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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Hugh G. Radigan Deputy Trial Counsel 1149 South Hill Street Los Angeles, Ca. 90015 Bar # 94251	Case Number (s) 04-O-13344 RAH	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.5em;">AUG 28 2009 </div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
Counsel For Respondent David A. Clare 444 West Ocean Blvd. Suite 800 Long Beach, Ca. 90802 Bar # 44971	PUBLIC MATTER	
In the Matter Of: Rickey Brian Oxman Bar # 72172 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 22, 1976**
- (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 consists of 14 pages, not including the order.
- (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."

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- (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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **in two billing cycles following the effective date of the State Bar Court order.**
(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 **96-D-06475**
 - (b) Date prior discipline effective **February 28, 1998**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code section 6068(i) and Rules of Professional Conduct, rule 3-110(A)**
 - (d) Degree of prior discipline **Private Reprimand**
 - (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. **Respondent failed to promptly dismiss a civil rights action once it was apparent that he could not prove the allegations. This moment in time occurred after Dr. Shatz testified on January 15, 2003, in the divorce matter and denied Respondent's version of their phone conversation, namely, that Fuchs had threatened him in the divorce case.**
- (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

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- (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.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **two 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

(1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) 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.

(3) 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.

(4) 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

(5) 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,

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in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

- (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) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended Reason: .
- (2) **Other Conditions:**

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Attachment language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Rickey Brian Oxman

CASE NUMBER(S): ET AL. 04-O-13344 RAH

FACTS AND CONCLUSIONS OF LAW.

Respondent admits the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

1) On September 29, 1997, Raquel Larson ("Raquel") filed a Petition for Dissolution of Marriage in Los Angeles Superior Court entitled, *Raquel Larson v. Christopher Larson*, Case Number BD267034 (the "dissolution matter"). At all times herein mentioned, Christopher Larson ("Christopher") was represented by John R. Fuchs ("Fuchs").

2) In October 1998, the Judgment of Dissolution became final with financial issues reserved for trial. Raquel changed her name to Raquel Axelrod at that time.

3) In August 2002, Respondent became counsel of record for Raquel at the request of her then attorney, Emanuel Barling, who had become ill. Mr. Barling was a friend of Respondent's and, inter alia, warned Respondent to be cautious in dealing with opposing counsel, Fuchs, since Barling did not trust Fuchs.

4) On December 9, 2002, Respondent had a subpoena served on Dr. Marc Shatz, a marriage counselor who had met with Raquel and Christopher some years earlier as they attempted to resolve their differences, to appear at the trial of the financial issues in the dissolution matter on December 10, 2002 on behalf of Raquel. Up until December 9, 2002, Respondent was of the opinion that Dr. Shatz would voluntarily appear and testify without need for a subpoena to be served. It was during a phone conversation with Dr. Shatz that same day that Respondent formed the opinion Dr. Shatz had been intimidated and tampered with as a potential witness.

5) On December 10, 2002, the initial day of the trial of the financial issues in the dissolution matter, Dr. Shatz did not appear. The trial judge proposed issuing a bench warrant to obtain Dr. Shatz's appearance, issued the bench warrant, and pursuant to Respondent's agreement, held it. The trial judge continued the trial to January 21, 2003, on the Court's own motion due to calendar congestion.

6) On December 27, 2002, Respondent filed a verified Complaint for Violation of Civil Rights in the United States District Court of the Central District of California entitled, *Raquel Axelrod v. John Fuchs and Christopher Larson*, Case Number CV 02-9879 GAF (the "civil rights matter"). The complaint alleged that Fuchs threatened Dr. Shatz the night before the initial trial date of the dissolution matter with disciplinary action before the Board of Medical Quality Assurance, revocation of his license and harassment through the legal system if he appeared at trial and testified regarding events that had occurred between Raquel and Christopher in his presence. Respondent alleged that the alleged obstruction of justice by Christopher's counsel was an aspect of a conspiracy between Fuchs and Christopher whose object was to deprive Raquel of equal protection of the laws because of her gender.

7) Respondent did not have evidence of the allegations he made in the civil rights complaint, other than the testimony of Stephen Diastso, Maureen Jaroscak, and his client, her new husband, Jeff Simon, and Emanuel Barling, who he immediately notified, or beyond his own recollection of his conversation with Dr. Shatz, although Respondent believed that the allegations he made in the civil rights complaint were true.

8) On January 15, 2003, Michael Kosloff, Dr. Shatz's attorney informed Fuchs that he had already advised Respondent "of certain erroneous allegations pertaining to Dr. Shatz that were contained in the lawsuit".

9) The trial of the financial matters in the dissolution matter took place on or about January 21, 2003 through on or about February 14, 2003.

10) On January 21, 2003, Dr. Shatz testified under oath in the trial in the dissolution matter. Dr. Shatz's testimony denied that he had been threatened by Fuchs as Respondent had alleged in the civil rights action. Despite this testimony, and despite the fact that this testimony made the further prosecution of the civil rights case fruitless due to lack of proof, Respondent still continued to prosecute that action.

11) On January 21, 2003, Fuchs brought a Motion to Dismiss Entire Action in the civil rights matter to be heard on March 5, 2003.

12) On March 5, 2003 at the hearing on Fuchs' Motion to Dismiss, the Court denied Fuchs' Motion to Dismiss, but granted the motion with respect to the second and third claims and dismissed

them without prejudice. The Court granted Respondent leave to March 21, 2003 to amend the complaint. Although the Court denied Fuchs' Motion to Dismiss with respect to the first claim, the Court warned Respondent of his obligations under Rule 11 and its reservations regarding the motivations for the lawsuit. Respondent was present at the hearing and received proper notice of the Court's ruling.

13) On March 24, 2003, Respondent filed the First Amended Complaint in the civil rights matter, renewing the allegations of the initial civil rights complaint and alleging recent overt acts. Respondent did not make any further inquiry of Dr. Shatz, Fuchs or Christopher with respect to the allegations made in the First Amended Complaint nor did he have any independent evidence of the allegations made other than his recollection of his conversation with Dr. Shatz.

14) On April 8, 2003, Fuchs filed a Motion to Dismiss the First Amended Complaint.

15) On April 11, 2003, the Federal Court issued Civil Minutes in the civil rights matter. The Court vacated the hearing on the Motion to Dismiss and ordered: (1) as both counsel - Fuchs and Respondent - were material witnesses to the central events in this case, they could not remain as counsel of record in this case. The parties were ordered to retain new counsel no later than April 30, 2003, and to submit appropriate substitution of counsel forms to the Court; (2) Between May 1 and May 30, 2003, the parties were to conduct depositions of the following witnesses: Fuchs, Respondent, Dr. Shatz and Raquel; and (3) No later than June 9, 2003, defendants could renew their present motion as a Rule 56 Motion. The Court warned both parties that Rule 11 of the Federal Rules of Civil Procedure gives the Court substantial powers to sanction those who engage in bad faith litigation and that the parties may wish to contemplate that prospect as they choose their future course of conduct in this case. The Court properly served Respondent with the April 11, 2003 Court Orders.

16) On April 17, 2003, Fuchs noticed Respondent's deposition on May 9, 2003, pursuant to the Court's Order. Fuchs did not serve a subpoena on Respondent who was a non-party to the action.

17) On April 23, 2003, a Substitution of Attorney was filed in the civil rights matter substituting Fuchs out as counsel of record for Christopher Larson and substituting in Gail S. Gilgillan and Illyssa I. Fogel as counsel of record for Christopher Larson and Fuchs.

18) On May 27, 2003, Respondent's law-partner filed a Dismissal without prejudice on behalf of plaintiff of the civil rights matter.

19) On October 27, 2003, Fuchs filed a Motion for Rule 11 Sanctions in the civil rights matter. On November 17, 2003, Respondent filed an Opposition to Fuchs' Motion. On December 1, 2003, the hearing on Fuchs' Motion for Rule 11 Sanctions was held. All parties appeared. The Court took the matter under submission.

20) On April 8, 2004, the Court issued its Order regarding Fuchs' Motion for Rule 11 Sanctions. The Court granted Fuchs' Motion and imposed monetary sanctions pursuant to Rule 11 in the amount of \$39,535.64 against Respondent and Raquel, comprised of \$29,535.64 of attorney's fees payable to defendant Christopher, and a \$10,000 penalty payable to the Court. Respondent and Raquel were ordered to pay these sums within ten days of receipt of the order.

21) On April 12, 2004, Fuchs properly served Respondent at his State Bar membership records address with the Notice of Entry of Order Awarding Sanctions and Memorandum and Order Re Defendants' Motion for Rule 11 Sanctions Against Plaintiff and her Counsel Brian OXMAN. Respondent received the Notice.

22) Respondent was properly served with a copy of the Court's Civil Minutes of April 11, 2003. At no time did Respondent file a Substitution of Attorney with the Federal Court as ordered by the Court in the Civil Minutes of April 11, 2003.

23) Since the imposition of judicial sanctions against him, Respondent has had knowledge of the sanction order in the civil rights matter.

24) On May 11, 2004, Respondent filed a Notice of Appeal of the federal Court's Order of April 8, 2004 with the United States Court of Appeals for the Ninth Circuit, Docket Number 04-55867.

25) On April 8, 2005, the United States Court of Appeals for the Ninth Circuit dismissed Respondent's appeal for failure to file an opening brief and exhibits by the due date of February 25, 2005.

26) Respondent and his client failed to pay the sanctions ordered by the federal Court in its order of April 8, 2004 to either Christopher or the Court in timely fashion.

CONCLUSIONS OF LAW

The parties stipulate that the facts and circumstances surrounding Respondent's failure to appreciate the futility of continuing the maintenance of the civil rights action after Dr. Shatz had testified in the underlying divorce action that he had neither been tampered with nor intimidated prior to his scheduled trial testimony by either named defendant in the civil rights action, Fuchs or Larson, and his refusal to immediately thereafter to voluntarily dismiss the civil rights action, constituted a wilful violation of Business and Professions Code section 6068(c).

The parties further stipulate that the facts and circumstances surrounding Respondent's failure to timely comply with the District Court's order assessing sanctions against Respondent and his client by failing to pay the award in timely fashion, constituted a wilful violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A.(7), was December 31, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 23, 2008, the prosecution costs in this matter are \$11,867.10. 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.

Standard 1.7(b) provides that where a member has a record of one prior imposition of discipline, the degree of discipline to be imposed in the present matter shall be greater than that imposed in the prior proceeding unless the prior was remote in time and the offense minimal in severity. Standards 2.6(a) and 2.6(b) provide for disbarment or suspension depending upon the gravity of the offense or harm to the victim for violation of sections 6068 and 6103 of the Business and Professions Code.

In *Sorenson v. State Bar* (1991) 52 Cal. 3rd 1036, Respondent was found culpable of violating sections 6068 (c) and (g) of the Business and Professions Code as a result of initiating a fraud cause of action against a court reporter who had earlier secured a small claims judgment against the Respondent's associate arising out of a fee dispute over a deposition transcript. The Court found that Respondent was motivated by spite and vindictiveness and that he had available less drastic remedies to address the alleged grievance. The court reporter incurred approximately \$4,800.00 in attorneys fees and costs defending the matter. Respondent received a thirty day actual suspension, one year stayed suspension and two years probation.

In *In the Matter of Katz* (Review Dept. 1995) 3 Cal. State Bar Court Rptr. 430, Respondent filed a corporate Chapter 11 Bankruptcy petition when he knew the client was insolvent and lacking reasonable prospects for rehabilitation with the ulterior objective of forestalling a foreclosure of properties recently deeded to the corporation. The court found this conduct an abuse of the Bankruptcy filing process and also noted Respondent had willfully failed to comply with a court order to produce documents in discovery resulting in a wilful violation of

Business and Professions Code sections 6068(c) and 6103. Respondent's discipline was a two year actual suspension, five year stayed suspension and probation. In aggravation, Respondent exhibited indifference to rectification and the consequences of his misconduct and asserted he was less culpable due to the fact that he was zealously protecting his client's interests.

In imposing discipline, the court should consider the appropriate discipline in light of the standards, but in so doing the court may consider any ground that may form a basis for an exception to application of the standards. *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980. Inasmuch as the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. *Bates v. State Bar* (1990) 51 Cal. 3rd 1056, 1061.

The disposition herein allows for a deviation from the strict application of the standards since a suspension with actual time would constitute too harsh a result and would be punitive in nature. Respondent's misconduct in maintaining the civil rights action where the prospects of success were decidedly remote subsequent to Dr. Shatz's testimony that he had neither been tampered with or intimidated by the named defendants in the civil rights action, coupled with Respondent's failure to timely satisfy and comply with the courts sanction order, warrants the discipline herein of a two year suspension stayed and a two year probation. The discipline is both warranted and adequately serves to protect the public, courts and legal profession.

OTHER CIRCUMSTANCES BEARING ON DISPOSITION

The highly charged and emotional nature of the conduct of the underlying dissolution litigation unfortunately spilled over and clouded both Respondent's objectivity and judgment with respect to the continued maintenance of the civil rights action. Respondent having now realized that the continued maintenance of the civil rights action was both imprudent and futile subsequent to Dr. Shatz' trial testimony, is a significant factor in determining the discipline herein.

AGGRAVATING CIRCUMSTANCE

PRIOR DISCIPLINE.

On February 12, 1998, a Stipulation re Facts, Conclusions of Law and Disposition and Order Approving private reproof was filed with the State Bar Court in case number 96-O-06475. The private reproof arose from Respondent's mailing of a declaration for execution by an attorney to the wrong address, and thereafter filing the executed declaration without confirming that the intended declarant had in fact received and executed the declaration. Additionally, Respondent failed to cooperate with The State Bar in the investigation of this same matter.

Respondent stipulated to culpability of a failure to cooperate.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Respondent's record of one prior discipline and the demonstrated pattern of misconduct evidenced by the continued maintenance of the civil rights action after it became clear that to do so was futile, is clear evidence of an aggravating circumstance. Likewise, the significant harm

visited upon the defendants in the civil rights action, including the consumption of time, effort and incurring of significant attorneys fees, as well as the waste of judicial resources experienced by the continued maintenance of the civil rights action, constitute aggravating circumstances.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

Oxman-stip.attachment#115538

Aug. 2, 2009 P. Brian Oxman

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In the Matter of Rickey Brian Oxman	Case number(s): 04-0-13344 RAH
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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 Fact, Conclusions of Law and Disposition.

Aug 3, 2009 

Date

8/3/09

Date

Respondent's Signature

Rickey Brian Oxman

Print Name



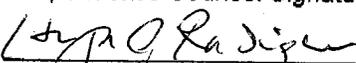
Respondent's Counsel Signature

David A. Clare

Print Name

August 7 '09

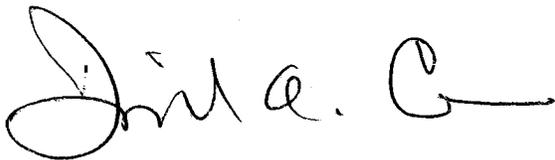
Date



Deputy Trial Counsel's Signature

Hugh G. Radigan

Print Name

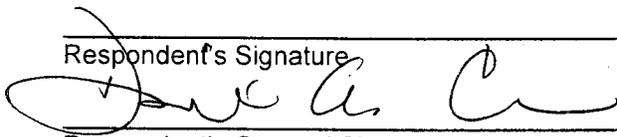
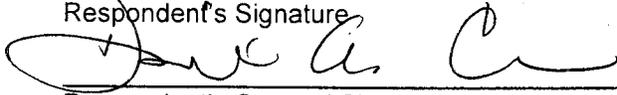
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In the Matter of Rickey Brian Oxman	Case number(s): 04-O-13344 RAH
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SIGNATURE OF THE PARTIES

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 Fact, Conclusions of Law and Disposition.

_____ Date 8/3/09	 _____ Respondent's Signature	_____ Rickey Brian Oxman Print Name
_____ Date	 _____ Respondent's Counsel Signature	_____ David A. Clare Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	_____ Hugh G. Radigan Print Name

(Do not write above this line.)

In the Matter Of
Rickey Brian Oxman

Case Number(s):
04-O-13344 RAH

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 9.18(a), California Rules of Court.)**

Date

8/27/09

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 Los Angeles, on August 28, 2009, 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 Los Angeles, California, addressed as follows:

DAVID ALAN CLARE
DAVID A CLARE, ATTORNEY AT LAW
444 W OCEAN BLVD STE 800
LONG BEACH, CA 90802

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:

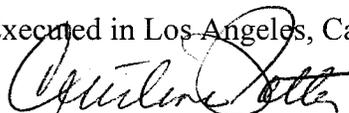
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

Hugh Gerard Radigan, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 28, 2009.



Cristina Potter
Case Administrator
State Bar Court