

ORIGINAL

<p>Counsel for the State Bar The State Bar of California Office of the Chief Trial Counsel-Enforcement Monique T. Miller, #212469 Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2200 Tel.: (213) 765-1486</p>	<p>Case number(s) 04-J-12550</p> <p>kwiktag® 035 117 141</p> 	<p>(for Court's use)</p> <p>FILED <i>MPS</i></p> <p>SEP 10 2004</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent Richard O. Schroeder, Esq. In Pro Per 8920 Barrons Blvd., Ste. 105 Highlands Ranch, CO 80129-2385 Tel.: (303) 683-3691</p>	<p>PUBLIC MATTER</p> <p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of RICHARD O. SCHROEDER</p> <p>Bar # 182524</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 7, 1996 (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 11 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) 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. (Check one option only):
 - costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years:
2005 and 2006
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

(8) The parties understand that

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

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

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

(b) Date prior discipline effective _____

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

(d) degree of prior discipline _____

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

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

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

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

- (5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with ~~present misconduct which is not deemed serious.~~
- (2) No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation 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 or force of disciplinary, civil or criminal proceedings.
- (6) Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) Good Faith: Respondent acted in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) No mitigating circumstances are involved.

Additional mitigating circumstances:

D. Discipline:

(1) Private reproof (check applicable conditions, if any, below)

(a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).

(b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2) Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproof:

(1) Respondent shall comply with the conditions attached to the reproof for a period of One (1) Year

(2) During the condition period attached to the reproof, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following quarter date and cover the extended period.

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

- (5) Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproof.
- (7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.

No Ethics School ordered. The June 17, 2004 Colorado Supreme Court Order required Respondent to attend & pass Ethics School offered by the Office of Attorney Regulation Counsel

- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.

- (9) Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year of the effective date of the reproof.

No MPRE ordered.

- (10) The following conditions are attached hereto and incorporated:

- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

- (11) Other conditions negotiated by the parties:

In the Matter of RICHARD O. SCHROEDER

Case Number(s):

A Member of the State Bar #182524

04-J-12550

Law Office Management Conditions

- a. Within ___ days/ ___ months/ ___ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b. Within ~~___ days/ ___ months~~ 1 years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than 4 hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for ___ year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RICHARD OTTO SCHROEDER

CASE NUMBER: 04-J-12550

This is a proceeding brought under Business and Professions Code section 6049.1 and Rules of Procedure of the State Bar of California 620 through 625.

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:

1. Respondent, Richard Otto Schroeder, was admitted to the practice of law in the State of California on June 7, 1996, and was a member at all times pertinent to these charges and is currently a member of the State Bar of California.

2. Respondent was admitted to the practice of law in the State of Colorado on October 30, 1996.

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3. On or about June 17, 2004, in the matter entitled *The People of the State of Colorado*, Case No. 04PDJ027, the Supreme Court of Colorado issued an Order Approving Respondent's Conditional Admission of Misconduct and Imposing Sanctions.

4. The June 17, 2004 Supreme Court Order ordered Respondent be suspended from the practice of law for a period of thirty days, all stayed, and one-year probation subject to the following conditions:

- a. The attendance and passage of the one-day Ethics School sponsored by the Office of Attorney Regulation Counsel within one year of the date of the Order;

b. Full compliance with each requirement of the sentence in the case entitled *People of the State of Colorado v. Richard Otto Schroeder*, Case No. 03M10715, County Court of Douglas County;

c. Continuance of individual therapy or couples therapy, unless terminated by the therapist; and

d. Compliance with all requirements of Colorado Rules of Procedure regarding Attorney Discipline, C.R.C.P 251.7 [Probation].

5. The June 17, 2004 Supreme Court Order was based on the following Stipulation, Agreement and Affidavit containing the Respondent's Conditional Admission of Misconduct:

a. On May 24, 2003, Respondent and his wife became engaged in an argument at their residence. The argument escalated and became physical;

b. Respondent struck his wife in the head with an open hand;

c. As a result of the incident of May 24, 2003, Respondent received a deferred judgment and sentence based upon a plea to a charge of harassment. The terms of Respondent's sentence include twelve months of supervised probation, a domestic violence evaluation and treatment, twenty hours of useful public service, and payment of court costs;

d. Respondent has complied in all respects with the sentence, described above. Respondent has also enrolled in individual therapy;

e. Through Respondent's conduct described above, Respondent has violated C.R.C.P 251.5(b) and Colorado Rules of Professional Conduct RPC 8.4(b). Under C.R.C.P. 251.5(b), grounds for discipline include any act or omission which violates the criminal laws of the State of Colorado. Rule 8.4(b) provides that it is professional misconduct to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects";

f. No factors in aggravation were present; and

g. Factors in mitigation include: absence of a prior discipline record, personal and emotional problems, and full and free disclosure to disciplinary authorities.

**AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS
CODE SECTION 6049.1.**

1. Respondent acknowledges that he has been disciplined in the State of Colorado for acts that would warrant discipline by the State Bar of California under the laws or rules binding upon members of the State Bar at the time he committed misconduct in Colorado. Respondent ALSO acknowledges that he wilfully violated Business and Professions Code section 6068(a) by engaging in infliction of corporal injury on a spouse (California Penal Code section 273.5, a misdemeanor); and

2. The proceeding in the above jurisdiction provided Respondent with fundamental constitutional protection.

PENDING PROCEEDINGS.

There are no pending proceedings as of the disclosure date referred to, on page one, paragraph A.(6).

AUTHORITIES SUPPORTING DISCIPLINE.

Standards of Attorney Sanctions for Professional Misconduct, Title IV, of the Rules of Procedure of the State Bar of California (hereinafter "Standard(s)").

Standard 1.3 sets forth the primary purposes of disciplinary proceedings: namely, the protection of the public, courts and legal profession; the maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 1.6(b) provides that the sanction specified by the Standards shall be imposed unless: (i) aggravating circumstances are found to surround the particular act of misconduct and the net effect of the aggravating circumstances, by themselves and in balance with any mitigating circumstances, demonstrates that a greater degree of sanction is required to fulfill the purpose of imposing sanctions as set forth in standard 1.3 or (ii) mitigating circumstances are found to surround the particular act of misconduct and the net effect of the mitigating circumstances, by themselves and in balance with any aggravating circumstances, demonstrates that a lesser degree of sanction should be imposed to fulfill the purposes set forth in standard 1.3.

Case Law

A review of the applicable case law indicates that the Court has usually not dealt severely with a misconduct of this character.

In Re Hickey (1990) 50 Cal. 3d 571, an attorney's violent behavior toward his wife and others, leading to his conviction under PC 12025 [Carrying a concealed weapon] resulted in 30 days actual suspension and 3 years probation with conditions, including alcohol rehabilitation program.

In Re Otto (1989) 48 Cal. 3d 970, two felony convictions for violent conduct which occurred under the influence of alcohol [assault by means likely to produce great bodily injury and infliction of corporal punishment on a spouse/cohabitant resulting in a traumatic condition] subsequently reduced to misdemeanors, resulted in 6 months actual suspension.

OTHER FACTORS FOR CONSIDERATION

On or about April 12, 2004, Respondent has completed thirty-six weeks of a Domestic Violence therapy program for which Respondent had paid \$900.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 19, 2004, the estimated prosecution costs in this matter are approximately \$1,983.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

Date 7-27-04

[Signature]
Respondent's signature

RICHARD O. SCHROEDER
print name

Date _____

Respondent's Counsel's signature _____

print name _____

Date August 2, 2004

Monique T. Miller
Deputy Trial Counsel's signature

MONIQUE T. MILLER
print name

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.

The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

1. All references to "Probation Unit" or "Probation Unit of the Office of the Chief Trial Counsel" shall be deemed deleted and replaced with "Office of Probation."
2. On page 1, paragraph A, item (7), third box under costs to be paid the year "2005" should be deleted and be replaced with "2006 and 2007."

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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date 9/9/04

[Signature]
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. 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 September 10, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed September 10, 2004**

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

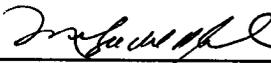
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RICHARD O SCHROEDER
ATTORNEY AT LAW
8920 BARRONS BLVD STE 105
HIGHLANDS RANCH, CO 80129 2385**

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

Monique Miller, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 10, 2004**.



Milagro del R. Salmeron
Case Administrator
State Bar Court