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State Bar Court of California		
Hearing Department <input type="checkbox"/> Los Angeles		<input checked="" type="checkbox"/> San Francisco
<b>Counsel for the State Bar</b> Robin B. Brune Deputy Trial Counsel 180 Howard Street, 7th Floor San Francisco, CA 94105 (415) 538-2218  Bar # 149481	<b>Case number(s)</b>  04-0-12334  kwiktag* 022 603 353 	(for Court's use) <b>PUBLIC MATTER</b>  <b>FILED</b> <i>[Signature]</i>  DEC 20 2005  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent  Brian Getz 44 Montgomery Street #3850 San Francisco, CA 94104 (415) 912-5886  Bar # 85593	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge	
In the Matter of  <b>KAREN UCHIYAMA</b>  Bar # 154414 A Member of the State Bar of California (Respondent)	<b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>REPROVAL</b> <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

#### A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 16, 1991  
(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 15 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):

- (a)  costs added to membership fee for calendar year following effective date of discipline (public reproof)
- (b)  case ineligible for costs (private reproof)
- (c)  costs to be paid in equal amounts for the following membership years:  
\_\_\_\_\_ (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- (d)  costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- (e)  costs entirely waived

(9) The parties understand that:

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

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

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

(a)  State Bar Court case # of prior case \_\_\_\_\_

(b)  Date prior discipline effective \_\_\_\_\_

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

(d)  Degree of prior discipline \_\_\_\_\_

(Do not write above this line.)

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

Additional aggravating circumstances:

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. See attachment
- (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.

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- (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. *See attachment*
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances are involved.**

**Additional mitigating circumstances:**

*See attachment.*

(Do not write above this line.)

**D. Discipline:**

- (1)  Private reproof (check applicable conditions, if any, below)
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

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

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of two (2) years
- (2)  During the condition period attached to the reproof, 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 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 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 following quarter date and cover the extended period.

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

- (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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.

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- (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 conditions attached to the reprobation.
- (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 of the Ethics School and passage of the test given at the end of that session.
- No Ethics School ordered. 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 required to be filed with the Office of Probation.
- (10)  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 within one year of the effective date of the reprobation.
- No MPRE ordered. Reason: \_\_\_\_\_
- (11)  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:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        Karen Uchiyama  
CASE NUMBER(S):         04-O-12334-JMR

**FACTS AND CONCLUSIONS OF LAW.**

On or about July 25, 2003, respondent filed an action for Complaint for Declaratory Relief and Breach of Contract on behalf of the Dubays against Calsius, case no. CGC-03-422814, in Superior Court for the City and County of San Francisco, related to the landlord tenant dispute.

Respondent subsequently filed and represented the Dubays in an unlawful detainer action, *Dubay vs. Calsius*, San Francisco Superior Court case no. CUD-03-607822, which was filed on or about September 30, 2003.

At all times relevant to these proceedings, Calsius received Supplemental Social Security Income as a disabled individual in the sum of \$778.00 per month.

During the course of the litigation between the two parties, and on or about September 15, 2003, respondent sent a letter which contained a settlement offer to Calsius and Ronald De Pontes, the defendants in the civil proceeding. The letter stated, in part:

You all agree to move out of 30 Ord Court on date certain (negotiable) and certain back rent will be waived. You will have ample opportunity to find other housing without an eviction pending or judgment for eviction against you. The Dubays will also give you all written neutral reference letters to assist you in finding other housing. All this will be done quietly, amicably and out of court. The Dubays will also dismiss the pending case against Luke Calsius for declaratory relief and not expose his fraud upon the S.S.I. program and his business operations at 30 Ord Court.

Respondent mailed her September 15, 2003 letter by placing it in the United States Mail, and Calsius received it.

On or about December 22, 2003, respondent sent a second letter which contained a settlement offer to Charles Schaible of Cooley Godward, who was then representing Calsius. Respondent's settlement offer included the following terms:

The Dubays wish to make this settlement offer to Luke Calsius in order to avoid stressful and expensive litigation for all parties and tenants: He will move out of 30 Ord Court (both units) on a date certain (negotiable) and certain back rent will be waived (negotiable). He will have ample opportunity to find other housing without an eviction pending or judgment for eviction against him. The Dubays will also give Mr. Calsius written neutral reference letter to assist him in finding other housing and \$5,000.00 in cash for his troubles and moving expenses. The Dubays will also dismiss the pending case against Luke Calsius for declaratory relief and not expose his fraud upon the S.S.I. program, and his business operations at 30 Ord Court.

Respondent placed her December 22, 2003 letter in the United States Mail, and Schaible received it.

On or about December 24, 2003, respondent sent a letter which contained a settlement offer to Schaible and Oplinger of Cooley Godward. Respondent's settlement offer contained the following terms:

Here is our counteroffer (in supplement of our last settlement offer): Luke Calsius and Ronald De Pontes will move out of 30 Ord Court for \$10,000.00 within 60 days; it will be increased to \$11,000.00 if they both move out in 30 days. The Dubays will do what they can to encourage the District Attorney's Office to dismiss its case for the People. Luke Calsius and Ronald De Pontes will stay 25 yards away from the property at 30 Ord Court after they vacate. All rent will be waived from June 2003 through their vacancy date. The Dubays will give neutral letters of reference to future potential landlords, and there will be a mutual general release between the parties. The Dubays will refrain from reporting Luke Calsius to the government for S.S.I. Fraud.

Respondent placed her December 24, 2003 letter in the United States Mail, and said letter was received by Schaible and Oplinger.

Calsius and his attorneys did not accept respondent's settlement offers and the matter proceeded to trial. After the court trial and a series of appeals, Calsius was evicted from the



premises on or about June 20, 2004. Neither respondent nor the Dubays ever reported Calsius to the government for S.S.I. fraud.

### Conclusions of Law

By sending the letters dated September 15, 2003, and December 22 and 24, 2003, in which respondent offered, in settlement, that the Dubays would refrain from reporting Calsius to the government for SSI fraud and "not expose his fraud upon the S.S.I. program and his business operations at 30 Ord Court," respondent threatened to present criminal, administrative, or disciplinary charges to obtain an advantage in a civil suit, in wilful violation of rule 5-100(A) of the Rules of Professional Conduct.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was November 28, 2005.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 28, 2005, the estimated prosecution costs in this matter are approximately \$2,296.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

### **AUTHORITIES SUPPORTING DISCIPLINE.**

*Durbin v. State Bar* (1979) 23 Cal.3d 461

*Libarian v. State Bar* (1952) 38 Cal.2d 328

*Crane v. State Bar* (1981) 30 Cal.3d 117

*In the Matter of Rodriguez* (1993) 2 Cal. State Bar. Ct. Rptr. 480

### **AGGRAVATING CIRCUMSTANCES.**

Respondent's conduct harmed the administration of justice.

### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

Respondent's conduct in writing the letters became an issue at trial and at subsequent litigation between the parties.

### **MITIGATING CIRCUMSTANCES.**

Respondent has been cooperative throughout these proceedings.

Respondent was admitted to practice in 1991 and has no prior discipline.

### **FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

Respondent has been candid and cooperative in the State Bar investigation and proceedings in this matter.

### **ADDITIONAL MITIGATING CIRCUMSTANCES.**

#### **1. Background on the Lawsuit**

Without agreeing as to the merits of each of the issues, or the veracity of the testimony involved, the parties have agreed to provide this Court with additional information regarding the scope and nature of the dispute between the parties in the underlying litigation.

Respondent, on behalf of her clients, had successfully defended against a prior action that Calsius brought before the Residential Rent Stabilization and Arbitration Board. The matter was heard on August 26, 2003 and the Board issued a Decision on or about September 12, 2003. The decision, regarding Calsius's obligation to pay a \$50 per month rent for a parking space (which was still, at \$50 per month, below the going market rate) was favorable to respondent's clients.

In connection with the lawsuit, respondent, on behalf of the Dubays, presented testimony of the following: 1) that Calsius, during the course of the litigation, had assaulted and battered Dubai, causing him significant injury; 2) that after assaulting and battering Dubai, Calsius behaved in a threatening manner towards Mrs. Dubai, when she tried to serve Ronald De Pontes with process; 3) that Calsius used at least one of his apartments for business, not residential purposes, in violation of the terms of the lease; 4) that the business, which was purported to be a coffee import business, was a cover-up for dealing cocaine shipped in coffee, and in 1998 or 1999 one of the tenants observed him dealing cocaine, and another tenant observed high traffic in and out of the apartment at late hours; 5) that Calsius improperly tried to take on the role of master tenant and pay rent in his own name on behalf of other tenants and apartments in the

building; 6) that Calsius acquired a dog without his landlord's permission and fabricated a doctor's written recommendation that he get a pet companion; and 7) that Calsius was properly served with all pleadings necessary for an eviction (Three Day Notice to Pay Rent of Quit; Three Day Notice to Quit).

In rebuttal of the testimony, Calsius 1) denied assaulting and battering Dubai; 2) denied behaving in a threatening manner towards Mrs. Dubai; 3) denied cocaine use and indicated that his medical conditions, including HIV disabling status and prior treatment for cancer, would prevent him from using illegal drugs, and several tenants testified to no observation of drug activity in the building; 4) testified that he used to have, but no longer had, a legitimate coffee business and that he relocated it off the premises when Dubai asked him to; 5) that he was not trying to be a master tenant but lived with friends in a substitute family structure for gay men, and the men consolidated their incomes, had one checking account, and he paid the rent on behalf of all of them and had in fact tendered rent for each month; 6) that Dubai did not object to the dog when he obtained it; and 7) Calsius had tendered rent, but the Dubays did not accept it in the manner tendered (as more fully detailed in item 5).

Calsius further argued that Dubai sought to evict him due to discrimination against his HIV status and the fact that he was gay.

## 2. Respondent Felt Very Protective of Her Client.

Respondent became emotionally embroiled in the lawsuit because she believed that Calsius had assaulted and battered her elderly client, Dubai, and she was concerned for the safety and well being of her client, who was in his eighties and weighed 140 pounds. In addition, Dubai suffered from leukemia.

Whether or not an assault and battery occurred became an issue in the litigation between the parties.

On or about September 8, 2003, Dubai made a report to the police that he was assaulted and battered by Calsius. Inspector Lau of the San Francisco Police Department issued a Chronology of Investigation Report dated September 9, 2003 in which he reported that the left side of Dubai's face "was red, mottled, with red dots, and appeared swollen." The officer also saw a contusion and bruising in Dubai's right temple area, and a bleeding injury to Dubai's right arm. Dubai sought treatment at Kaiser for injuries he claims were sustained during the assault and battery. The medical notes included that Dubai's chief complaint was that he was assaulted by a tenant and "struck in head." The notes also reflected that Dubai had some swelling in the face. He was treated for lacerations, his skin wounds were cleaned and dressed, and he was given information on wound care and head injury.

The court ultimately found, as to the events of September 8, 2003, as follows<sup>1</sup>:

Luke [Calsius] put the items he was carrying down on the floor, and punched Harold [Dubay] in the left side of the face. The blow knocked Harold down. As Harold fell, he ripped skin off his right forearm on a stucco wall, creating a spectacular but not life threatening wound. A dazed Harold made his way to a telephone and called Joyce. ... The court is not persuaded that the encounter happened exactly as Harold described it, but the court finds by a preponderance of the evidence that Luke did punch Harold hard and knocked Harold down, causing a big bruise on Harold's face, the above mentioned damage to Harold's arm (which appeared to have healed as of the time of trial), and neurological damage which still manifests itself in double vision. The court further finds that no excuse or justification exists for Luke's battery on Harold.

On or about September 12, 2003, and again on October 22, 2003, Dubay sought and obtained protective orders against Calsius.

The District Attorney of San Francisco brought charges, in September 2003, against Calsius based upon Dubay's report to the police. On June 30, 2004, Calsius was charged by way of Criminal Information (Ct. No..2125933) with serious and violent felony charges of assault, battery, and great bodily harm to an elder person, in violation of sections 368(b)(1), 243(d), and 245(a)(1) of the California Penal Code.

The District Attorney also alleged various enhancements in connection with sections 12022.7(a), 1192.7(c), 12022.7(a), and 12022.7(c) of the California Penal Code, referring to Dubay's age of eighty years, inflicting great bodily injury, and alleging as serious felony.

The criminal proceedings were never resolved because Calsius subsequently committed suicide in August of 2004.

3. Respondent's Statement Regarding Her Conduct.

If respondent were called to testify, she would testify that she thought her conduct in writing the settlement offer letters was an acceptable "offer to refrain" that would benefit both parties, and she was unaware of the disciplinary implications; yet she acknowledges that she committed the acts in question. Respondent would also testify that at the time the letters were written she thought she could, in good faith, legitimately use the language included in those letters.

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<sup>1</sup> Statement of Decision, dated January 29, 2004, in the matter of *Dubay v. Calsius*, San Francisco County Superior Court case no. CUD-03-607814, Judge Wallace P. Douglass presiding.

(Do not write above this line.)

In the Matter of <b>KAREN UCHIYAMA</b>	Case Number(s): <b>04-0-12334</b>
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## NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

### Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

### RULE 133, Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

(5) a statement that Respondent either


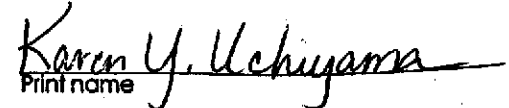
(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

(ii) pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:

(a) an acknowledgment that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and

(b) if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar Investigation of the matter. (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).



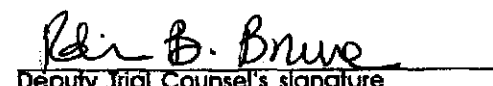
December 16, 2005    
Date Signature Print name

(Do not write above this line.)

In the Matter of  KAREN UCHIYAMA	Case number(s):  04-0-12334
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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.

<u>December 16, 2005</u> Date	 Respondent's signature	<u>KAREN UCHIYAMA</u> Print name
<u>December 16, 2005</u> Date	 Respondent's Counsel's signature	<u>BRIAN GETZ</u> Print name
<u>December 16, 2005</u> Date	 Deputy Trial Counsel's signature	<u>ROBIN B. BRUWE</u> Print name

(Do not write above this line.)

In the Matter of KAREN UCHIYAMA	Case number(s): 04-O-12334
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## ORDER

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

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All Hearing dates are vacated.

1. On page 3, section (C)(1), an "x" is inserted in front of the box indicating that respondent has no record of prior discipline.
2. On page 4, section (C)(7), an "x" is inserted in front of the box indicating that respondent acted in good faith.
3. On page 7, the second paragraph, the date must read September 30, 2003 instead of 3003.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

Dec. 20, 2005  
Date

Pat McElroy  
PAT McELROY  
Judge of the 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 San Francisco, on December 20, 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:

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

**BRIAN H. GETZ  
LAW OFFICE BRIAN H GETZ  
44 MONTGOMERY ST STE 3850  
SAN FRANCISCO CA 94104-4823**

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

**ROBIN BRUNE, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **December 20, 2005.**



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**Bernadette C. O. Molina**  
Case Administrator  
State Bar Court