions pursuant to 177.5 of the Code of Civil Procedure, in the amount of \$1,000.

Conclusion of Law:

23. By the foregoing conduct, Respondent failed to maintain the respect due to the courts and judicial officers in violation of Business and Professions Code section 6068(b).

**MITIGATING CIRCUMSTANCES**

No Prior Record of Discipline

Respondent has no prior record of discipline in eight years of practice.

Candor and Cooperation with the State Bar

Respondent has displayed candor and cooperation with the State Bar during the disciplinary investigation and proceedings.

Good Character References

Respondent’s good character has been attested to by a range of practicing attorneys. These letters attest to Respondent’s good character before and after he began practicing law.

**AUTHORITIES SUPPORTING DISCIPLINE**

Standard 2.6(b) provides that culpability of a member of violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, with due regard for the purposes of imposing discipline set forth in Standard 1.3.

In *Hogan v. State Bar of California* (1951) 36 Cal.2d 807, the respondent, in an amended motion for new trial, charged the judge with being a "petty judge" who was prejudiced against the respondent's client and certain witnesses. *Id.* at 808. Later the respondent sent a letter to the State Bar in which he made more disparaging remarks about the judge. The respondent was actually suspended for three months.

In *Ramirez v. State Bar of California* (1980) 28 Cal.3d 402, the California Supreme Court considered the situation where a respondent falsely maligned certain Third District Court of Appeal justices in court papers. In the respondent's pleadings he claimed that the justices acted unlawfully and illegally and had become "parties to the theft" of property belonging to respondent's clients. *Id.* at 404. In later pleadings the respondent implied that the justices had falsified the record and suggested that the justices' unblemished records were undeserved. The respondent had no prior record of discipline and had been practicing for approximately twenty-five years. The respondent received a one-year suspension, stayed, with 30-days actual, and a one-year period of probation.

In *Standing Committee on Discipline v. Yagman* (1995) 55 F.3d 1430, the attorney wrote in the Daily Journal that Judge Keller was anti-Semitic and had a penchant for sanctioning Jewish attorneys. Ninth Circuit Court of Appeals found that the attorney's comments were protected speech because they were presented as an inference drawn from facts. Additionally, had the comments not been protected, the court held that the Standing Committee would have the burden of proving the comments were false.

In *In the Matter of Anderson* (1997) 3 Cal. State Bar Ct. Rptr. 775, the respondent made a total of 116 derogatory statements about the Orange County Superior Court and its judicial officers in 17 pleadings during a three year period. The Review Department found that the State Bar had the burden of proving the respondent's statements were false and remanded the matter back to the hearing department.

#### **MPRE WAIVER.**

Respondent will not be required to take and pass the MPRE. Respondent has acknowledged the wrongfulness of his misconduct and has voiced remorse. Based upon the circumstances of the instant case, it does not appear that the interests of the public or the Respondent will be served by taking the MPRE. (See *In the Matter of Respondent G* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 175.) Instead, the interests of the public and the Respondent are more effectively served by the requirement that he complete anger management counseling. (See page 6 of the stipulation.)

**DISMISSALS**

The State Bar requests the Court dismiss the following in the interest of justice:

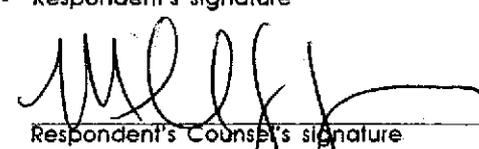
- Case no. 05-O-04499, Count Two.

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In the Matter of  MATTHEW P. FLETCHER	Case number(s):  03-0-02625, 05-0-04499
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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>June 28, 06</u> Date	 Respondent's signature	<u>MATTHEW P. FLETCHER</u> Print name
<u>6-29-06</u> Date	 Respondent's Counsel's signature	<u>MICHAEL G. GERNER</u> Print name
<u>July 10, 2006</u> Date	 Deputy Trial Counsel's signature	<u>GORDON L. GRENIER</u> Print name

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In the Matter of  MATTHEW P. FLETCHER	Case number(s):  03-0-02625, 05-0-04499
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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 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.
- 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 reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

7/17/06

**RICHARD A. HONN**

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 of California. 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 July 19, 2006, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING PUBLIC REPROVAL**

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:

**MICHAEL GALEN GERNER  
MICHAEL G GERNER, A PROF LAW CORP  
10100 SANTA MONICA BLVD #300  
LOS ANGELES, CA 90067**

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

**GORDON L. GRENIER, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 19, 2006**.



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**Tammy R. Cleaver**  
Case Administrator  
State Bar Court