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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 KATHERINE D. KINSEY DEPUTY TRIAL COUNSEL STATE BAR OF CALIFORNIA 1149 S. HILL STREET LOS ANGELES, CA 90015-2299 Bar # 183740	Case number(s) 04-C-14939 05-0-04926 (Investigation Matter) 06-0-10051 (Investigation Matter) kwiktag® 022 606 577 	(for Court's use) <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">AUG - 7 2006</div> <div style="text-align: right; font-size: 18pt; font-style: italic;">Krc</div> <div style="text-align: center; font-size: 10pt; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent MICHAEL E. WINE 301 N. LAKE STE 800 PASADENA, CA 91101 Bar # 58657	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge <div style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</div>	
In the Matter of STEVEN I. KAPLAN Bar # 71418 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING <div style="text-align: center; font-weight: bold;">ACTUAL SUSPENSION</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 December 22, 1976
(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 16 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):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years:
2007 and 2008
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case _____

(b) Date prior discipline effective _____

(c) Rules of Professional Conduct/ State Bar Act violations: _____

(d) Degree of prior discipline _____

(e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

(2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

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- (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.
- (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.

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- (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:

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of two (2) years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: _____
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of two (2) years which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of nine (9) months

- I. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

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- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: April 10, 2006
- (5) **Other Conditions:** Pursuant to Rules of Procedure, rule 251, Respondent waives review by the Review Department and requests that the stipulation be transmitted to the Supreme Court without delay.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

In the Matter Of: Steve I. Kaplan

Case Number(s): 04-C-14939
05-O-04926 (Investigation Matter)
06-O-10051 (Investigation Matter)

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/or Rules of Professional Conduct:

Respondent, Steve I. Kaplan, was admitted to the practice of law in the State of California on December 22, 1976, was a member at all times pertinent to these charges and is currently a member of the State Bar of California.

Case Number 04-C-14939

Procedural Background in Conviction Proceeding

1. These proceedings were brought pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court.
2. On July 28, 2005, Respondent was convicted of violating Penal Code section 487(a) (Grand Theft), a misdemeanor involving moral turpitude. Respondent was also convicted of violating Business and Professions Code section 6126 (Unauthorized Practice of Law), a misdemeanor which may or may not involve moral turpitude.
3. On January 13, 2006, the Review Department of the California State Bar Court issued an Order to Show Cause ("OSC") regarding why Respondent should or should not be placed on interim suspension.
4. On February 8, 2006, the Office of Chief Trial Counsel filed a response to the OSC recommending the court order interim suspension.
5. On February 22, 2006, Respondent filed a response opposing interim suspension.
6. On March 7, 2006, the Review Department issued an order placing Respondent on interim suspension and further ordering Respondent to comply with California Rules of Court, rule 955. The Review Department referred the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed as a result of Respondent's conviction.

7. On April 10, 2006, Respondent was placed on interim suspension.

Facts & Conclusion of Law re Case No. 04-C-14939

8. In 1999, Respondent's real estate development company suffered financial setbacks, and Respondent dissolved the company.

9. In 2001, after the dissolution of his business and Respondent's inability to find long-term employment, Respondent filed for bankruptcy.

10. Respondent failed to pay his State Bar membership fees. As a result, on September 4, 2002, Respondent was suspended from the practice of law due to his failure to pay his membership fees. Respondent was aware that he was not entitled to practice.

11. Respondent was not entitled to practice from September 4, 2002 to March 8, 2004.

12. In August 2003, Ken Meyers ("Meyers") employed Respondent to represent him in an unlawful detainer action. In August 2003, Meyers paid Respondent \$1,500 in advanced legal fees in the unlawful detainer matter.

13. Respondent failed to follow through on Meyers's behalf. As a result, a default judgment was entered against Meyers in the unlawful detainer action. In addition, Respondent also failed to respond to Meyer's calls. Following Respondent's lack of communication, Meyers reported Respondent to local law enforcement authorities.

14. In March 2004, Respondent was arrested and charged with grand theft and the unauthorized practice of law based on his representation of Meyers.

15. On November 9, 2004, Meyers filed a civil action against Respondent alleging malpractice. Respondent agreed to a stipulated judgment on behalf of Meyers in the amount of \$30,500. On November 21, 2005, Respondent made the final payment to Meyers pursuant to the terms of the stipulation.

16. On July 28, 2005, Respondent pled nolo contendere to violating Penal Code section 487(a) (Grand Theft), a misdemeanor involving moral turpitude, and Business and Professions Code section 6126 (Unauthorized Practice of Law), a misdemeanor which may or may not involve moral turpitude.

17. Respondent was placed on summary probation for two years under the condition that he perform one hundred hours of community service. Respondent was also ordered to make restitution to Meyers, which he has completed.

Legal Conclusions

The criminal conduct in which Respondent engaged involved moral turpitude in wilful violation of Business and Professions Code section 6106. Further, Respondent's conduct was a wilful violation of Business and Professions Code section 6068(a), which requires compliance with the laws of the State of California.

05-O-04926 (Investigation Matter)

1. On October 12, 2004, David Gray ("Gray") retained Respondent to process the necessary documents with the City of Los Angeles to convert an apartment complex to condominiums. As part of his duties, Respondent was to notify the tenants in writing of the apartment conversion as well as submit the application for conversion to the City of Los Angeles.
2. In October 2004, Gray paid Respondent \$5,000 in advanced legal fees.
3. In March 2005, Gray provided Respondent with \$7,400 in checks made payable to the City of Los Angeles. The checks were for fees to accompany the application.
4. As of March 7, 2005, Respondent had not submitted the necessary documentation to the City of Los Angeles.
5. On April 1, 2005, Gray emailed Respondent regarding Gray's inability to contact Respondent. Specifically, Gray complained that he had telephoned Respondent on several occasions without success. Respondent received the April 1, 2005 email from Gray but did not respond.
6. On April 13, 2005, Gray wrote Respondent regarding Respondent's failure to perform on Gray's behalf. In the April 13, 2005 letter, Gray requested a refund. Gray sent the April 13, 2005 letter to Respondent via facsimile. Respondent received the letter but did not respond.
7. On April 20, 2005, Gray wrote Respondent again regarding Respondent's failure to communicate and failure to perform. Once again Gray demanded a refund of the fees and asked Respondent to provide the refund within five days. Gray sent the April 20, 2005 letter by facsimile and by U.S. mail. Respondent received the April 20, 2005 letter but did not respond.
8. On October 19, 2005, Gray submitted a complaint to the State Bar regarding Respondent's failure to perform, failure to communicate and Respondent's failure to refund the \$5,000 in fees.
9. In January 23, 2006, Respondent wrote Gray a letter of apology in addition to refunding the \$5,000 in fees.

Legal Conclusions

By not submitting the required documentation to the City of Los Angeles or otherwise completing the work on behalf of Gray, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

By not responding to Gray's emails and letters, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

By failing to promptly refund unearned fees to Gray despite his requests, Respondent wilfully failed to refund unearned fees in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

06-O-10051 (Investigation Matter)

1. On May 2, 2005 and May 3, 2005 respectively, Laurence Schnabel ("Schnabel") and Eddie Ketsiri ("Ketsiri"), who own adjoining duplex residences, employed Respondent to seek a variance from the City of Manhattan Beach regarding their properties. Schnabel and Ketsiri each paid Respondent \$3,000 in advanced legal fees.

2. On June 10, 2005, Respondent emailed Schnabel informing Schnabel that he would file the applications for the variance within a week.

3. On June 22, 2005, Respondent emailed Schnabel asking him to forward a check for the filing fees required by Manhattan Beach. Schnabel sent the check to Respondent but it was never cashed.

4. On August 9, 2005, Respondent wrote a letter to both Schnabel and Ketsiri apologizing for the delay and informing them that he would file their application with the city the next week. Thereafter, Respondent failed to file the application.

5. On September 26, 2005, after not hearing from Respondent, Schnabel emailed Respondent inquiring about the status of the variance. Respondent received the September 26, 2005 email but did not respond.

6. On or about October 10, 2005, Schnabel again emailed Respondent regarding the status of the variance. Respondent received the October 10, 2005 email but did not respond.

7. Schnabel telephoned Respondent on October 14, October 18 and October 21, 2005, leaving a message each time inquiring about the status of his matter. Respondent received the messages from Schnabel but did not respond.

8. On October 25, 2005, Schnabel wrote Respondent regarding Respondent's failure to respond to Schnabel's calls and emails. In his October 25, 2005 letter, Schnabel asked Respondent to call him promptly so Respondent could provide a status report. Schnabel also asked to review the file. Schnabel mailed the October 25, 2005 letter via certified mail. Respondent received the letter on October 26, 2005, but did not respond.

9. On November 16, 2005, Schnabel sent an email to Respondent discharging him and requesting the return of his file. In addition, Schnabel requested a refund of the fees paid to Respondent. Respondent received the email but failed to respond.

10. On November 16, 2005, Ketsiri also sent an email to Respondent discharging him and requesting the return of his file. Ketsiri requested a refund of the fees paid to Respondent. Respondent received Ketsiri's email but failed to respond.

11. On November 17, 2005, Schnabel wrote Respondent discharging his services and requesting the return of the client file. Schnabel sent the November 17, 2005 letter via certified mail. Respondent received the November 17, 2005 letter on November 18, 2005 but failed to respond.

12. On December 14, 2004, Schnabel submitted a complaint against Respondent to the State Bar.

13. On January 4, 2006, Schnabel wrote the State Bar acknowledging that he had received the client file from Respondent but complained that he and Ketsiri had not received a refund of the fees paid to Respondent.

14. In February 2006, Respondent refunded \$3,000 in fees to both Schnabel and Ketsiri.

Legal Conclusions

By failing to prepare and file the variance application on behalf of Schnabel and Ketsiri, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

By not responding to Schnabel's emails, letters and telephone calls, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

By failing to promptly refund unearned fees to Schnabel and Ketsiri despite requests by Schnabel and Ketsiri, Respondent wilfully failed to refund unearned fees in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Points and Authorities

Standard 2.4(b) states that culpability of a member of wilfully failing to perform services in matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 3.2 states that a final conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission, shall result in disbarment, unless there are is compelling mitigating.

However, in *In re Young* (1989) 49 Cal. 3d 257, the Supreme Court questioned "if strict reliance on Standard 3.2 leads to just and consistent recommendations from the State Bar Court." In *Young*, the Court concluded that a strict reliance on Standard 3.2 was inappropriate in light of various factors, including the amount of interim suspension, the facts and circumstances of the underlying criminal matter and a respondent's mitigation.

In *In the Matter of DeMassa* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 737, the respondent was convicted in federal court of one count of harboring a fugitive, a crime involving moral turpitude, and three counts of violating currency transaction reporting regulations, which did not involve moral turpitude. Following his conviction, the Review Department placed respondent on interim suspension. In *DeMassa*, the Review Department recommended the respondent be actually suspended for sixty days. In recommending the discipline, the Review Department noted that the Supreme Court in *Young* rejected the application of the two-year minimum actual suspension called for in Standard 3.2. In rejecting the application of the two-year minimum in *DeMassa*, the Review Department cited respondent's mitigation including his candor and cooperation with the State Bar. The respondent's pro bono work was also found to be mitigating as well as testimonials on respondent's behalf. In *DeMassa*, respondent's lack of prior discipline was not significant mitigation since he had only been practicing for eight years at the time of the misconduct. However, he was given credit for his "unblemished career" in the twelve years following the misconduct.

In this matter, there is significantly more mitigation than was present in *DeMassa*. In this matter, Respondent had twenty-six years of practice with no prior discipline at the time of the misconduct as compared to only eight years of practice prior to the misconduct in *DeMassa*. Both the Respondent in the present matter and the respondent in *DeMassa* had testimonials as to their good character and both displayed candor and cooperation toward the State Bar. However, unlike the respondent in *DeMassa*, Respondent has mental health issues, which he has taken some steps to address and which he has agreed to continue to address with the mental health conditions set forth herein.

Aggravation-Harm

Respondent's misconduct harmed significantly his client, and the public in that he continued to hold himself out as able to practice although he was not entitled. In addition, after agreeing to represent Meyers, Respondent failed to follow through, which caused a judgment to be entered against Meyers in an unlawful detainer action.

Mitigation-Emotional Difficulties

Respondent contends that his business and financial setbacks led to a deep depression. Starting in June 2000, Respondent sought treatment for his depression. Specifically Respondent was diagnosed as having traits related to Avoidant Personality and has continued to seek treatment intermittently for depression from June 2000 to the present.

Mitigation- Character References

Friends and business associates of Respondent submitted letters in support of Respondent in this matter. All the character references stated that they were aware of the underlying misconduct, including the fact that Respondent had been convicted. All the character references expressed high regard for Respondent and stated they would use and/or recommend his services as an attorney once Respondent returned to good standing with the State Bar.

Other mitigating circumstances

Although the misconduct was serious, Respondent had no prior record of discipline in the twenty-six years of practice prior to the misconduct.

Other Conditions Negotiated by the Parties:

Mental Health Evaluation and Treatment Conditions

(a) Respondent shall obtain a mental health evaluation from a licensed psychiatrist (or other or mental health professional approved by the Office of Chief Trial Counsel and/or State Bar Office of Probation, who is qualified to perform the evaluation described herein) within thirty (30) days of the effective date of discipline. The approved evaluator shall, at the earliest practicable time, prepare a written report based on an evaluation utilizing the DSM IV axis. Said evaluator's report shall include, without limitation, a treatment plan, if any, to be followed for the duration of Respondent's period of probation. Any treatment plan may be modified from time to time during probation based on subsequent written evaluations conducted by an approved psychiatrist or other mental health professional. The mental health evaluation discussed herein, and any follow-up evaluation as well as all treatment, shall be at Respondent's expense.

(b) Copies of all evaluations conducted under this section shall be provided to the Office of Probation as well as to the Office of Chief Trial Counsel within ten (10) days of preparation.

(c) Respondent is to comply with any and all mental health treatment plans developed as a result of the mental health conditions. Along with every Quarterly Report required to be furnished to the Office of Probation, Respondent shall enclose a written status report from all treatment providers indicating whether Respondent was in compliance during the preceding quarter, and any other relevant information. Should Respondent terminate from treatment prior to successful completion (successful completion as defined by subsection (e) below), Respondent shall immediately self-report this to the Office of Probation.

(d) Respondent understands the court will refer this condition to the Office of Probation for monitoring. Respondent shall execute all waivers of confidentiality necessary to effect this provision. Said waivers of confidentiality shall include sharing necessary information with State Bar Court, the Office of Chief Trial Counsel and the State Bar Office of Probation. Revocation of the medical release/waiver constitutes a violation of this condition.

(e) If Respondent's treating therapist determines that there has been a substantial change in Respondent's condition such that treatment is no longer required or recommended, Respondent shall authorize and instruct his treating therapist to prepare and submit to the Office of Probation a written report describing the substantial change in Respondent's condition, setting forth the therapist's opinion that treatment is no longer required or recommended, and setting forth the basis for the therapist's opinion. Respondent shall also authorize and instruct his therapist to respond to any questions and/or requests for further explanation or clarification that the Office of Probation may have with respect to the therapist's report. Upon receipt by the Office of Probation of a satisfactory report from Respondent's therapist describing the substantial change in Respondent's condition, setting forth the therapist's opinion that treatment is no longer required or recommended for Respondent, and setting forth the basis for the therapist's opinion, Respondent shall be relieved of his obligation to comply with the mental health conditions set forth herein.

Pending Proceedings

The disclosure date referred to on Page 1, paragraph A. (7), was made on July 27, 2006.

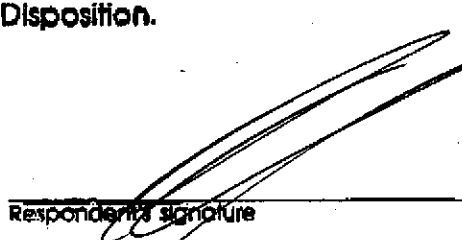
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In the Matter of STEVEN I. KAPLAN	Case number(s): 04-C-14939 05-O-04926 (Investigation Matter) 06-O-10051 (Investigation Matter)
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SIGNATURE OF THE PARTIES

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.

8-2-06
Date


Respondent's signature

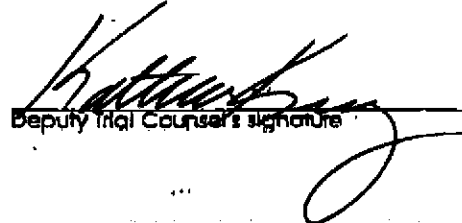
STEVEN I. KAPLAN
Print name

8/3/06
Date


Respondent's Counsel's signature

MICHAEL WINE
Print name

8/4/06
Date


Deputy Trial Counsel's signature

KATHERINE D. KINSEY
Print name

(Do not write above this line.)

In the Matter of STEVEN I. KAPLAN	Case number(s): 04-C-14939 05-0-04926 (Investigation Matter) 06-0-10051 (Investigation Matter)
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ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

8/4/06
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 August 7, 2006, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING ACTUAL SUSPENSION**

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:

**MICHAEL E. WINE
301 N LAKE AVE STE 800
PASADENA, CA 91101 - 5113**

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

KATHERINE D. KINSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 7, 2006.**



Tammy R. Cleaver
Case Administrator
State Bar Court