

FILED

DEC -9 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case No.: 04-C-13587
)	
EARL F. TRITT III,)	DECISION AND ORDER SEALING
)	CERTAIN DOCUMENTS
Member No. 141754,)	
)	
<u>A Member of the State Bar.</u>)	

On March 4, 2005, after the Review Department of the State Bar Court filed an order referring respondent's violation of Vehicle Code section 23152(b) to the Hearing Department, respondent Earl F. Tritt III (respondent) contacted the State Bar of California's Lawyer Assistance Program (LAP) to assist him with his substance abuse issue, and on September 16, 2005, respondent executed a Participation Plan with the LAP.

At a status conference held on May 5, 2005, respondent was referred to the State Bar Court's Alternative Discipline Program (ADP). On June 7, 2005, respondent submitted a declaration to the court which established a nexus between his substance abuse issue and his misconduct. The parties entered into a Stipulation Re Facts and Conclusions of Law in August 2005. On October 28, 2005, respondent and his counsel signed the Contract and Waiver for Participation in the State Bar Court's ADP (Contract). On October 31, 2005, the court lodged its Confidential Statement of Alternative Dispositions and Orders, the Contract, and the parties'

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Stipulation Re Facts and Conclusions of Law,¹ and the court ordered respondent's participation in the ADP to commence on this date.

At a status conference held on September 19, 2008, the court found that respondent has successfully completed the ADP, and the parties' Stipulation Re Facts and Conclusions of Law, with the attached order approving the stipulation, was filed on that day.²

Accordingly, the court now issues this decision recommending that the Supreme Court impose upon respondent the discipline set forth below in this decision.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The parties' Stipulation Re Facts and Conclusions of Law, including the court's order approving the stipulation, are attached hereto and hereby incorporated by reference, as if fully set forth herein. The Stipulation Re Facts and Conclusions of Law set forth the factual findings, legal conclusions and aggravating and mitigating circumstances in this matter.

Furthermore, at the time respondent engaged in his criminal conduct, he was suffering from a substance abuse issue, and respondent's substance abuse issue directly caused the criminal conduct which forms the basis for this proceeding. Supreme Court case law establishes that an attorney's rehabilitation from alcoholism or other substance abuse problems can be accorded significant weight if it is established that (1) the abuse was addictive in nature; (2) the abuse causally contributed to the misconduct; and (3) the attorney has undergone a meaningful and sustained period of rehabilitation. (*Harford v. State Bar* (1990) 52 Cal.3d 93, 101; *In re Billings* (1990) 50 Cal.3d 358, 367.)

¹ The court executed the order approving the parties' stipulation on October 28, 2005.

² On September 30, 2008, the court filed an order finding that respondent has successfully completed the ADP.

Respondent has been participating in the LAP since September 16, 2005.³ The LAP issued a Certificate of One Year Participation in the Lawyer Assistance Program dated September 16, 2008, which reflects that respondent has complied with the requirements set forth in his LAP Participation Plan for at least one year prior to September 16, 2008, and that during this time period, the LAP is not aware of respondent's use of any unauthorized substances.

Respondent has also successfully completed the ADP. Respondent's successful completion of the ADP, which required his successful participation in the LAP, as well as the Certificate of One Year Participation in the Lawyer Assistance Program from LAP, qualify as clear and convincing evidence that respondent no longer suffers from the substance abuse issue 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, standard 1.2(e)(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 the aggravating and mitigating circumstances with respect to this disciplinary proceeding, and respondent's declaration regarding the nexus between his substance abuse issue 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

³ Respondent executed an amendment to his LAP Participation Plan on May 25, 2006 and May 27, 2008.

discipline which would be recommended if respondent was terminated from the ADP.

Thereafter, respondent executed the Contract to participate in the ADP; the Contract was lodged with the court; and respondent's period of participation in the ADP commenced.

Thereafter, respondent successfully participated in the ADP and, as set forth in the September 30, 2008, status conference order, the court found that respondent successful completed the ADP. Accordingly, the court will recommend to the Supreme Court the imposition of the discipline set forth in the court's Confidential Statement of Alternative Dispositions and Orders if respondent successfully completed the ADP.

RECOMMENDED DISCIPLINE

IT IS HEREBY RECOMMENDED that respondent **EARL F. TRITT III** be suspended from the practice of law for a period of three (3) years and until respondent shows proof satisfactory to the State Bar Court of his rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of the suspension be stayed; and that respondent be placed on probation for a period of three (3) years on the following conditions:

1. During the first five (5) months of the period of probation, respondent must be actually suspended from the practice of law in the State of California;
2. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
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 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;
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 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 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 the probation period;

6. 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;

7. 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 State Bar's Ethics School, and passage of the test given at the end of that session;
8. 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;
9. Respondent must comply with all provisions and conditions of respondent's Participation Agreement with the Lawyer Assistance Program (LAP) and must immediately report any non-compliance to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Upon successful completion of respondent's LAP Participation Agreement, respondent will be relieved of this condition, provided satisfactory proof of respondent's successful completion of respondent's LAP Participation Agreement has been provided to the Office of Probation;
10. Probation will commence upon the effective date of the Supreme Court order in this matter. (Cal. Rules of Court, rule 9.18.)

Respondent must also 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 after the effective date of the discipline imposed in this matter. **Failure to pass the MPRE results in actual suspension without further hearing until passage. (But see Cal. Rules of Court, rule 9.10(b); Rules Proc. of State Bar, rule 321(a) & (c).)**

Respondent must also comply with the requirements of rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within thirty (30) and forty (40) calendar days, respectively, after the effective date of the Supreme Court's order in this matter.

COSTS

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to 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 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: December 3, 2008



RICHARD A. HONN
Judge of the State Bar Court

(Do not write above this line.)

State Bar Court of California Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT CHARLES A. MURRAY 1149 S. Hill Street Los Angeles, CA 90015 213-765-1000 (x1236) Bar # 146069	Case Number(s) 04-C-13587-RAH <p style="text-align: center;">PUBLIC MATTER</p>	(for Court use) <p style="text-align: center;">LODGED</p> <p style="text-align: center;">OCT 31 2005</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">SEP 19 2008</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per DAVID C. CARR MAXIE RHEINHEIMER STEPHENS & VREVICH, LLP 600 West Broadway, Suite 900 San Diego, CA 92101 (619) 515-1155 Bar # 124510	Submitted to Program Judge <p style="text-align: center;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of EARL F. TRITT, III Bar # 141754 A Member of the State Bar of California (Respondent)	Submitted to Program Judge <p style="text-align: center;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <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 October 3, 1989
(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 7 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 98-C-02972
- (b) Date prior discipline effective July 2, 2000
- (c) Rules of Professional Conduct/State Bar Action violations other misconduct (DUI)
- (d) Degree of prior discipline 2yr suspension stayed; 1 year actual
- (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.
- (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: additional "Prior Discipline"

96-0-06436, eff. 12/24/98 - mishandling client settlement funds / med. lien
6 months actual suspension / 2yrs stayed

92-0-19320/93-H-14779, eff. 12/23/94 - mishandling ct. funds; reprobation
4 months actual suspension / 2 yr. stayed

92-C-10137, eff. 10/20/92 - other misconduct (drunk driving)
Private reprobation / Public disclosure

(Do not write above this line.)

C. Mitigating Circumstances [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 to 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.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

ATTACHMENT TO
ADP STIPULATION RE FACTS, CONCLUSIONS OF LAW

IN THE MATTER OF: **EARL F. TRITT, III (Respondent)**, SB#141754

CASE NUMBERS: **04-C-13587-RAH**

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was June 3, 2005.

PARTIES ARE BOUND BY THE STIPULATED FACTS:

The parties intend to be and are hereby bound by the stipulated facts contained in this stipulation. This stipulation as to facts and the facts so stipulated shall independently survive even if the conclusions of law and/or stipulated disposition set forth herein are rejected or changed in any manner whatsoever by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

WAIVER OF FINALITY OF CONVICTION (rule 607):

Pursuant to the Rules of Procedure of the State Bar of California, rule 607 the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final.

Respondent waives finality of his conviction and consents to the State Bar Court's acceptance of this Stipulation as to facts, conclusions of law and discipline in all respects as if the conviction was final, including the entry of findings consistent with this Stipulation, imposition of discipline, or entry of a recommendation as to the degree of the discipline to be imposed.

Respondent waives any right to challenge on the basis of a lack of finality of his conviction the State Bar Court's recommendation of discipline, if any, and the actual imposition of discipline, if any, by the State Bar Court or the California Supreme Court.

Respondent further waives any right he may have to seek review or reconsideration on the basis of any relief he may receive as a result of any appeal of, or petition regarding, the criminal conviction underlying any recommendation of and/or actual imposition of discipline by the State Bar Court or the California Supreme Court.

STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statues and/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline:

///

///

STIPULATED FACTS AND CIRCUMSTANCES:

Respondent has been convicted of drunk driving three (3) times prior to this current drunk driving conviction, including incidents in 1987, 1992 (BAC .18%) and 1998 (BAC .15/.16%).

On April 5, 2004, approximately five months after Respondent's criminal probation expired for his third drunk driving conviction in 1998, an officer was dispatched to a vehicle stopped on the shoulder of the freeway in response to a request for help from a call box by the passenger in Respondent's vehicle, a woman later identified as his girlfriend.

Respondent had been driving erratically on northbound Interstate 15, traveling from his condo to his girlfriend's house. Respondent's girlfriend became frightened when Respondent began dozing off while driving. After the girlfriend told Respondent she was scared, he pulled over and appeared to pass out. She then removed the keys from the ignition and called for help from the call box.

The officer observed that Respondent displayed strong objective symptoms of being under the influence of alcohol. Respondent was unable to follow the officer's directions, so no field sobriety tests could be given. After being transported to jail, Respondent took a breath test. Test results were a blood alcohol content of .31/.32%.

On April 30, 2004, a criminal complaint was filed in San Diego County Superior Court case no. M926083 consisting of two misdemeanor drunk driving offenses, for the above described incident:

Count One: Violation of Vehicle Code section 23152(a), driving a vehicle while under the influence of alcohol or drugs, a misdemeanor, enhanced by Respondent's October 23, 1998 drunk driving conviction.

Count Two: Violation of Vehicle Code section 23152(b), driving a vehicle while under the influence of alcohol or drugs with a blood/alcohol content of 0.08 percent or more, a misdemeanor, enhanced by Respondent's October 23, 1998 drunk driving conviction.

On November 30, 2004, Respondent pled no contest to count two and admitted his prior drunk driving conviction. The court accepted the plea and count one was dismissed. The Court imposed a sentence of 365 days in custody, suspended; and placed Respondent on five (5) years summary probation, on conditions that included 96 hrs. in jail to be served on consecutive weekends, payment of various fines/fees, 10 days in public service work program (one (1) day credit/time served), driver's license restrictions, and standard alcohol conditions, including SB38 multiple offender drunk driver program.

CONCLUSIONS OF LAW:

The facts and circumstances surrounding Respondent's conviction for violation of Vehicle Code section 23152(b), driving a vehicle while under the influence of alcohol or drugs with a blood/alcohol content of 0.08 percent or more [to wit: .31/.32%], his fourth drunk driving conviction, does not involve moral turpitude but does involve other misconduct warranting discipline.

(Do not write above this line.)

In the Matter of EARL F. TRITT, III	Case number(s): 04-C-13587-RAH
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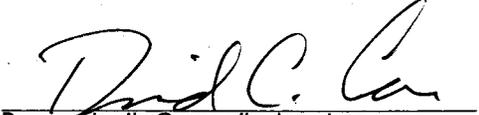
SIGNATURE OF THE PARTIES

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>6-3-05</u> Date	 Respondent's signature	<u>EARL F. TRITT, III</u> Print name
<u>6/3/05</u> Date	 Respondent's Counsel's signature	<u>DAVID C. CARR</u> Print name
<u>8/2/05</u> Date	 Deputy Trial Counsel's signature	<u>CHARLES A. MURRAY</u> Print name

(Do not write above this line.)

In the Matter of EARL F. TRITT, III	Case number(s): 04-C-13587-RAH
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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.)

10/28/05
Date



Judge of the State Bar Court
RICHARD A. HONN

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 October 31, 2005, I deposited a true copy of the following document(s):

CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;

STIPULATION RE FACTS AND CONCLUSIONS; and,

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:

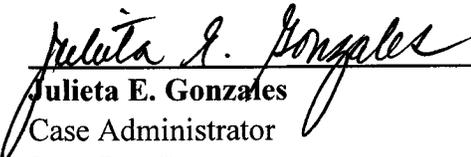
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID C CARR ESQ
LAW OFFICE OF DAVID C CARR
110 W C ST STE 1504
SAN DIEGO, CA 92101**

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 31, 2005**.



Julieta E. Gonzales
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 Los Angeles, on December 9, 2008, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN 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 Los Angeles, California, addressed as follows:

EARL F. TRITT III
222 ASH ST #4
SAN DIEGO, CA 92101

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Monique T. Miller, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 9, 2008.



Cristina Potter
Case Administrator
State Bar Court