

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of) Case No.: 03-O-05112 RAH
STEVEN M. KLUGMAN) (S183845))
Member No. 53902	ORDER GRANTING MODIFICATIONOF PROBATION
A Member of the State Bar.)

The parties' stipulation to modify a condition of probation is **APPROVED.** The restitution payment erroneously set at \$1500 per month is corrected to be \$1500 per calendar quarter, as is set forth more specifically in the stipulation attached hereto as Exhibit A.

IT IS SO ORDERED.

Dated: December \mathcal{L} , 2010

RICHARD A. HONN
Judge of the State Bar Court

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Exhibit A

1 STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL 2 NOV 08 2010 JAMES E. TOWERY, No. 74058 CHIEF TRIAL COUNSEL STATE BAR COUR 3 RUSSELL G. WEINER, No. 94504 CLERK'S OFFICE DEPUTY CHIEF TRIAL COUNSEL LOS ANGELES 4 NANCY J. WATSON, No. 89753 ASSISTANT CHIEF TRIAL COUNSEL 5 CHARLES A. MURRAY, No. 146069 DEPUTY TRIAL COUNSEL 6 1149 South Hill Street Los Angeles, California 90015-2299 Telephone: (213) 765-1236 8 STATE BAR COURT 9 HEARING DEPARTMENT – LOS ANGELES 10 State Bar Court Case No. 03-O-05112, et al. In the Matter of: 11 Supreme Court Case No. S 183845 STEVEN M. KLUGMAN 12 No. 53092 STIPULATION TO MODIFY A CONDITION OF PROBATION 13 A Member of the State Bar [Rule 551, Rules of Procedure] 14 15 Steven M. Klugman ("Respondent"), with his counsel, Theodore A. Cohen, and The 16 Office of the Chief Trial Counsel, State Bar of California ("State Bar"), by Deputy Trial Counsel 17 Charles A. Murray, pursuant to rule 551, Rules of Procedure, stipulate to modifying that probation condition set forth in the State Bar Court Decision filed April 23, 2010 and the 18 19 Supreme Court Order filed August 25, 2010, in the above-captioned matters, which states: 20 Respondent must pay the restitution set forth above at the rate of a minimum of \$1,500 per month. [State Bar Court Decision, page 8, top] 21 to instead state: 22 Respondent must pay the restitution set forth above at the rate of a 23 minimum of \$1,500 per calendar quarter. 24 Respondent had originally been ordered to pay \$1,500 per month toward restitution as 2.5 part of his participation in the Alternative Discipline Program. That ADP participation order was 26

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modified on April 28, 2009 so that Respondent was ordered to pay that \$1,500 sum per calendar

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quarter instead of per month.

The parties understood that the provision regarding installment payments of restitution would continue at the same \$1,500 per calendar quarter as a condition of his probation under the disciplinary order imposed following his successful completion of the ADP.

However, the State Bar Court's Decision filed April 23, 2010 instead stated that the restitution installment would be \$1,500 per month instead of per calendar quarter.

This was not noticed by the parties at that time and did not come to their attention until raised by the Office of Probation in its monitoring of the probation conditions in the Order.

The parties believe this was a scrivener error or oversight as no mention was made by the Court of this change in its graduating Respondent from the ADP.

The parties understand and believe that this modification is consistent with the true intention of the parties and of the Court in establishing appropriate conditions of probation for this Respondent.

Thus, the parties jointly move this Court to approve this stipulation and to so modify Respondent's conditions of probation pursuant to rule 551, Rules of Procedure, so that he pays his restitution installment payments in the minimum sum of \$1,500 per calendar quarter instead of per month.

It is so stipulated and moved:

DATED:

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DATED:

Theodore A. Cohen Respondent Counsel

Steven M. Klugman

Respondent

DATED: 11/8/2010

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

Ву:

CHARLES A. MURR Deputy Trial Counsel

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DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 03-O-05112, et al.

SUPREME COURT CASE NO.: S 183845

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I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

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STIPULATION TO MODIFY A CONDITION OF PROBATION

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in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

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THEODORE A. COHEN ESO. LAW OFFICES OF THEODORE A COHEN 4601 ADMIRALTY WAY MARINA DEL REY, CA 90292

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in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

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Probation Department

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Attn: Terrie Goldade, Supervising Attorney

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

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DATED: November 8, 2010

Signed: / Camelia I. Escobar

Declarant

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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 December 2, 2010, I deposited a true copy of the following document(s):

ORDER GRANTING MODIFICATION OF PROBATION

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:

THEODORE A COHEN ESQ LAW OFFICES OF THEODORE A COHEN 4601 ADMIRALTY WAY MARINA DEL REY, CA 90292

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

> Charles A. Murray, Enforcement. Los Angeles Terrie L. Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 2, 2010.

State Bar Court