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ORIGINAL

State Bar Court of California

Hearing Department Los Angeles San Francisco

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Case number(s)
04-0-11282
04-0-12430
04-0-12842
04-0-12899
04-0-12905
05-0-01624
05-0-01975

(for Court's use)
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Counsel for Respondent
 In Pro Per, Respondent
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(951) 682-4887
Bar # 130506

PUBLIC MATTER

In the Matter of
Mark Irvin Blankenship
Bar # 130506
A Member of the State Bar of California
(Respondent)

Submitted to assigned judge settlement judge
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION AND ORDER APPROVING
ACTUAL SUSPENSION
 PREVIOUS STIPULATION REJECTED
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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 14, 1987
(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 24 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.

(Do not write above this line.)

(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, 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 S085112 (97-0-12654 et al.)

(b) Date prior discipline effective 4/23/00

(c) Rules of Professional Conduct/ State Bar Act violations: 3-110(A), 3-700(D) (1)

3-300, 6090.5(a)(2), 6068(i), 6068(m), 6106

(d) Degree of prior discipline Six(6) months actual and two(2) years stayed
suspension

(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 Three (3) 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 Five (5) 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 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: _____
- (5) **Other Conditions:** See page 6-o attached

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In the Matter of MARK I. BLANKENSHIP	Case Number(s): 04-0-11282 ET AL.
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Law Office Management Conditions

- a. Within ___ days/ 6 months/ ___ years of the effective date of the discipline herein, Respondent must develop a law office management/ organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding. ** See below
- b. Within ___ days/ ___ months 1 years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 6 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will 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 must 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 must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

** Once the plan has been approved by the Office of Probation, Respondent must comply with the plan during the period of probation and state under penalty of perjury whether he had complied with the approved plan in each quarterly report.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

In the Matter of: Mark Irvin Blankenship

Case Numbers: 04-O-11282, 04-O-12430, 04-O-12842, 04-O-12899, 04-O-12905,
 05-O-01624, 05-O-01975

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:

PARTIES ARE BOUND BY THE STIPULATED FACTS:

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

Jurisdiction: Respondent, Mark I. Blankenship, was admitted to the practice of law in the State of California on December 14, 1987, was a member at all times pertinent to these charges and is currently a member of the State Bar of California.

Case Number 04-O-11282

The Verizon matter

1. In or about October 1999, Glen W. White ("White") retained Respondent to represent him in a wrongful termination action against Verizon Communications.
2. On or about September 11, 2000, Respondent filed a civil complaint on behalf of White entitled White v. Verizon Communications, GTE Corporation et. al, United States District Court, Central District, case no. CV-00-12202 (the "wrongful termination action").
3. On or about December 21, 2001, the defendants in the wrongful termination action filed motions to dismiss the complaint. The court ordered that opposition to the motions to dismiss be filed by January 19, 2001. Respondent received timely notice of the deadline.
4. By January 19, 2001, Respondent had not filed any opposition to the motions to dismiss and had not sought an extension of the deadline to file the opposition.
5. On or about January 24, 2001, Respondent asked opposing counsel in the

wrongful termination action to stipulate to an extension of time to respond to the motions to dismiss.

6. On or about January 25, 2001, opposing counsel stated that she would agree to stipulate to an extension of time to respond if Respondent agreed to a briefing schedule similar to the one set by the court. Respondent did not respond to opposing counsel's offer and did not file any opposition to the motions to dismiss.

7. On or about February 15, 2001, the court granted the defendants' unopposed motions to dismiss with prejudice and thereafter entered judgment in favor of the defendants. Respondent received notice of the dismissal but failed to notify White.

8. On or about February 13, 2002, Respondent filed a motion for relief from judgment on behalf of White. However, because Respondent failed to comply with meet and confer requirements, the court vacated the motion for relief with leave to refile after Respondent had complied with the court's rules.

9. On or about May 1, 2002, Respondent left a message for opposing counsel asking discuss the motion for relief from judgment in the wrongful termination action.

10. On or about May 2, 2002, opposing counsel in the wrongful termination action returned Respondent's call and left a message for Respondent to call her back. However, Respondent failed to respond.

11. On or about May 13, 2002, opposing counsel sent a letter to Respondent informing Respondent that she was available to meet. Respondent failed to respond.

12. On or about February 24, 2003, Respondent filed a second motion for relief from judgment in the wrongful termination action.

13. On or about April 1, 2003, the court denied the second motion for relief from judgment. In denying the second motion, the court cited Respondent's failure to meet and confer, Respondent's failure to timely file the motion for relief and suggested that White may have a malpractice action against Respondent.

14. On or about April 18, 2003, Respondent filed a notice of appeal with the United States Court of Appeal of the Ninth Circuit appealing the trial court's decision in the wrongful termination action.

15. On or about April 24, 2003, the Ninth Court ordered that docketing fees in the civil appeal be paid by May 8, 2003. The Ninth Court also ordered the court transcript filed by June 18, 2003 and ordered the opening brief in the civil appeal filed by August 4, 2003.

16. On or about April 24, 2003, the Ninth Circuit properly served Respondent with

the order regarding docketing fees and the briefing schedule for White's appeal.

17. As of May 12, 2003, Respondent had not paid the docketing fees, and on or about May 12, 2003, the Ninth Circuit ordered that the docketing fees be paid within fourteen days or White must move to proceed in forma pauperis. In its order, the Ninth Circuit stated that a failure to pay fees or failure to file a motion would result in the automatic dismissal of the appeal. The May 12, 2003 court order was properly served on Respondent.

18. On or about May 27, 2003, the Ninth Circuit was notified that Respondent had paid the docketing fees in the civil appeal.

19. On or about May 27, 2003, the court ordered Respondent to file an opening brief on White's behalf by June 23, 2003. The May 27, 2003 court order was properly served on Respondent. Respondent failed to file the opening brief by June 23, 2003.

20. On or about August 1, 2003, Respondent contacted the Ninth Circuit and received an oral extension of time to file the opening brief. Respondent was given until August 18, 2003 to file the brief. Respondent failed to file the brief by August 18, 2003.

21. On or about August 25, 2003, Respondent filed a motion requesting another extension of time to file the opening brief in the appeal.

22. On or about September 5, 2003, the Ninth Circuit granted Respondent's late motion to extend the time to file the opening brief. The court ordered Respondent to file the opening brief by October 17, 2003. The September 5, 2003 court order was properly served on Respondent.

23. As of January 28, 2004, Respondent had not filed the opening brief in the appeal, nor had Respondent sought another extension of time to file the opening brief.

24. On or about January 28, 2004, the Ninth Circuit dismissed the appeal citing Respondent's failure to prosecute the appeal on White's behalf.

Legal Conclusions

By failing to perform the legal services for which he was hired, 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 failing to inform White that the wrongful termination matter had been dismissed, Respondent failed to keep his client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

The America West Airlines Matter

25. On or about November 26, 2001, Respondent filed a second civil complaint on White's behalf entitled White v. America West Airlines, Riverside County Superior Court, case no. RIC367468, (the "civil action").

26. On or about January 31, 2002, the court in the civil action scheduled an Order to Show Cause ("OSC") hearing for March 6, 2002 as to why sanctions in the amount of \$150 should not be imposed against Respondent for failing to file a proof of service. On or about February 2, 2002, the court properly served Respondent with notice of the March 6, 2002 OSC.

27. On or about March 6, 2002, Respondent failed to appear at the OSC hearing in the civil action. On or about that date, the court sanctioned Respondent \$150 for his failure to file the proof of service and ordered Respondent to pay the sanctions within twenty days of the court's order. On or about March 6, 2002, the court properly served Respondent with notice of the sanction order.

28. On or about May 31, 2002, Respondent filed a first amended complaint on White's behalf in the civil action.

29. As of June 2002, White had paid Respondent a total of \$7,000 in legal fees.

30. On or about November 14, 2002, opposing counsel filed a motion to compel responses to form interrogatories previously served on Respondent in the civil action. The court scheduled a hearing regarding the motion to compel for January 17, 2003. Respondent was properly served with notice of the January 17, 2003 hearing.

31. On or about December 30, 2002, opposing counsel in the civil action filed a Notice of Motion for Summary Judgment in the civil action. Respondent was properly served with the summary judgment motion.

32. As of January 17, 2003, Respondent had not filed any opposition to the motion to compel. On or about January 17, 2003, Respondent failed to appear at the hearing, and the court granted defendants' motion to compel. White was ordered to provide discovery responses within fifteen days of the court's order. In addition, the court sanctioned White \$600 and ordered the sanctions paid within fifteen days of the court order.

33. Respondent did not inform White that he had not responded to discovery, did not inform White that he had not appeared at the January 17, 2003 hearing, did not inform White that he had been ordered to provide discovery responses within fifteen days of the court order and did not inform White that he had been sanctioned \$600.

34. On or about February 13, 2003, Respondent filed opposition to the motion for summary judgment on the first amended complaint.

35. On or about April 2, 2003, Respondent appeared at the hearing regarding the summary judgment motion in the civil action. On or about April 2, 2003, the court granted the summary judgment motion. Respondent failed to inform White that summary judgment had been granted in the civil action.

36. On or about May 1, 2003, defendants in the civil action filed a Notice of Entry of Judgment and a Memorandum of Costs with the court. The notice and the memorandum of costs were properly served on Respondent.

37. On or about November 7, 2003, opposing counsel in the civil action filed an Application and Order for Appearance of Debtor Glen White. The hearing regarding the judgment debtor examination of White was scheduled for December 22, 2003 and notice of the hearing was properly served on Respondent. However, Respondent failed to inform White of the hearing.

38. On or about December 22, 2003, neither Respondent nor White appeared at the judgment examination hearing and court continued the matter to January 30, 2004. The opposing counsel in the civil action properly served Respondent with notice of the January 30, 2004 hearing.

39. On or about January 20, 2004, Respondent filed a motion to set aside the judgment in the civil action.

40. On or about January 30, 2004, Respondent appeared at the judgment examination but White failed to appear. As a result, the court issued a bench warrant for White and bail was set at \$1,500. The court continued the matter to March 5, 2004.

41. On or about March 5, 2004, both Respondent and White appeared at the hearing in the civil action, and the court denied White's motion to set aside the judgment in the civil action.

Legal Conclusions

By failing to perform the legal services for which he was hired, 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 failing to inform White that he had failed to respond to discovery and failed to appear at the discovery motion hearing, that sanctions had been imposed against him and by failing to inform White that judgment had been entered against him, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Case Number 04-O-12430

1. In or about September 2002, Carlita Chalk ("Chalk") retained Respondent to represent her in a wrongful termination action against her former employer.
2. On or about September 30, 2002, Chalk paid Respondent \$5,000 in advanced legal fees.
3. In or about September 2003, Chalks paid Respondent \$150 for filing fees.
4. On or about December 15, 2003, Respondent filed a civil complaint on behalf of Chalk entitled Chalk v. Los Angeles County Metropolitan Transit Authority et. al., United States District Court, Central District, case no. CV-03-01475 (the "wrongful termination action").
5. On or about February 5, 2004, Chalk contacted Respondent's office to schedule an appointment with Respondent. Respondent initially agreed to meet with Chalk on February 9, 2004 but subsequently cancelled the appointment.
6. On or about April 6, 2004, Chalk wrote Respondent asking him to keep her informed of the status of her wrongful termination action. Respondent received the letter.
7. On or about May 17, 2004, frustrated with Respondent's lack of communication, Chalk wrote Respondent terminating him, asking for an accounting of legal fees advanced in the wrongful termination action and requesting a refund of unearned fees. Respondent received the letter.
8. In May 2004, Chalk left a signed substitution of attorney for Respondent to sign and file with the court in the wrongful termination. On or about May 22, 2004, Respondent signed the substitution of attorney. However, Respondent did not file the substitution of counsel with the court.
9. On or about May 25, 2004, Chalk wrote Respondent regarding his failure to provide an accounting and asking for a refund of unearned fees. Although he received it, Respondent failed to respond to the May 25, 2004 letter.
10. As of October 1, 2004, Respondent had not filed a proof of service of the complaint and summons on the defendants with the court in the wrongful termination action. In addition, Respondent had not filed a substitution of attorney. As a result, on or about October 1, 2004, the court in the wrongful termination ordered Chalk to show cause in writing by October 15, 2004 why the wrongful termination action should not be dismissed for a lack of diligent prosecution. The court's order was properly served on Respondent as he was still the attorney of record. However, Respondent failed to inform Chalk of the court's order.
11. As of February 18, 2005, neither Respondent nor Chalk had complied with the court's October 1, 2004 court order. As a result, on February 18, 2005, the court dismissed the

wrongful termination action without prejudice.

Legal Conclusions

By failing to perform the legal services for which he was hired, 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 Chalk's inquiries, Respondent failed to respond promptly to reasonable status inquiries of a client in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

By failing to provide an accounting to Chalk despite her requests, Respondent failed to render an appropriate accounting to a client in wilful violation Rules of Professional Conduct, rule 4-100(B)(3).

By failing to inform Chalk that her matter would be dismissed if she did not provide a response to the order to show cause, Respondent failed to keep his client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

By ceasing communication with Chalk, by ceasing work on Chalk's matter and by allowing the civil matter to be dismissed, Respondent improperly withdrew from employment in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case Number 04-O-12842

1. In or about September 2002, Toby O'Neill Burgess ("Burgess") retained Respondent to represent her in a dissolution matter (the "dissolution matter").
2. On or about September 11, 2002, Burgess paid Respondent \$2,000 in advanced legal fees in the dissolution matter.
3. The court in the dissolution matter scheduled a hearing for November 13, 2002. However, Respondent informed the court and Burgess he could not appear at the hearing because he was in trial on another matter. The court in the dissolution matter continued the hearing.
4. On or about December 18, 2002, Respondent did not appear at the mediation in the dissolution matter but rather sent an associate to appear on his behalf. Respondent did not inform Burgess that he would not be appearing at the mediation.
5. On or about March 17, 2003, Respondent appeared for trial in the dissolution matter but asked for a continuance because he was in trial on another matter. The trial in the dissolution matter was continued to April 28, 2003, and the court ordered Respondent to appear on that date.

6. On or about April 28, 2003, Respondent appeared for trial in the dissolution matter. On or about April 28, 2003, Respondent sought another continuance of the trial, which the court denied.

7. According to Burgess, Respondent appeared at the April 28, 2003 trial unprepared and without the proper documentation.

8. On or about April 28, 2003, the court made findings in the dissolution matter and stated that the marital status in the dissolution matter would be terminated upon signing of the judgment.

9. As of June 2004, Respondent had failed to take action to see that the judgment in the dissolution matter was signed and filed. Therefore, the dissolution was never finalized. As a result, on or about June 18, 2004, Burgess wrote Respondent terminating his service, and asking for a refund of fees. Although he received it, Respondent failed to respond to Burgess's letter.

Legal Conclusions

By failing to perform services for which he was hired, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Case Number 04-O-12899

1. In or about June 2004, a judge of the United States District Court, Central District of California submitted a complaint to the State Bar of California reporting that Respondent had failed to perform on behalf of his client, Earl D. Williams. Pursuant to the complaint submitted by the judge, the State Bar opened an investigation, case no. 04-O-12899.

2. On or about April 16, 2003, Respondent filed a complaint on behalf of Earl D. Williams ("Williams") entitled Williams v. City of Los Angeles Police Department et. al., United States District Court, Central District, case no. CV-03-00420 (the "employment matter").

3. On or about June 18, 2003, the court in the employment matter scheduled a mandatory scheduling conference for August 25, 2003. On or about June 19, 2003, Respondent was properly served with notice of the August 25, 2003 scheduling conference.

4. On or about August 25, 2003, Respondent failed to appear at the mandatory scheduling conference. As a result, on or about August 25, 2003, the court scheduled an order to show cause ("OSC") as to why Respondent should not pay sanctions in the amount of \$500 for failing to appear at the August 25, 2003 conference. Respondent was properly served with notice of the OSC.

5. On or about September 5, 2003, Respondent filed a response to the court's OSC.

6. On or about September 10, 2003, the court in the employment matter ordered Respondent to pay sanctions in the amount of \$500. The court ordered Respondent to pay the sanctions to the Clerk of the Court no later than September 22, 2003. Respondent was properly served with the court's September 10, 2003 court order.

7. On or about September 29, 2003, Respondent paid the \$500 in sanctions to Clerk of the Court.

8. On or about March 19, 2004, the defendants in the employment matter filed motions for summary judgment and properly served Respondent. Respondent failed to file any opposition to the motions for summary judgment.

9. On or about April 15, 2004, the court entered judgment dismissing the complaint in the employment matter with prejudice.

10. On or about April 15, 2004, Respondent's associate, Paul Orloff, belatedly filed a Request for Leave of the Court to file opposition to defendants' motions for summary judgment.

11. On or April 16, 2004, the court in the employment matter deemed the April 15, 2004 request to be moot having already ruled on defendants' motions for summary judgment.

12. On or about May 11, 2004, Respondent filed a motion requesting relief from judgment in the employment matter.

13. On or about June 14, 2004, the court granted the motion for relief from judgment. In making its decision, the court relied on the lack of prejudice to defendants. In its decision, the court pointed out that Respondent had reused a motion without taking the trouble to revise the arguments in his motion to fit the present case. The court ordered its June 14, 2004 order sent to the disciplinary arm of the State Bar of California.

14. On or about August 12, 2004, the court in the employment matter, after considering the opposition filed on behalf of White, granted defendants motions for summary judgment. On or about August 12, 2004, the court entered final judgment in defendants' favor and dismissed the complaint in the employment matter with prejudice.

Legal Conclusions

By failing to perform the legal services for which he was hired, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Case Number 04-O-12905

1. In or about July 21, 2003, Laurie Lusk ("Lusk") retained Respondent to represent her in a child custody matter (the "custody matter"). Lusk paid Respondent \$3,500 in

advanced legal fees in the custody matter.

2. On or about July 22, 2003, Respondent appeared in court on Lusk's behalf in the custody matter. On that date, Respondent informed the court that the police were investigating allegations that Lusk's ex-husband had sexually abused the Lusks' son. As a result, on or about July 22, 2003, the court placed the ex-husband on supervised visitation.

3. On or about December 1, 2003, mediation was scheduled in the custody matter. However, Lusk contends she did not appear because Respondent failed to inform her that the mediation had been scheduled. As a result, the mediation did not occur.

4. On or about December 8, 2003, the court held a hearing in the custody matter. Respondent failed to appear at the hearing and sent his associate, Paul Orloff ("Orloff"), to appear on his behalf. Lusk contends Respondent failed to inform her that he would not be appearing at the December 8, 2003 hearing. Lusk further contends that Orloff was unprepared to represent her at the hearing. As a result, on or about December 8, 2003, the court terminated supervised visitation and awarded the ex-husband reasonable visitation.

5. On or about January 5, 2004, the court instructed Respondent to contact opposing counsel to arrange a new trial date in the custody matter.

6. As of January 13, 2004, Respondent had not contacted opposing counsel regarding a new trial date. As a result, on or about January 13, 2004, the court clerk in the custody matter called Respondent regarding a new trial date. The court clerk left a message for Respondent asking him to call the court, however Respondent failed to respond.

7. In or about March 2004, Children Protective Services contacted the police regarding possible abuse by the ex-husband against Lusk's son.

8. In or about March 2004, Lusk called Respondent several times leaving messages each time asking her to call him back regarding the custody matter. Respondent failed to respond to the calls.

9. In or about May 2004, Lusk terminated Respondent and retained new counsel to represent her in the custody matter.

10. On or about June 8, 2004, Lusk and new counsel appeared ex-parte in the custody matter. On or about June 8, 2004, the court reinstated the supervised visitation for the ex-husband.

11. On or about June 21, 2004, Lusk wrote Respondent asking that he refund unearned fees in the custody matter. Although he received it, Respondent failed to respond to the June 21, 2004 letter.

Legal Conclusions

By failing to perform the legal services for which he was hired, 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 failing to respond to Lusk's telephone calls, Respondent failed to respond to reasonable status inquiries of a client in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Case Number 05-O-01624

1. In or about February 28, 2003, Anita de los Santos and her husband Luis de los Santos retained Respondent to represent their minor daughter in an action to have certain school records expunged by the Etiwanda School District (the "Etiwanda matter"). At the time the de los Santos hired Respondent, they expressed concern about the action being timely handled.

2. Between in or about February 2003 and June 2003, Anita de los Santos phoned Respondent's office on numerous occasions, leaving messages asking Respondent to call her regarding the Etiwanda matter. Respondent failed to respond to the calls.

3. On or about March 18, 2003, general counsel for the Etiwanda School District wrote Respondent asking Respondent to contact them to arrange interviews between the de los Santos family and representatives of the school district. Respondent received the March 18, 2003 letter but failed to respond.

4. On about April 3, 2003, general counsel for the Etiwanda School District wrote Respondent again. In the April 3, 2003 letter, general counsel asked Respondent if his client intended to participate in the underlying investigation regarding the complaint against the Etiwanda School District. Respondent received the April 3, 2003 but failed to respond.

5. On or about April 23, 2003, general counsel for the Etiwanda School District wrote Respondent asking him to contact them so that a meeting could be scheduled with the District Superintendent. In the April 23, 2003 letter, general counsel told Respondent that if they did not hear from him by April 28, 2003, the Superintendent would make a decision regarding the expungement solely based on the written statements that had already been submitted. Respondent received the April 23, 2003 letter but failed to respond. In addition, Respondent did not inform the de los Santos that he had received the April 23, 2003 letter and did not inform the de los Santos that he had not responded to the letter.

6. As of April 29, 2003, general counsel for the Etiwanda School District had not heard from Respondent and the Etiwanda School District denied the de los Santos's request to have the records expunged.

7. By May 27, 2003, Anita and Luis de los Santos had paid Respondent a total of \$4,000 in legal fees in the Etiwanda matter.

8. On or about July 22, 2003, Anita and Luis de los Santos terminated Respondent.

9. On or about July 23, 2003, Luis de los Santos wrote Respondent confirming the termination based on Respondent's failure to perform and failure to return telephone calls. In the July 23, 2003 letter, Luis de los Santos requested the return of the client file and the return of fees paid in the Etiwanda matter. Although he received the letter, Respondent failed to respond.

10. In or about March 2004, Anita and Luis de los Santos sued Respondent in small claims court alleging Respondent owed them \$4,000 in unearned fees.

11. On or about April 12, 2004, the Riverside County Superior Court entered judgment in favor of the de los Santos in the amount of \$4,000 plus costs of \$22.00. However, Respondent appealed the award.

12. On or about August 24, 2004, the Riverside County Superior Court upheld the judgment against Respondent for \$4,022.

13. In or about October 2004, Respondent issued a cashier's check to Luis de los Santos for \$4,100.

Legal Conclusions

By failing to perform the legal services for which he was hired, 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 failing to respond to telephone calls from Anita de los Santos, Respondent failed to respond to reasonable status inquiries of a client in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

By failing to inform the de los Santos that the Etiwanda School District wanted to meet to discuss the underlying complaint, Respondent failed to keep his client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Case Number 05-O-01975

1. In early 2000, Anne Lewis approached Respondent to help her son, Direl Lewis ("Direl"), who was incarcerated in Los Angeles County jail on battery charges.

2. In or about April 2000, at the request of Direl's mother, Respondent substituted in as Direl's counsel in the criminal matter. In or about April 2000, the court determined that Direl

was incompetent to stand trial in the criminal matter.

3. As a result, in or about April 2000, Direl was committed to Patton State Hospital.

4. In or about May 2000, Direl's mother terminated Respondent and picked up the client file from Respondent. However, Respondent did not inform the court that he was no longer counsel for Direl.

5. Between August 2000 and March 2005, the court held several hearings regarding Direl's progress at Patton State Hospital. Neither Respondent nor any other counsel appeared on Direl's behalf in the hearings.

6. In or about March 2004, Stephen Webber ("Webber"), an attorney representing Direl in conservatorship proceedings, realized that Direl's commitment to Patton State Hospital had exceeded the maximum time allowed. As a result, Webber telephoned Respondent and told him that Direl's commitment had exceeded the maximum time for which he should have been committed.

7. On or about August 11, 2004, after not having heard from Respondent since the March 2004 telephone call, Webber wrote Respondent urging him to do something to protect Direl's rights. Although he received the letter, Respondent did not respond to Webber's letter.

8. On or about April 15, 2005, Webber appeared on Direl's behalf at a hearing regarding the criminal matter, but the court in the criminal matter noted that Webber was not the attorney of record for Direl in the criminal matter. The court continued the hearing to April 20, 2004 and notified Respondent by phone to appear at the next hearing.

9. On or about April 20, 2005, pursuant to the court's order, Respondent appeared in court on the criminal matter and still represents Direl in the criminal matter.

Legal Conclusions

By ceasing all work in the criminal matter without informing the court that he was no longer the attorney for Direl and without taking other steps to avoid reasonably foreseeable prejudice to Direl's rights, Respondent improperly withdrew from employment in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Pending Proceedings

The disclosure referred to on Page 1, paragraph A. (6), was made on August 18, 2005.

Other factors in consideration

Restitution

On August 16, 2005, Respondent mailed an initial payment of \$1,000 to Carlita Chalk as a partial repayment of unearned fees.

On August 16, 2005, Respondent mailed an initial payment of \$750 to Laurie Lusk as a partial repayment of unearned fees.

On August 16, 2005, Respondent mailed an initial payment of \$500 to Toby O'Neill Burgess as a partial repayment of unearned fees.

On August 16, 2005, Respondent mailed a payment of \$960.53 to Glen White as payment of the full amount specified in the Memorandum of Costs filed by the defendants in the civil action.

Other Conditions Negotiated by the Parties:

Restitution

Respondent shall pay restitution in Case Number 04-O-11282 to Glen White (or the State Bar Client Security Fund, if appropriate) in the amount of **\$7,000** plus 10% interest per annum accruing from June 1, 2002 until paid, and provide proof thereof to the Probation Unit of the State Bar within **one year** of the effective date of discipline imposed in this matter.

Respondent shall pay restitution in Case Number 04-O-12430 to Carlita Chalk (or the State Bar Client Security Fund, if appropriate) in the amount of **\$4,000**, plus 10% interest per annum accruing from September 30, 2002 until paid, and provide proof thereof to the Probation Unit of the State Bar within **one year** of the effective date of discipline imposed in this matter.

Respondent shall pay restitution in Case Number 04-O-12905 to Laurie Lusk (or the State Bar Client Security Fund, if appropriate) in the amount of **\$2,750**, plus 10% interest per annum accruing from July 21, 2003 until paid, and provide proof thereof to the Probation Unit of the State Bar within **one year** of the effective date of discipline imposed in this matter.

Respondent shall pay restitution in Case Number 04-O-12842 to Toby O'Neill Burgess (or the State Bar Client Security Fund, if appropriate) in the amount of **\$1,500**, plus 10% interest per annum accruing from September 11, 2002 until paid, and provide proof thereof to the Probation Unit of the State Bar within **one year** of the effective date of discipline imposed in this matter.

Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made during that reporting period.

Respondent waives any objection to payment by the State Bar Client Security Fund to the above listed former clients upon a claim for the principal amount of restitution set forth herein.

Acknowledgment by Respondent


Respondent acknowledges that he must make good faith efforts to acquire the resources to pay the restitution set forth above. Respondent further acknowledges that in the event that his financial circumstances are such that he is unable to pay the restitution as required, he should file a timely motion in the State Bar Court seeking modification of the restitution condition to allow more time to make the required restitution.

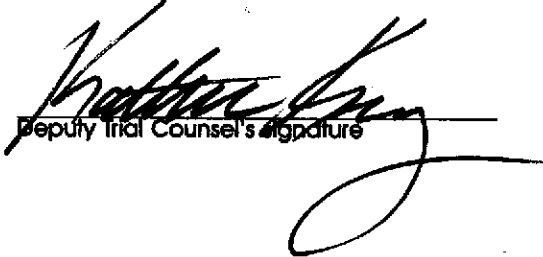
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In the Matter of MARK I. BLANKENSHIP	Case number(s): 04-0-11282 et al.
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SIGNATURE OF THE PARTIES

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.

Date 5/17/05 Respondent's signature  Print name MARK I. BLANKENSHIP

Date _____ Respondent's Counsel's signature _____ Print name _____
Date 5/18/05 Deputy Trial Counsel's signature  Print name KATHERINE KINSEY

(Do not write above this line.)

In the Matter of MARK I. BLANKENSHIP	Case number(s): 04-0-11282 et al.
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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.)

9-29-05
Date


Judge of the State Bar Court

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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 San Francisco, on September 29, 2005, I deposited a true copy of the following document(s):

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

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

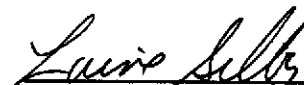
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**MARK I. BLANKENSHIP
THE BLANKENSHIP LAW FIRM
3685 MAIN ST STE 240
RIVERSIDE CA 92501 2804**

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

KATHERINE KINSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 29, 2005.



Laine Silber
Case Administrator
State Bar Court