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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **DOUGLAS D. POTRATZ,** **Member No. 183742,** A Member of the State Bar.	))))))))	Case No.: **04-O-10271; 04-O-11155 (04-O-11756); 04-O-13398; 05-O-01977 (05-O-02327) (Cons.)** **DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

After the filing of formal disciplinary charges against respondent Douglas D. Potratz (respondent) on May 7, 2004 in case number 04-O-10271, on August 11, 2004, in case numbers 04-O-11155; 04-O-11756, and on November 17, 2004 in case number 04-O-13398, respondent contacted the State Bar of California's Lawyer Assistance Program (LAP) on December 22, 2004, to assist him with his mental health issue. On June 13, 2005, respondent executed a Participation Plan with the LAP.

On November 2, 2004, the court issued an order consolidating case number 04-O-10271 and case number(s) 04-O-11155; 04-O-11756.

Pursuant to an order filed on January 18, 2005, case number 04-O-10271; 04-O-11155 (04-O-11756) (Cons.) and 04-O-13398 were reassigned to the undersigned judge for all further proceedings.

On April 25, 2005, respondent submitted a declaration establishing a nexus between his mental health issue and his misconduct in this matter.

On October 7, 2005, the parties entered into a Stipulation Re Facts and Conclusions of Law.

On January 5, 2006, the court lodged its Confidential Statement of Alternative Dispositions and Orders, the Contract and Waiver for Participation in the State Bar Court's ADP (Contract), which was executed by respondent and his then counsel on that same date, and the parties' Stipulation Re Facts and Conclusions of Law, and the court accepted respondent into the ADP commencing on this date.

On March 1, 2006, the court filed an order noting that it would not recommend to the Supreme Court that respondent be required to attend Client Trust Accounting School, complete Ethics School or take and pass the Multistate Professional Responsibility Examination as respondent had completed these obligations between September 2004 and March 2005 in connection with his prior disciplinary matter.

On December 3, 2008, the court issued an order finding that respondent has successfully completed the ADP. 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

In this matter, respondent stipulated to misconduct in six matters. In three matters, respondent admitted to: (1) failing to support the laws of California by willfully violating Business and Professions Code sections 6125 and 6126 by representing one or more clients while suspended from the practice of law and with knowledge of that suspension; (2) committing acts involving moral turpitude, dishonesty or corruption by authorizing an electronic check drawn upon his client trust account when he knew or should have known there were insufficient funds

in the account to pay such check; (3) commingling his personal funds in his client trust account; and (4) failing to cooperate in a disciplinary investigation. In one matter, respondent admitted to: (1) intentionally, recklessly, or repeatedly failing to perform legal services with competence; (2) committing acts involving moral turpitude, dishonesty or corruption by misrepresenting to his client that he was entitled to practice law, by requesting to meet his client in court when no hearing date was set, and assuring his client that he would handle an ex parte matter when he knew he was suspended; and (3) failing to keep a client reasonably informed of a significant development in a matter in which he had agreed to provide legal services. In mitigation, respondent was candid and cooperative during State Bar proceedings. In aggravation, respondent has a prior record of discipline,[1] the misconduct significantly harmed a client, the public or the administration of justice, the misconduct evidenced multiple acts of wrongdoing or demonstrated a pattern of misconduct, and the misconduct was surrounded by or followed by dishonesty, bad faith, overreaching, concealment or other violations of the State Bar Act or the Rules of Professional Conduct.

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

Furthermore, at the time respondent engaged in his misconduct, he was suffering from a mental health issue, and respondent's mental health issue directly caused the misconduct which forms the basis for this proceeding. Supreme Court and Review Department case law establish

[1] Effective December 18, 2003, respondent was suspended from the practice of law for one year, the execution of such suspension was stayed, respondent was placed on probation for three years, and respondent was actually suspended for 60 days based on two counts of violating rule 4-100(A) of the Rules of Professional Conduct of the State Bar of California.

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

Respondent has been participating in the LAP since June 13, 2005.[2] The LAP issued a Certificate of One Year Participation in the Lawyer Assistance Program dated September 19, 2008, which reflects that respondent has complied with requirements set forth in his LAP Participation Plan for one year prior to the date of the certificate, and that during this time period, respondent has maintained mental health stability and has participated successfully in the LAP.

Respondent 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 mental health 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).)

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[2] Although respondent executed a LAP Participation Plan on this date, he initially contacted the LAP on December 22, 2004.

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 for Attorney Sanctions for Professional Misconduct (standard(s)) 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 mental health 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 discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP.

In determining the appropriate discipline to recommend in this matter if respondent successfully completed the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. Respondent recommended 60 days actual suspension, with credit for a previous administrative suspension, and the State Bar recommended 12 months suspension, stayed, with a probation period of 36 months and an actual suspension of 6 months. The court also considered the following standards in making its determination as to the appropriate level of discipline: Standard 1.7a, 2.3, 2.4 and 2.6. Respondent stipulated to culpability to the following violations: Business and Professions Code sections 6106; 6068, subdivision (a); 6068, subdivision (i); 6068, subdivision (m); and rules 3-110(A); and 4-100(A) of the Rules of Procedure of the State Bar of California. The court also considered all of the cases cited in the parties' discipline briefs, including *Chasteen v. State Bar* (1985) 40 Cal.3d 586;

In the Matter of Trousil (Review Dept. 1990) 1 Cal.State Bar Ct. Rptr. 229; *In the Matter of Whitehead* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 354; *Segal v. State Bar* (1988) 44 Cal.3d 1077; *In the Matter of* Mason (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639; and *In the Matter of Wyrick* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 83.

After agreeing to the discipline which the court would recommend to the Supreme Court if respondent successfully completed or was terminated from, or failed to successfully complete, the ADP, 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 noted above, the court has found that respondent successfully 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 **DOUGLAS D. POTRATZ** be suspended from the practice of law in the State of California for a period of one year, that execution of such suspension be stayed, and that respondent be placed on probation for three years on the following conditions:

1. Respondent must be actually suspended from the practice of law in the State of California for the first 120 days of the period of probation;

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 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 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. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan 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 his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP;

8. Respondent must fully cooperate in scheduling, participating in, and complying with any fee arbitration with Natalie A. Cassell (Ms. Cassell). Within thirty (30) days after issuance of any award, decision or final determination by any fee arbitrator pursuant to any fee arbitration with Ms. Cassell, respondent must provide a copy of said award, decision or final determination to the Office of Probation. Any amount respondent is required to pay will be with interest at the rate of 10% per annum from November 12, 2004. Respondent must provide such proof of compliance with this probation condition as specified by the Office of Probation. To the extent that respondent has paid any fee arbitration award prior to the effective date of the Supreme Court's final disciplinary

order in this proceeding, respondent will be given credit for such payment(s) provided satisfactory proof of such payment is or has been shown to the Office of Probation.

If the State Bar Client Security Fund has reimbursed Ms. Cassell for all or any portion of any award pursuant to fee arbitration, respondent must pay restitution to the Client Security Fund of the amount paid, plus applicable interest and costs, unless he has previously done so. To the extent the Client Security Fund has paid only principal amounts, respondent will still be liable for interest payments to Ms. Cassell;

9. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent must file with each required report a certificate from a certified public accountant or other financial professional approved by the Office of Probation, certifying that: respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Client's Funds Account"; and respondent has kept and maintained the following:

   A. a written ledger for each client on whose behalf funds are held that sets forth:
      1. the name of such client;
      2. the date, amount, and source of all funds received on behalf of such client;
      3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and
      4. the current balance for such client;
   B. a written journal for each client trust fund account that sets forth:
      1. the name of such account;
      2. the date, amount, and client affected by each debit and credit; and
      3. the current balance in such account.
   C. all bank statements and canceled checks for each client trust account; and
   D. each monthly reconciliation (balancing) of (A), (B), and (C) above, and if there are any differences between the monthly total balances reflected in (A), (B), and (C) above, the reason for the differences, and that respondent has maintained a written journal of securities or other properties held for a client that specifies:
      1. each item of security and property held;
      2. the person on whose behalf the security or property is held;
      3. the date of receipt of the security or property;
      4. the date of distribution of the security or property; and
      5. the person to whom the security or property was distributed.

   If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.

   The requirements of this condition are in addition to those set forth in rule 4-100 of the Rules of Professional Conduct of the State Bar of California;

10. The period of probation will commence upon the effective date of the Supreme Court order in this matter.

It is also recommended that respondent 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 final disciplinary 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: February 10, 2009

RICHARD A. HONN
Judge of the State Bar Court

PUBLIC MATTER

(Do not write above this line.)

State Bar Court of California

Hearing Department ☒ Los Angeles ☐ San Francisco

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar	Case Number(s)	(for Court use)
THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT DAVID T. SAUBER 1149 South Hill Street, 9th Floor Los Angeles, CA 90015-2299 Telephone: (213) 765-1000 Bar # 176554	04-O-10271; 04-O-11155; 04-O-11756; 04-O-13398; 05-O-01977. INV. 05 O 02327 (MDS) ~~CONFIDENTIAL~~	LODGED JAN - 5 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES FILED DEC 03 2008 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
☒ Counsel for Respondent ☐ In Pro Per JAMES R. DiFRANK 12227 Philadelphia Street Whittier, California 90601-3931 Telephone: (562) 789-7734 Bar # 105591		
In the Matter of DOUGLAS D. POTRATZ Bar # 183742 A Member of the State Bar of California (Respondent)	Submitted to Program Judge **STIPULATION RE FACTS AND CONCLUSIONS OF LAW** ☐ 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 November 19, 1996 (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 13 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."

(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) XX **Prior Record of Discipline [see standard 1.2(f)]**

(a) ☐ State Bar Court Case # of prior case see attached.

(b) ☐ Date prior discipline effective _____

(c) ☐ Ruies of Professional Conduct/State Bar Action violations _____

(d) ☐ Degree of prior discipline _____

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

(2) XX **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) XX **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) XX **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:

(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
STIPULATION RE FACTS, CONCLUSIONS OF LAW

IN THE MATTER OF: **DOUGLAS DEAN POTRATZ** (Respondent"), SB#183742

CASE NUMBERS: **04-O-10271; 02-O-11155; 04-O-11756; 04-O-13398 and 05-O-01977; 05-O-02327**

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was May 13, 2005.

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.

Facts for Case No. 04-O-10271:

On June 4, 2003, a stipulation was filed with the State Bar Court in the attorney disciplinary matter of Douglas D. Potratz, case number 01-O-02968 as consolidated ("disciplinary matter"), wherein Respondent stipulated to the imposition of discipline including a 60-day actual suspension from the practice of law. Also on June 4, 2003, the Honorable Alban Niles, Judge of the State Bar Court, signed an order approving that stipulation and recommended the stipulated disposition.

On November 18, 2003, the Supreme Court of California issued its order in Respondent's disciplinary matter, designated Supreme Court Case Number S118566 ("Order"). The Supreme Court approved the stipulated disposition and imposed a 60-day actual suspension. The Supreme Court's Order was to become effective and did become effective on December 18, 2003. The Supreme Court's Order was properly and timely served on Respondent.

On December 18, 2003, Respondent appeared in Orange County Superior Court, Central Courthouse, Department C-30, for a jury trial of *People v. Tahir Sherani*, Case Number 02WF1401 ("the *Sherani* trial" or "the Sherani case"). Respondent represented the defendant, Tahir Sherani in that matter. Trial commenced on December 18, 2003 at approximately 9:00 a.m. and concluded sometime after 2:50 p.m., at which time the court admonished the jurors and declared a recess until December 29, 2003.

Respondent knew prior to December 18, 2003, that he had been actually suspended from practice pursuant to the Supreme Court's Order, and that the suspension became effective on December 18, 2003.

At no time on or before December 18, 2003, did Respondent inform the Orange County Superior Court, or the judge presiding over the *Sherani* trial, or the prosecutor in the *Sherani* case, that Respondent was to be suspended from the practice of law effective December 18, 2003, or that Respondent was suspended from practice and not entitled to practice law on that day.

On December 19, 2003, Respondent signed a declaration under penalty of perjury, which declaration Respondent knew and intended would be submitted with a motion to be filed on his

behalf in the State Bar Court seeking an emergency stay of the actual suspension which went into effect on December 18, 2003, and which declaration was in fact attached to a motion filed in the State Bar Court on Respondent's behalf by attorney James R. DiFrank on December 19, 2003, in Case Number 01-O-02968, seeking an emergency stay of the actual suspension that had become effective on December 18, 2003.

The Review Department relied on Respondent's declaration of December 19, 2003, and in reliance thereon issued an order on December 24, 2003, granting a stay of the actual suspension effective from December 24, 2003, to January 19, 2004.

In Respondent's declaration of December 19, 2003, Respondent averred concerning the *Sherani* trial: "I believed the criminal trial would be concluded prior to December 18, 2003..."

Conclusions of Law for Case No. 04-O-10271:

By appearing in the Orange County Superior Court on December 18, 2003, and representing a criminal defendant at trial while Respondent was suspended from the practice of law and with knowledge of that suspension, Respondent wilfully violated Business and Professions Code sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of Business and Professions Code, section 6068(a).

Facts for Case Nos. 04-O-11155 & 04-O-11756:

At all times mentioned herein, Respondent maintained a client trust account at Union Bank of California, Account Number 0390040946 ("Respondent's CTA").

In or about February 2004, Respondent authorized an electronic check to be drawn upon Respondent's CTA against insufficient funds, as follows:

CHECK NUMBER	CHECK AMOUNT	DATE PRESENTED	BANK ACTION	ACCOUNT BALANCE
Electronic	$116.62	02/17/04	Paid NSF	($110.49)

Respondent authorized the electronic check set forth above when he knew or in the absence of gross negligence should have known that there were insufficient funds in Respondent's CTA to pay it.

During the period of in or about January and February 2004, Respondent left personal funds in Respondent's CTA for the payment of personal expenses as needed.

During this same period, Respondent repeatedly made cash deposits into Respondent's CTA as follows: 1/12/04 - cash deposit of $25 and 1/14/04 - cash deposit of $20.

In or about January and February 2004, Respondent repeatedly authorized electronic checks drawn upon Respondent's CTA to pay his personal expenses as follows:

CHECK NUMBER	CHECK AMOUNT	DATE PRESENTED	PAYEE
Electronic	$116.62	01/15/04	Primerica Life Insurance Premium
Electronic	$116.62	02/17/04	Primerica Life Insurance Premium

On or about March 16, 2004, the State Bar opened an investigation, case number 04-O-11155, pursuant to the notice received from Union Bank regarding the insufficient funds electronic check paid by Union Bank on Respondent's CTA (the "CTA matter").

On or about March 26, 2004 and April 9, 2004, State Bar Investigator Craig Matheny wrote to Respondent regarding the CTA matter. The investigator's letters were placed in a sealed envelope correctly addressed to Respondent at his State Bar membership records address. The investigator's letters were properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business on or about the date of the letter. The United States Postal Service did not return the investigator's letters as undeliverable or for any other reason.

Investigator Matheny's letters to Respondent requested that he respond in writing to specified allegations of misconduct being investigated by the State Bar in the CTA matter. Respondent did not respond to Investigator Matheny's letters or otherwise communicate with Investigator Matheny.

In or about March 2004, Respondent authorized an electronic check to be drawn upon Respondent's CTA against insufficient funds, as follows:

CHECK NUMBER	CHECK AMOUNT	DATE PRESENTED	BANK ACTION	ACCOUNT BALANCE
Electronic	$116.62	03/15/04	Paid NSF	($106.11)

Respondent authorized the electronic check set forth above when he knew or in the absence of gross negligence should have known that there were insufficient funds in Respondent's CTA to pay it.

During the period of in or about March and April 2004, Respondent left personal funds in Respondent's CTA for the payment of personal expenses as needed.

During this same period, Respondent repeatedly made cash deposits into Respondent's CTA as follows: 3/16/04 - cash deposit of $150; 3/17/04 - cash deposit of $150; 4/9/04 - cash deposit of 20; and 4/14/04 - cash deposit of $120.

In or about March and April 2004, Respondent repeatedly authorized electronic checks drawn upon Respondent's CTA to pay his personal expenses as follows:

CHECK NUMBER	CHECK AMOUNT	DATE PRESENTED	PAYEE
Electronic	$116.62	03/15/04	Primerica Life Insurance Premium
Electronic	$127.57	04/15/04	Primerica Life Insurance Premium

On or about April 20, 2004, the State Bar opened an investigation, case number 04-O-11756, pursuant to the notice received from Union Bank regarding the insufficient funds electronic check paid by Union Bank on Respondent's CTA (the "second CTA matter").

On or about June 4, 2004, State Bar Investigator Joy Nunley wrote to Respondent regarding the second CTA matter. The investigator's letter was placed in a sealed envelope correctly addressed to Respondent at his State Bar membership records address. The investigator's letters was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business on or about the date of the letter. The United States Postal Service did not return the investigator's letter as undeliverable or for any other reason.

Investigator Nunley's letter to Respondent requested that he respond in writing to specified allegations of misconduct being investigated by the State Bar in the second CTA matter. Respondent did not respond to Investigator Nunley's letter or otherwise communicate with Investigator Nunley.

Conclusions of Law for Case Nos. 04-O-11155 & 04-O-11756:

By authorizing an electronic check drawn upon Respondent's CTA when he knew or should have known that there were insufficient funds in the account to pay it, Respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

By leaving personal funds in and/or depositing cash into Respondent's CTA for withdrawal as needed to pay personal expenses, Respondent commingled funds belonging to Respondent in a client trust account in wilful violation of Rules of Professional Conduct, rule 4-100(A).

By not providing a written response to the allegations in the CTA matter or otherwise cooperating in the investigation of the CTA matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code section 6068(i).

By authorizing an electronic check drawn upon Respondent's CTA when he knew or should have known that there were insufficient funds in the account to pay it, Respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

By leaving personal funds in and/or depositing cash into Respondent's CTA for withdrawal as needed to pay personal expenses, Respondent commingled funds belonging to Respondent in a client trust account in wilful violation of Rules of Professional Conduct, rule 4-100(A).

By not providing a written response to the allegations in the second CTA matter or otherwise cooperating in the investigation of the CTA matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code section 6068(i).

Facts for Case No. 04-O-13398:

At all times mentioned herein, Respondent maintained a client trust account at Union Bank of California, Account Number 0390040946 ("Respondent's CTA").

In or about June 2004, Respondent authorized an electronic check to be drawn upon Respondent's CTA against insufficient funds, as follows:

CHECK NUMBER	CHECK AMOUNT	DATE PRESENTED	BANK ACTION	ACCOUNT BALANCE
Electronic	$127.57	06/15/04	Paid NSF	($70.47)

Respondent authorized the electronic check set forth above when he knew or in the absence of gross negligence should have known that there were insufficient funds in Respondent's CTA to pay it.

During the period of in or about May through July 2004, Respondent left personal funds in Respondent's CTA for the payment of personal expenses as needed.

During this same period, Respondent repeatedly made cash deposits into Respondent's CTA as follows: 5/10/04 - cash deposit of $200, 6/8/04 - cash deposit of $90, and 7/15/04 - cash deposit of $240.

In or about May through July 2004, Respondent repeatedly authorized electronic checks drawn upon Respondent's CTA to pay his personal expenses as follows:

CHECK NUMBER	CHECK AMOUNT	DATE PRESENTED	PAYEE
Electronic	$127.57	05/17/04	Primerica Life Insurance Premium
Electronic	$127.57	06/15/04	Primerica Life Insurance Premium
Electronic	$127.57	07/15/04	Primerica Life Insurance Premium

On or about July 23, 2004, the State Bar opened an investigation, case number 04-O-13398, pursuant to the notice received from Union Bank regarding the insufficient funds electronic check paid by Union Bank on Respondent's CTA (the "CTA matter").

On or about September 21, 2004 and October 12, 2004, State Bar Investigator Joy Nunley wrote to Respondent regarding the CTA matter. The investigator's letters were placed in sealed envelopes correctly addressed to Respondent at his State Bar membership records address. The investigator's letters were properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business

on or about the date of the letter. The United States Postal Service did not return the investigator's letters as undeliverable or for any other reason.

Investigator Nunley's letters to Respondent requested that he respond in writing to specified allegations of misconduct being investigated by the State Bar in the CTA matter. Respondent did not respond to Investigator Nunley's letters or otherwise communicate with Investigator Nunley.

Conclusions of Law for Case No. 04-O-13398:

By authorizing an electronic check drawn upon Respondent's CTA when he knew or should have known that there were insufficient funds in the account to pay it, Respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

By leaving personal funds in and/or depositing cash into Respondent's CTA for withdrawal as needed to pay personal expenses, Respondent commingled funds belonging to Respondent in a client trust account in wilful violation of Rules of Professional Conduct, rule 4-100(A).

By not providing a written response to the allegations in the CTA matter or otherwise cooperating in the investigation of the CTA matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code section 6068(i).

Facts for Case No. 05-O-01977:

On or about November 12, 2004, Natalie Lisa Awad Cassell ("Cassell") employed Respondent to represent her in an unlawful detainer matter filed in Orange County Superior court case no. 04SL04871, entitled *John S. Williams, Public Administrator vs. Natalie Lisa Awad* ("the Awad matter"). Respondent and Cassell signed a retainer agreement at that time. Previously on or about June 24, 2004, Cassell had employed Respondent to represent her in probate matters. Cassell paid a total of approximately $3,000 to Respondent for his services.

Respondent told Cassell not to worry about the unlawful detainer as it was just an old eviction. In or about November 2004, Respondent filed a late answer in the Awad matter. In or about that same time, Cassell was informed after calling the court clerk, that Respondent failed to appear at a November 30, 2004 hearing. Prior to that time Cassell had reminded Respondent of the hearing and also had delivered papers to his office. After both Respondent and the public administrator failed to appear at the hearing, the Awad matter was dismissed.

On January 7, 2005, Respondent filed a second answer under new case no. 04SL05631, after the public administrator re-filed the Awad matter in the same court. Respondent failed to appear at the subsequent hearing however.

On or about January 25, 2005 to April 19, 2005, Respondent had been suspended from the practice of law after failing to pass the State Bar Professional Responsibility Exam, which was the result of a previously imposed discipline matter in State Bar file no. 01-O-2968/03-O-0751 consolidated, (S118566) .

Respondent knew or should have known that he was to be suspended from the practice of law and that he would have been unavailable to Cassell prior to filing the second answer to the

Awad matter on January 7, 2005. The suspension order was filed on December 29, 2004.

At no time had Respondent informed Cassell that he was going to be suspended nor did he inform her at the time that he actually was suspended.

In or about February 2005, after asking Cassell for more money, Respondent requested that Cassell meet him at the court for a hearing allegedly set for February 7, 2005. At that time Respondent asked Cassell for more money again. When they appeared in court room, no one was there. The court clerk informed them that the hearing was set for February 15, 2005. Respondent informed the clerk that he was going to set it for another date because of a pending trial in Modesto, California.

In or about February 14 through February 17, 2005, Cassell called Respondent and left messages to remind him of the February 15, 2005 court date. Respondent did not return Cassell's calls.

On or about February 25, 2005, Cassell received a notice to vacate her property from the sheriff's department. After Cassell was finally able to reach Respondent, Respondent informed Cassell that the court failed to notify him of the hearing. Cassell told Respondent that she needed to know at that time whether or not he could take care of the matter, since she was packing and needed to find a place to live over the weekend. Respondent assured Cassell that he would obtain an emergency ex parte and that she should not worry about it. Cassell and her children only had five days to vacate their house. A few days later, Cassell called Respondent again. At that time however, Respondent informed Cassell that he could not do anything for her. Cassell and her children only had two days remaining to vacate their house.

Subsequently in or about February 2005, Cassell borrowed money, employed a new attorney, Michael Younge, and obtained an extension to vacate. In or about that time, Cassell discovered that Respondent was not entitled to practice law as of January 2005. Cassell also discovered that there was no hearing set for February 7, 2005. Cassell then called Respondent and requested that he refund some of the monies she had paid him. Respondent did not respond to Cassell's calls however.

Conclusions of Law for Case No. 05-O-01977:

By delaying, failing to appear at court hearings and by not timely filing an answer in the Awad matter, 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 continuing to represent Cassell in the Awad matter while he was suspended from the practice of law and with knowledge of that suspension, Respondent wilfully violated Business and Professions Code sections 6125 and 6126, and thereby failed to support the laws of the State of California, in wilful violation of Business and Professions Code, section 6068(a).

By misrepresenting to Cassell that he was entitled to practice law in February 2005, by requesting that he meet with Cassell in court on February 7, 2005 when no hearing date was set and assuring Cassell that he would handle an emergency ex parte in response to the notice to vacate when he knew he had been suspended, Respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

By failing to inform Cassell in January 2005 that he was suspended from the practice of law and that he would not be available to handle the Awad matter, Respondent constructively withdrew from employment and failed to keep a client reasonably informed of a significant development in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Facts for Case No. 05-O-02327:

On or about January 25, 2005, the Supreme Court by order no. S118566 suspended Respondent from practicing law in the State of California due to his failure to pass the Professional Responsibility Exam pursuant to a Supreme Court order filed November 18, 2003. The Supreme Court's Order was properly and timely served on Respondent. This suspension was not terminated until on or about April 19, 2005.

On or about December 29, 2004, Respondent substituted in as counsel of record for the defendant, Luan Tien Nguyen, in Orange County Superior Court, Case No. 04CF3715.

On or about February 25, 2005, Respondent made an appearance in Case No. 04CF3715 for a Pre-trial Trial Setting Conference by telephone. Respondent knew or should have know that he was suspended from practicing law in the State of California at the time of this hearing.

On or about March 18, 2005, Respondent appeared in court on behalf of the defendant in Case No. 04CF3715 for a Pre-trial Hearing. At this hearing Respondent was relieved as counsel of record and a deputy public defender was appointed on behalf of the defendant. At the time of this hearing Respondent knew or should have known that he was suspended from practicing law in the State of California.

On or about April 14, 2005, Respondent appeared in Orange County Superior Court, Case No. 04NF3790, People v. Cobb. On this date Respondent substituted in as counsel of record on behalf of the defendant in this criminal matter. At the time of Respondent's appearance, Respondent knew or should have known he was suspended from practicing law in the State of California.

Conclusions of Law for Case No. 05-O-02327:

By appearing in the Orange County Superior Court on February 25, 2005, March 18, 2005, and April 14, 2005, and representing and representing two criminal defendants in court hearings while Respondent was suspended from the practice of law and with knowledge of that suspension, Respondent wilfully violated Business and Professions Code sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of Business and Professions Code, section 6068(a).

AGGRAVATING CIRCUMSTANCES

PRIOR DISCIPLINE

Case No. (S118566) 01-O-2968/03-O-0751 consolidated: Effective December 18, 2003 (Order filed November 18, 2003). Violation: Rules of Professional Conduct, rule 4-100(A), two counts, other misconduct warranting discipline. Discipline: one (1) year suspension stayed; three (3) years probation with conditions; 60 days actual suspended, MPRE within one (1) year and costs.

Order filed December 29, 2004: Effective January 25,2005 to April 19, 2005, Suspended, failed to pass Professional Responsibility Exam pursuant to Supreme Court order filed November 18, 2003.

RESTITUTION/FEE ARBITRATION

Respondent agrees to write to Natalie A. Cassell within twenty days *from the date he signs this stipulation*, and therein to offer to initiate and participate in binding fee arbitration regarding his fees charged for representation Cassell, upon Cassell's request. Respondent shall send this letter via registered mail, and retain a copy of the letter and proof of mailing for the entire period of his Program contract, and present it to State Bar Court, State Bar Probation or the Office of Chief Trial Counsel upon request. Respondent agrees to initiate and to participate in binding fee arbitration upon Cassell's request within 60 days of receiving Cassell's request. Further, Respondent agrees to abide by the decision of the fee arbitrator. Should the fee arbitrator find that Respondent owes any sum of money to Cassell, Respondent shall pay that full amount within 90 days of the fee arbitrator's decision.* Respondent agrees that, at the fee arbitration proceeding for Cassell, he will not use a defense based upon the statute of limitations. Respondent understands and agrees that his failure to write to Cassell, and retain a copy of the letter, or to initiate or participate in fee arbitration upon Cassell's request, or to abide by the decision of the fee arbitrator, may result in violation of his Alternative Discipline Program agreement.

*Any amount Respondent is required to pay shall be with interest at the rate of 10% per annum from November 12, 2004.

(Do not write above this line.)

In the Matter of	Case number(s):
DOUGLAS D. POTRATZ	04-O-10271, et al.

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.

10-7-05 Date	Respondent's signature	DOUGLAS D. POTRATZ Print name
10/7/05 Date	Respondent's Counsel's signature	JAMES R. DiFRANK Print name
10/7/05 Date	Deputy Trial Counsel's signature	Brooke A. Schafer ~~DAVID T. SAUBER~~ Print name

(Do not write above this line.)

In the Matter of	Case number(s):
DOUGLAS D. POTRATZ	04-O-10271, et al

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.

See attached Modifications to Stipulation.

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.)

1-5-06
Date

Judge of the State Bar Court
RICHARD A. HONN

In the Matter of: **DOUGLAS D. POTRATZ**
Case Nos. 04-O-10271-RAH; 04-O-11155-RAH; 04-O-13398-RAH; Inv. #05-O-01977

MODIFICATIONS TO STIPULATION

1. On page 4, in the listing of case numbers at the top of the page, "02-O-11155" is deleted and in its place is inserted "04-O-11155".

2. On page 12 of the stipulation, all language under the heading "Restitution/Fee Arbitration" is deleted and in its place is inserted the following language:

> Within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must send a letter by certified mail, return receipt requested, to Natalie A. Cassell ("Ms. Cassell") and must therein offer to initiate and participate in binding fee arbitration with Ms. Cassell upon her request, unless he has previously sent such a written offer to Ms. Cassell.
>
> Within sixty (60) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must provide the Office of Probation with a copy of the letter offering to initiate and participate in binding fee arbitration with Ms. Cassell, along with a copy of the return receipt from the U.S. Postal Service, unless respondent has previously provided proof of mailing or receipt of such letter to the Office of Probation.
>
> Respondent must advise the Office of Probation, in writing, of any request to participate in fee arbitration made by Ms. Cassell within fifteen (15) days after any such request or within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, whichever is later, unless he has previously advised the Office of Probation of such a request.
>
> Respondent must initiate and participate in binding fee arbitration upon the request of Ms. Cassell within three (3) months of any such request or as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration with respect to Ms. Cassell.
>
> Within thirty (30) days after issuance of any award, decision or final determination by any fee arbitrator pursuant to any such fee arbitration, or within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, whichever is later, respondent must provide a copy of said award, decision or final determination to the Office of Probation, unless respondent has previously done so.

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Respondent must abide by any award, decision or final determination of any such fee arbitrator. Any amount respondent is required to pay will be with interest at the rate of 10% per annum from November 12, 2004. Unless respondent has previously provided to the Office of Probation satisfactory proof of compliance with any award, decision or final determination of any such fee arbitrator, respondent must provide, with each quarterly report required herein, satisfactory proof of compliance with any award, decision or final determination of any such fee arbitrator performed by respondent during said quarter.

If the State Bar Client Security Fund has reimbursed Ms. Cassell for all or any portion of any award pursuant to fee arbitration, respondent must pay restitution to the Client Security Fund of the amount paid, plus applicable interest and costs, unless he has previously done so. To the extent the Client Security Fund has paid only principal amounts, respondent will still be liable for interest payments to Ms. Cassell.

To the extent that respondent has paid any fee arbitration award prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been shown to the Office of Probation.

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CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 6, 2006, I deposited a true copy of the following document(s):

CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;

STIPULATION RE FACTS AND CONCLUSIONS OF LAW; 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:

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

JAMES R DIFRANK ESQ
12227 PHILADELPHIA ST
WHITTIER, CA 90601-3931

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

David T. Sauber, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 6, 2006**.

Julieta E. Gonzales

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 February 10, 2009, 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:

DOUGLAS D. POTRATZ
LAW OFFICE OF DOUGLAS D. POTRATZ
820 N PARTON ST STE 201
SANTA ANA, CA 92701

☐ 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 fax transmission, at fax number . No error was reported by the fax machine that I used.

☐ 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 February 10, 2009.

Cristina Potter
Case Administrator
State Bar Court