



# PUBLIC MATTER

**FILED** *JP*

MAR 10 2009

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

## STATE BAR COURT OF CALIFORNIA

### HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of	)	Case No. <b>03-O-04008-PEM</b>
	)	
<b>RUSSELL A. ROBINSON,</b>	)	
	)	<b>DECISION AND ORDER SEALING</b>
<b>Member No. 163937,</b>	)	<b>DOCUMENTS</b>
	)	
A Member of the State Bar.	)	
_____	)	

#### I. Introduction

In this disciplinary proceeding, respondent **Russell A. Robinson** stipulated to one count of misappropriating \$13,573 from a client's settlement, which was an act of moral turpitude.

Respondent has successfully completed the State Bar Court's Alternative Discipline Program (ADP).<sup>1</sup> (Rules Proc. of State Bar, rules 800-807.) The court recommends that respondent be placed on probation for three years with conditions, including an actual suspension of 30 days. (Rules Proc. of State Bar, rule 803.)<sup>2</sup>

Because respondent was placed on inactive status for 30 days between July 1 and July 30, 2006, it is also recommended that he receive credit for the period of inactive enrollment towards

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<sup>1</sup> The ADP was formerly known as the State Bar Court's Pilot Program for Respondents with Substance Abuse or Mental Health Issues and the State Bar Court's Program for Respondents with Substance Abuse or Mental Health Issues.

<sup>2</sup>References to rule are to the Rules of Procedure of the State Bar, unless otherwise noted.

any period of actual suspension to be imposed by the Supreme Court. (Bus. & Prof. Code, § 6233.)

## **II. Significant Procedural History**

On February 16, 2005, respondent sought to participate in the State Bar's Lawyer Assistance Program (LAP). On February 25 2005, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed a Notice of Disciplinary Charges (NDC) against respondent and an amended NDC on March 3, 2005.

On July 26, 2005, respondent executed a Participation Agreement with the LAP.

Respondent submitted a declaration to the court which established that at the time of his misconduct, he was suffering from mental health issues. Respondent also executed a stipulation regarding facts and conclusions of law in this matter. Respondent's declaration and the stipulated facts, as well as the opinion of a medical professional, establish a causal connection between respondent's mental health issues and the misconduct found in this disciplinary proceeding. As such, the court found that respondent had adequately established a nexus between his mental health issues and his misconduct in this matter, i.e., that his mental health issues directly caused the misconduct set forth in this matter.

On December 19, 2005, the court lodged its Confidential Statement of Alternative Dispositions and Orders (December 2005 Statement), setting forth the recommended discipline if respondent successfully completed or was terminated from the court's ADP. On that same day, respondent entered into a Contract and Waiver for Participation in the State Bar Court's Alternative Discipline Program; the parties' stipulation was lodged with the court; and respondent was accepted as a participant in the ADP.

On December 12, 2008, the LAP issued a Certificate of One Year Participation in the Lawyer Assistance Program (certificate), setting forth that respondent has complied with the

requirements of the LAP Participation Agreement/Plan for one year prior to the date of this certificate, and that during this period, respondent has maintained mental health and stability and has participated successfully in the LAP.

On December 19, 2008, the court found that respondent successfully completed the ADP and subsequently ordered the stipulation lodged December 19, 2005, be filed. The court also indicated that it would issue this decision recommending to the Supreme Court the imposition of the lower level of discipline reflected in the December 2005 Statement.

### **III. Findings of Fact and Conclusions of Law**

The Stipulation Re Facts and Conclusions of Law (stipulation) approved by the court and filed on December 19, 2008, are incorporated by reference as if set forth fully herein. The stipulation sets forth the factual findings, conclusions of law and certain aggravating and mitigating circumstances in this matter.

At the time respondent engaged in the misconduct for which he has been found culpable, respondent was suffering from mental health issues which directly caused the misconduct in this proceeding. Supreme Court and Review Department case law establish that extreme emotional difficulties are a mitigating factor where expert testimony establishes that those emotional difficulties were directly responsible for the misconduct, provided that the attorney has also established, through clear and convincing evidence, that he or she no longer suffers from such difficulties. (*Porter v. State Bar* (1990) 52 Cal.3d 518, 527; *In re Naney* (1990) 51 Cal.3d 186; 197; *In re Lamb* (1989) 49 Cal.3d 239, 246; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 701-702.) However, the Supreme Court has also held that, absent a finding of rehabilitation, emotional problems are not considered a mitigating factor. (*Kaplan v. State Bar* (1991) 52 Cal.3d 1067, 1072-1073; *In re Naney, supra*, 51 Cal.3d at p. 197.)

Respondent has been participating in the LAP since 2005 and has successfully completed the ADP. Respondent had satisfied all outstanding restitution obligations pursuant to the stipulation. Respondent's successful completion of the ADP, as well as the certificate, qualify as clear and convincing evidence that respondent no longer suffers from the mental health issues which led to his misconduct. Accordingly, it is appropriate to consider respondent's successful completion of the ADP as a further mitigating circumstance. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct,<sup>3</sup> std. 1.2(e)(iv).)

#### **IV. Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After reviewing the parties' briefs on discipline and considering the standards and case law cited therein, the parties' stipulation setting forth the facts, conclusions of law and aggravating and mitigating circumstances with respect to this disciplinary proceeding and respondent's declaration regarding the nexus between his mental health issues and his misconduct in this matter, the court advised the parties of the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline that would be recommended if respondent was terminated from the ADP.

After agreeing to the recommended discipline, respondent executed the contract to participate in the ADP and was accepted for participation in the ADP.

Thereafter, respondent successfully participated in the ADP and, as set forth in the order filed on December 19, 2008, the court found that respondent successfully completed the ADP.

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<sup>3</sup> Future references to standard(s) or std. are to this source.

Accordingly, the court will recommend to the Supreme Court the imposition of the discipline set forth in the December 2005 Statement if respondent successfully completed the ADP.

#### V. Recommended Discipline

Therefore, the court recommends that respondent **Russell A. Robinson** be placed on probation for a period of three years, on the following conditions:<sup>4</sup>

1. Respondent must be actually suspended from the practice of law for the first 30 days of the period of probation, with credit toward the period of actual suspension given for the period of inactive enrollment which commenced on July 1, 2006, and ended on July 30, 2006;
2. Respondent must pay 10% interest per annum on \$13,578.68 as restitution to John Richardson (or the Client Security Fund, if it has already paid), accruing from July 1, 2003, until December 1, 2004, and provide satisfactory proof thereof to the Office of Probation, no later than 60 days from the effective date of the Supreme Court's disciplinary order in this proceeding;<sup>5</sup>
3. During the period of probation, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct;
4. Within 10 days of any change in the information required to be maintained on the State Bar's membership records pursuant to Business and Professions Code section 6002.1,

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<sup>4</sup> In the December 2005 Statement, the court did not recommend any period of stayed suspension.

<sup>5</sup> In the December 2005 Statement, the court recommended that respondent pay the interest on \$13,578.68 no later than 36 months from acceptance into ADP. Based on respondent's December 2008 request and declaration that he had successfully completed the ADP and the State Bar's non-opposition to respondent's request, the court had issued an order finding respondent's successful completion of the ADP on December 19, 2008. However, there is no evidence as to respondent's payment of the interest. Accordingly, respondent is ordered to provide proof of payment to the Office of Probation, if he has not done so already.

subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report any such change in writing to the Membership Records Office of the State Bar and to the Office of Probation;

5. Unless respondent has successfully completed the Lawyer Assistance Program, respondent must comply with all provisions and conditions of his Participation Agreement with the LAP and must execute an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of his participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. If respondent has successfully completed the LAP, respondent must provide the Office of Probation with satisfactory certification of completion of the LAP;
6. Respondent must submit written quarterly probation 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 he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions set forth in this Decision during the preceding calendar quarter. If the first report will cover less than 30 days, that report must be submitted on the reporting due date for the next calendar quarter and must cover the extended period. In addition to all quarterly reports, respondent must submit a final report, containing the same information required by the quarterly reports. The final report must be submitted no earlier than 20 days before the last day of the probation and no later than the last day of said period;
7. Within 30 days after 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;

8. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation which are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with these probation conditions;
9. Within one 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, given periodically by the State Bar at either 180 Howard Street, San Francisco, California, 94105-1639, or 1149 South Hill Street, Los Angeles, California, 90015-2299, and passage of the test given at the end of that session. Arrangements to attend Ethics School must be made in advance by calling (213) 765-1287, and paying the required fee. This requirement is separate from any Minimum Continuing Legal Education Requirement (MCLE), and respondent will not receive MCLE credit for attending Ethics School (Rules Proc. of State Bar, rule 3201); and
10. These probation conditions will commence on the effective date of the Supreme Court's final disciplinary order in this proceeding.

It is further recommended that respondent take and pass the Multistate Professional Responsibility Examination within one year. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Failure to pass the MPRE within the specified time results in actual suspension by

the Review Department, without further hearing, until passage. (But see Cal. Rules of Court, rule 951(b), and Rules Proc. of State Bar, rule 3201(a)(1) and (3).)

Finally, it is recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10, and be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.


#### **VI. Order Sealing Documents**

The court orders this Order Sealing Documents be filed. Thereafter, pursuant to rule 806(c) of the Rules of Procedure, all other documents not previously filed in this matter will be sealed under rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their official duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Dated: March 10, 2009

  
\_\_\_\_\_  
**PAT McELROY**  
Judge of the State Bar Court



(Do not write above this line.)

<b>State Bar Court of California</b> Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco <b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES</b>		
Counsel for the State Bar <b>Cydney Batchelor</b> Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204  Bar # 114637	Case Number(s)  <div style="font-size: 2em; text-align: center;"><b>ORIGINAL PUBLIC MATTER</b></div>  03-0-4008-PEM  <div style="font-size: 1.5em; text-align: center;"><b>LODGED</b></div> <div style="text-align: center;"> <del>DEC 18 2005</del>          STATE BAR COURT          CLERK'S OFFICE          SAN FRANCISCO       </div>	(for Court use)       <div style="text-align: center;"> <b>FILED</b> <i>ll</i>          -DEC 19 2008          STATE BAR COURT CLERK'S OFFICE          SAN FRANCISCO       </div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per <b>Lindsay Kohut Slatter</b> Attorney at Law 369 Pine St., No. 627 San Francisco, CA 94104 Tele: 415/403-1302  Bar # 72692	Submitted to Program Judge  <div style="text-align: center;"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></div>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of  <b>RUSSELL A. ROBINSON</b> Bar # 163937 A Member of the State Bar of California (Respondent)	Submitted to Program Judge  <div style="text-align: center;"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></div>  <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 4/05/1993 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 8 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." See attached
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law." See attached

(Do not write above this line.)

- (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 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [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 Action 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" (above)
- (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. See attached
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

None



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

IN THE MATTER OF:       **RUSSELL A. ROBINSON**

CASE NUMBERS:         **03-O-4008-PEM**

**FACTS AND CONCLUSIONS OF LAW.**

Facts: At all times relevant to this stipulation, Respondent maintained client trust account number 100-3624911 at Wells Fargo Bank ("client trust account"). On June 16, 2001, John Richardson employed Respondent to represent him in a personal injury matter. On June 16, 2001, respondent and Richardson entered a contingency fee agreement whereby Respondent would be entitled to one-third (33 1/3%) of the settlement prior to the filing of a pretrial statement and if the claim settled after the filing of a pre-trial statement, or after a trial setting conference or after Alternative Dispute Resolution, then Respondent would be entitled to forty percent (40%) of the settlement. The parties understood that respondent's attorney fee would not be based on the property damage settlement.

On June 12, 2003, Richardson's case settled for the sum of \$25,000.00 and \$2,000.00 for property damage, a grand total of \$27,000.00. The case did not go to trial. However, Respondent prepared a complete mediation brief (a copy of which has been provided to the State Bar in substantiation), and a pre-trial statement as a case management statement. Therefore, Respondent was entitled to a fee of forty percent of \$25,000.00, or \$10,000.00. In addition, Respondent was entitled to reimbursement, at most, of \$918.32 in costs he had expended in the case. On June 19, 2003, Respondent deposited Richardson's settlement check in the amount of \$27,000.00 into his client trust account. As of June 19, 2003, Respondent was thus holding \$16,081.68 for the benefit of Richardson ( $\$27,000.00 - \$10,000.00 - \$918.32 = \$16,081.68$ ). Thereafter, Respondent made two disbursements on behalf of Richardson. First, on June 27, 2003, Respondent disbursed the sum of \$2,008.00 per Richardson's instructions. Second, on August 11, 2003, Respondent disbursed \$500.00 per Richardson's instruction's, to George Akin, for the care of Richardson's son. After these disbursements, Respondent should have maintained the sum of \$13,573.68 for the benefit of Richardson in his client trust account ( $\$16,081.68 - \$2,008.00 - \$500.00 = \$13,573.68$ ).

Between June 19, 2003 and October 8, 2003, Respondent misappropriated the \$13,573.68 to his own use and purpose. Specifically, by October 8, 2003, Respondent removed all but \$90.57 from his trust account for his own use and purpose. Although he did not do so until after the intervention of the State Bar, Respondent paid \$9611.22 in restitution to Mr. Richardson in February 2004, and also paid a medical lien in the amount of \$3962.46 on his behalf in December 2004, for a total of \$13,573.68.

Conclusions of Law: By willfully misappropriating \$13,573.68 from Mr. Richardson's settlement to his own use and benefit, Respondent engaged in conduct involving moral turpitude, in violation of Business and Professions Code section 6106.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was October 14, 2005.

### **AGGRAVATING CIRCUMSTANCES.**

#### **Facts Supporting Aggravating Circumstances:**

Significant Harm: Mr. Richardson was deprived of the use of most of his settlement funds from June 2003 until December 2004, and some of the settlement funds continue due and owing to Mr. Richardson at this time.

### **MITIGATING CIRCUMSTANCES.**

#### **Facts Supporting Mitigating Circumstance:**

Candor and Cooperation: Through counsel, Respondent has been candid and cooperative with the State Bar in resolving this matter.

Marital and Financial Problems: At the time of the misconduct, Respondent was in the process of obtaining a marital dissolution, and was suffering severe financial difficulties in supporting two families at the same time that his law practice was not financially stable.

Legal and Community Service: Respondent has provided documentation to the State Bar which substantiates that he has provided 20 hours service per month to the Ella Baker Center for Human Rights since 1999; that he has taught two classes per year, Federal Trial Litigation and Trial Advocacy, at Stanford Law School in the academic years 2003-2004 and 2004-2005; and that he taught Trial Advocacy at Golden Gate Law School for several years between 1997-2002.

### **ADDITIONAL MITIGATING CIRCUMSTANCES.**

No Prior Record of Discipline: Although the misconduct stipulated to herein is extremely serious, it should be noted that Respondent had been admitted to practice for 10 years at the time of the misconduct, with no prior record of discipline.

Restitution: Although he did not do so until after the intervention of the State Bar, Respondent paid \$9611.22 in restitution to Mr. Richardson in February 2004, and also

paid a medical lien in the amount of \$3962.46 on his behalf in December 2004, for a total of \$13,573.68.

Participation in Lawyer's Assistance Program. On February 16, 2005, Respondent contacted the State Bar Lawyer Assistance Program ("LAP") and completed the intake process. On February 21, 2005, Respondent signed a pre-enrollment assessment agreement with LAP. Respondent was then assessed and monitored for a period of time by the LAP. At the conclusion of the process, Respondent entered into a long-term participation plan with LAP on July 26, 2005.

## **RESTITUTION.**

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below.

In accordance with the timetable set forth in the State Bar Court alternative discipline program contract to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

John Richardson, interest on \$13,573.68 from July 1, 2003 until December 1, 2004, at the rate of 10% per annum, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court and the Office of Probation.

(Do not write above this line.)

In the Matter of  <b>RUSSELL A. ROBINSON</b>	Case number(s):  <b>03-0-4008-PEM</b>
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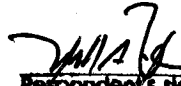

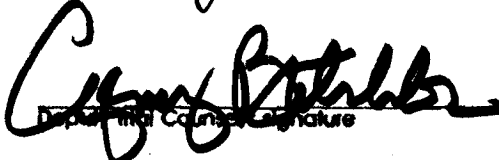
### SIGNATURE OF THE PARTIES

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

<u>4 04 2005</u> Date	 Respondent's signature	<u>RUSSELL A. ROBINSON</u> Print name
<u>10-4-2005</u> Date	 Respondent's Counsel's signature	<u>LINDSAY K. SLATTER</u> Print name
<u>10/14/05</u> Date	 Department Counsel's signature	<u>CYDNEY BATCHELOR</u> Print name

(Do not write above this line.)

In the Matter of  <b>RUSSELL A. ROBINSON</b>	Case number(s):  <b>03-0-4008-PEM</b>
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

Dec 19, 2005  
Date

Cat 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 December 19, 2005, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS  
(Rules Proc. of State Bar, rule 803 (a))**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S  
ALTERNATIVE DISCIPLINE PROGRAM**

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

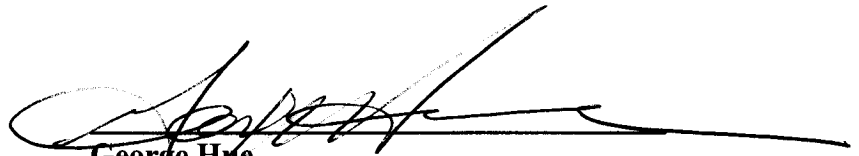
by personally delivering such documents to the following individuals at 180 Howard Street, 6th Floor, San Francisco, California 94105-1639:

**CYDNEY BATCHELOR**

**LINDSAY KOHUT SLATTER**

**RUSSELL A. ROBINSON**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **December 19, 2005**.

  
**George Hue**  
Case Administrator  
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 San Francisco, on March 10, 2009, I deposited a true copy of the following document(s):

**DECISION AND ORDER SEALING DOCUMENTS  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

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

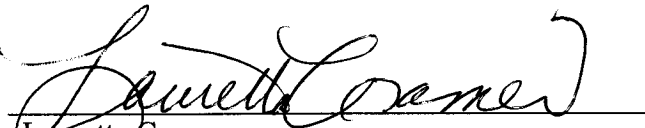
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**RUSSELL A. ROBINSON  
LAW OFC RUSSELL A ROBINSON  
536 MAGNOLIA AVE GROUND FL  
PIEDMONT, CA 94611**

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

**MARK HARTMAN , Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 10, 2009.



Laurretta Cramer  
Case Administrator  
State Bar Court