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State Bar Court of California Hearing Department		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar DAVID T. SAUBER Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 176554 Tel: (213) 765-1252	Case Number (s) 04-O-14460; 05-O-00338; 05-O-02930; 05-O-04032; 06-O-12321	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">LODGED</div> <div style="text-align: center;">JAN 22 2008 <i>JK</i></div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
DALE R. McBRIDE Post Office Box 1301 Glendora, California 91740 Bar # 113913 Tel: (626) 675-0236	Submitted to: Program Judge	<div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;">JUL -2 2010 <i>JK</i></div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
In the Matter Of: DALE ROBERT McBRIDE Bar # 113913 A Member of the State Bar of California (Respondent)	<div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <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 June 8, 1984
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (19) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:

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

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

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

- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

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

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

- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.

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- (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:

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **DALE ROBERT McBRIDE**

MEMBER # **113913**

CASE NUMBER(s): **04-O-14460; 05-O-00338; 05-O-02930; 05-O-04032;
06-O-12321**

FACTS AND CONCLUSIONS OF LAW:

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

Facts for Case No. 04-O-14460:

1. In or about August 2001, Priscilla Baray hired Respondent to pursue a personal injury case.
2. On or about August 29, 2002, Respondent filed a personal injury lawsuit ("lawsuit") on behalf of Baray.
3. In or about January 2003, Respondent was served with requests for discovery responses. Respondent did not respond to the requests. Consequently, in or about March 2003, Respondent was served with a motion to compel responses to certain discovery requests by opposing counsel, Lori Levin-Borcover ("Borcover").
4. On or about April 22, 2003, Borcover served Respondent with written notice requiring Baray's appearance at a deposition scheduled for May 22, 2003. Respondent and Baray did not appear at the deposition on May 22, 2003. Respondent did not respond to the deposition notice in any other manner.
5. On or about June 27, 2003, the court ordered that a mediation be held by September 27, 2003, and that a post-mediation status conference be set for September 29, 2003. Respondent was duly served with and received the order. Between approximately June 2003 and January 2004, inclusive, Borcover repeatedly contacted Respondent to schedule the mediation as ordered by the court, and specifically requested that Respondent contact the mediator and schedule a date for mediation. Respondent did not reply to any of Borcover's requests.
6. In or about July 2003, Respondent was served with a notice of deposition requiring Baray's attendance at a deposition scheduled for August 21, 2003. On or about August 20, 2003, Borcover telephoned Respondent and left a message asking Respondent to call back to confirm the deposition; Respondent did not return the call. On or about August 21, 2003, neither Respondent nor Baray appeared for the scheduled deposition, and had not replied to the deposition notice in any manner.

7. In or about August 2003, Respondent was served with a notice of deposition requiring Baray's attendance at the deposition scheduled for September 10, 2003. When Respondent and Baray did not appear on September 10, 2003, Respondent was served with another notice of Baray's deposition scheduled for October 1, 2003. Respondent and Baray did not appear on October 1, 2003.

8. In or about August 2003, Borcover filed a motion to compel Baray's deposition. The hearing on the motion was set for October 8, 2003. Respondent was served with and had notice of the motion and notice of hearing.

9. On or about September 29, 2003, Respondent did not appear at the post-mediation status conference. Consequently, the court issued an order to show cause ("OSC") why sanctions should not be issued and why the case should not be dismissed. The hearing on the OSC was set for October 8, 2003. Respondent was served with and had notice of the OSC and the notice of the hearing.

10. On or about October 8, 2003, Respondent and Baray did not appear at the OSC hearing. Sanctions were imposed against Respondent, ordering him to pay \$250 to the court and \$250 to Borcover. The court also issued an order to show cause why the case should not be dismissed; the hearing therefor was scheduled for October 29, 2003. Respondent was duly served with and received notice of the October 29, 2003 hearing.

11. On or about October 8, 2003, the court issued an order compelling Baray's deposition within 15 days. The court further ordered Baray and Respondent, jointly and severally to pay sanctions in the amount of \$520 to Borcover within 30 days.

12. On or about October 29, 2003, Respondent appeared at the OSC hearing, at which time Baray was ordered to appear for a deposition on November 15, 2003. Respondent did not inform Baray until November 13, 2004, of the court-ordered deposition.

13. On or about November 15, 2003, Baray appeared for her deposition. After Baray refused to respond to questions relating to basic or background information, Borcover filed a motion to dismiss the lawsuit, inter alia, for failure to comply with the October 8, 2003 court order. Respondent filed an opposition to the motion on or about January 6, 2004.

14. On or about November 15, 2003, when she appeared for her deposition at Borcover's office, Baray learned through opposing counsel that court sanctions had been imposed in her case.

15. On or about January 8, 2004, after a hearing on the motion to dismiss, the court ordered Baray to appear and testify at her deposition in the courthouse on or about January 13, 2004.

16. On or about January 13, 2004, Baray and Respondent appeared at the courthouse for Baray's deposition. Prior to the conclusion of the deposition, Respondent and Baray left the courthouse. Respondent knew that the deposition had not concluded. Consequently, Respondent was served with notice of continuation of Baray's deposition scheduled for January 21, 2004.

17. On or about January 21, 2004, Respondent appeared in court without Baray. Respondent informed the court that he did not notify Baray of the date and time of her continued deposition. Consequently, Baray's deposition was continued to January 26, 2004. The court also issued an order to show cause why terminating sanctions should not be imposed. The hearing on the OSC was also set for January 26, 2004.

18. On or about January 26, 2004, Respondent and Baray carpooled to the courthouse, with Baray driving. When they arrived at the courthouse, Respondent proceeded into the courthouse while Baray looked for a parking space. Baray experienced further delays at the security checkpoint. By the time she reached the courtroom, Baray's case had already been called and heard, and the court had already imposed terminating sanctions and dismissed the lawsuit in its entirety, with prejudice, for failure to prosecute. Respondent informed Baray that her case was dismissed because she was late for her deposition.

19. On or about January 26, 2004, Respondent informed Baray that he would file a motion to set aside the dismissal. At no time did Respondent file such a motion.

20. Respondent did not inform Baray about the deposition noticed for January 21, 2004.

21. On or about June 11, 2004, Baray informed Respondent that she was consulting with another attorney, Paul Stabile ("Stabile"). Baray asked Respondent to release her client file to Stabile.

22. On or about June 11, 2004, Respondent informed Baray that he would file a motion to set aside the dismissal by the deadline date of July 26, 2004.

23. On or about July 24, 2004, Respondent informed Baray that he had filed the motion to set aside the dismissal on her behalf. Respondent further informed Baray that a court hearing was scheduled on the matter in September 2004.

24. In or about September 2004, Baray telephoned the court and learned that a motion to set aside the dismissal had not been filed with the court, and that there was no hearing set in the matter.

25. On or about September 13, 2004, Baray left a telephone message asking Respondent to call her back to discuss her case. Respondent did not return the call and did not otherwise reply.

26. On or about October 22, 2004, Baray sent Respondent a letter, by facsimile, requesting that Respondent mail her file by certified mail to Stabile.

27. As of March 18, 2005, Respondent had not released the client file to Baray or Stabile.

28. Between approximately November 2003 and March 2005, Baray repeatedly asked Respondent for copies of court orders ("requested court orders") wherein sanctions were imposed in her lawsuit.

29. At no time did Respondent provide Baray with the requested court orders.

Conclusions of Law for Case No. 04-O-14460:

30. By not timely responding to discovery requests, by not appearing in at least four of his client's depositions or otherwise replying to the four notices of depositions, by ignoring all of opposing counsel's repeated attempts to schedule a court-ordered mediation or otherwise participating in a court-ordered mediation, by not appearing at the post-mediation status conference on or about September 29, 2003, by not appearing at the OSC hearing on or about October 8, 2003, and by not filing a motion to set aside the dismissal, Respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

31. By not informing Baray about the deposition scheduled for January 21, 2004, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent agreed to provide legal services in wilful violation of Business and Professions Code, section 6068(m).

32. By not providing Baray with the requested court orders, Respondent failed to comply with reasonable requests for information and copies of significant documents which were necessary to keep the client informed in wilful violation of Rules of Professional Conduct, rule 3-500.

33. By misrepresenting to his client that he had filed a motion to set aside the dismissal on her behalf, and that a hearing is scheduled in her matter, Respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

34. By not complying with Baray's requests to send her client file to her or Stable after his employment ended, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Facts for Case No. 05-O-00338:

35. In or about July 2001, Bartholomew Bartoli and Terry Bartoli (collectively "Bartolis") hired Respondent to represent them in a personal injury matter arising out of an automobile accident that occurred on or about August 13, 2000.

36. On or about August 13, 2001, Respondent filed a complaint for damages in Los Angeles Superior Court, Case Number 01C02773, entitled, *Bartholomew Bartoli and Terry Bartoli vs. Theresa Diaz* ("Bartoli lawsuit").

37. On or about April 9, 2003, a status conference with the court was held in the Bartoli lawsuit. Respondent had received due notice of the status conference. Respondent and the Bartolis did not appear at the status conference or otherwise reply to the notice of the status conference.

38. On or about April 9, 2003, the court issued an order to show cause ("OSC") why the lawsuit should not be dismissed, and scheduled a hearing thereon for April 23, 2003. Respondent was served due notice of the OSC hearing.

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39. On or about April 23, 2003, the OSC hearing was held. Respondent and the Bartolis did not appear or otherwise reply to the notice of the OSC hearing. As a result, the court dismissed the Bartoli lawsuit, with prejudice.

40. On or about April 23, 2004, the Bartolis, through their new attorney, April Verlato, Esq., filed a legal malpractice lawsuit against Respondent in Los Angeles Superior Court.

41. Respondent did not file a response in the malpractice lawsuit. On or about August 10, 2004, an order of default was entered. On or about January 7, 2005, a judgment ("judgment") against Respondent was entered, in the amounts of \$14,365 in favor of Bartholomew Bartoli and \$14,845 in favor of Terry Bartoli.

42. Respondent was duly served with and received the notice of judgment and all other court orders in the lawsuit.

43. Respondent did not report to the State Bar the entry of the judgment.

Conclusions of Law for Case No. 05-O-00338:

44. By not appearing at the status conference on or about April 9, 2003, and by not appearing at the OSC hearing on or about April 23, 2003, Respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

45. By not reporting the judgment to the State Bar of California at any time, although he had been duly served with and received notice of the judgment in or about January 2005, Respondent did not report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the entry of judgment against him in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity in wilful violation of Business and Professions Code, section 6068(o)(2).

Facts for Case No. 05-O-04032:

46. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

47. In or about February 2001, Maria Zedan ("Zedan") hired Respondent to represent her in a personal injury claim arising out of a slip-and-fall incident that occurred on or about January 28, 2001 on a public sidewalk.

48. On or about July 17, 2001, Respondent filed a claim with the City of Los Angeles. The claim was rejected on or about August 9, 2001, because it was filed against the wrong entity. Respondent should have filed an administrative claim against the State of California.

49. On or about August 14, 2001, Respondent filed a claim against the State of California through the California Victims Compensation and Government Claims Board (VCGCB).

50. On or about August 29, 2001, VCGCB rejected the claim because it was not filed within the statutory filing period, i.e., six months after the incident.

51. When VCGCB rejected Zedan's claim on or about August 29, 2001, Respondent was advised that Zedan's only recourse at that time was to "apply without delay to the State Board of Control for leave to present a late claim Please return your written response and a copy of this notice to the Board [w]e must receive a written response to this notice before we can process your claim further."

52. Respondent took no action on behalf of Zedan between approximately August 29, 2001 and December 27, 2002.

53. On or about December 27, 2002, Respondent filed a petition with the State Board of Control for leave to file a late claim. The petition was not granted.

54. As a result of Respondent's actions, Zedan lost her rights to pursue her personal injury claims.

55. Respondent did not notify Zedan that her claim with the City of Los Angeles was rejected.

56. Respondent did not inform Zedan that he filed a claim with VCGCB.

57. Respondent did not notify Zedan that VCGCB rejected her claim.

Conclusions of Law for Case No. 05-O-04032:

58. By not filing Zedan's claim with the appropriate entity within the statutory time limit, and by not filing a petition for late filing for approximately 16 months after learning the need to file such a petition, Respondent recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

59. By not notifying Zedan that her initial claim with the City of Los Angeles was rejected, that a subsequent claim was filed with VCGCB, and that VCGCB rejected the claim, Respondent failed to keep his client reasonably informed of significant developments in matters with regard to which he had agreed to provide legal services in wilful violation of Business and Professions Code, section 6068(m).

Facts for Case Nos. 04-O-14460 & 05-O-04032:

Case no. 04-O-14460

60. On or about September 16, 2004, the State Bar opened an investigation, case no. 04-O-14460, pursuant to a complaint filed by Priscilla Baray ("Baray matter").

61. On or about November 2, 2004, State Bar Investigator Rosalie Melissa sent a letter to Respondent informing him of the allegations against him in the Baray matter, and requesting a written response to the allegations by November 16, 2004.

62. On or about November 15, 2004, Respondent sent a letter to the State Bar acknowledging receipt of Investigator Melissa's letter dated November 2, 2004, and indicating that he would submit his substantive response to the allegations in the Baray matter by November 30, 2004.

63. To date, Respondent has not provided a substantive response to Investigator Melissa's letter, and he has not submitted any written substantive response to the allegations in the Baray matter.

Case no. 05-O-04032

64. On or about August 26, 2005, the State Bar opened an investigation, case no. 05-O-04032, pursuant to a complaint filed by Maria Zedan ("Zedan matter").

65. On or about September 29, 2005, State Bar Investigator Rosalie Melissa sent a letter to Respondent informing him of the allegations against him in the Zedan matter. On or about October 19, 2005, Investigator Melissa sent another letter to Respondent regarding the Zedan matter.

66. Each of Investigator Melissa's letters, dated September 29, 2005 and October 19, 2005, requested that Respondent respond in writing, by a certain date, to specified allegations of misconduct being investigated by the State Bar in the Zedan matter.

67. Respondent received Investigator Melissa's letters dated September 29, 2005 and October 19, 2005.

68. To date, Respondent has not responded to Investigator Melissa's letters, he has not provided a written response to the allegations in the Zedan matter, and he has not otherwise communicated with the investigator.

Conclusion of Law for Case No. 04-O-14460 & 05-O-04032:

69. By not providing a substantive response to at least three letters from the State Bar investigator in two disciplinary matters; by not providing a response to the allegations in the Baray matter and in the Zedan matter; and by not otherwise cooperating in any of the investigations, Respondent failed to cooperate in a disciplinary investigation, in wilful violation of Business and Professions Code section 6068(i)

Facts for Case No. 05-O-02930:

70. In or about July 2001, Dominique Brown ("Brown") employed Respondent to represent him in a personal injury claim arising out of an automobile accident that occurred on or about July 12, 2001.

71. In or about July 2001, Respondent submitted an insurance claim to Allstate Insurance Company ("Allstate") for Brown's personal injury damages.

72. On or about April 3, 2002, Respondent submitted the medical reports and bills related to Brown's personal injury claim (including but not limited to reports and bills from Fred F. Hafezi, M.D., Whittier/Anaheim Physical Therapy Center, Scientific Thermo Center, and Upscale Medical, Inc.) to Allstate.

73. On or about April 3, 2002, Respondent made a settlement demand to Allstate.
74. On or about April 23, 2002, Respondent settled Brown's personal injury claim with Allstate in the amount of \$15,000.
75. On or about April 29, 2002, Respondent and Brown executed the pertinent settlement documents, and sent them to Allstate.
76. On or about May 1, 2002, Allstate issued its check no. 90419877, in the amount of \$15,000, payable to "Dale McBride Attorney at Law and His Client Dominique Brown" ("settlement check"). Allstate sent the settlement check to Respondent.
77. On or about May 6, 2002, Respondent deposited the settlement check into his client trust account at Bank of America, Account no. 16645-10244 ("Respondent's CTA").
78. On or about May 6, 2002, Respondent paid Brown approximately \$5000, as his one-third share of the settlement proceeds. Respondent also took his one-third share, in the amount of \$5000, as his attorney's fees.
79. On or about May 6, 2002, Respondent told Brown that the remainder of the settlement proceeds, which amounted to approximately \$5000, would be used to pay Brown's medical bills. Respondent also told Brown that he would negotiate a reduction of his medical bills, including the bills from Fred F. Hafezi, M.D., Whittier/Anaheim Physical Therapy Center, Scientific Thermo Center, and Upscale Medical, Inc.
80. After May 2002, Brown had no contact with Respondent or anyone from Respondent's office for approximately two years.
81. Between approximately May 2002 and August 2003, Respondent did not disburse any portion of the remaining settlement proceeds. At no time between approximately May 2002 and August 2003 did Respondent inform Brown that the medical bills had not been paid.
82. In approximately 2003, Upscale Medical, Inc. referred its unpaid bill, in the amount of \$1,650, to a collection agency, E.R.S. Financial Services, Inc. Thereafter, E.R.S. Financial Services, Inc. sent several collection notices to Respondent demanding payment on behalf of Upscale Medical, Inc.
83. On or about August 25, 2003, Respondent paid \$1000 to E.R.S. Financial Services, Inc., in the form of check no. 3653 drawn from his CTA, in an attempt to satisfy Upscale Medical's medical lien. The check was presented and paid on or about September 11, 2003.
84. In or about late 2004, Brown received a demand for payment from Dr. Hafezi's medical office. Thereafter, Brown promptly telephoned Respondent to inquire about Dr. Hafezi's bill and the status of the settlement proceeds; Respondent told Brown that Dr. Hafezi's bill had already been paid with Brown's settlement proceeds. Brown asked Respondent for a copy of the purported payment to Dr. Hafazi. At no time thereafter did Respondent provide to Brown a copy of his purported payment to Dr. Hafazi.

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85. Between approximately mid-2004 and early 2005, Brown repeatedly telephoned Respondent and inquired about the status of payment of his medical bills. Each time, Respondent told Brown he would take care of the bills.

86. In or about early 2005, Dr. Hafazi's bill was referred to a collection agency. The collection agency, in turn, contacted Brown and informed Brown that Respondent had not paid any portion of Dr. Hafazi's bill, and that their efforts to contact Respondent had been futile.

87. Between approximately April 2005 and June 2005, inclusive, Brown telephoned Respondent approximately two to three times each week for a duration of about five weeks. Each time, Brown left messages asking about the status of his medical bills, and asking Respondent to call him back. Respondent did not return any of these calls, or otherwise provide Brown with the status of his medical bills.

88. In or about June 2005, Brown filed a complaint with the State Bar of California.

89. At no time did Respondent negotiate a reduction of the medical bill from Fred F. Hafezi, M.D.

90. At no time did Respondent pay any portion of the medical bill from Fred F. Hafezi, M.D.

91. At no time did Respondent attempt to negotiate a reduction of the medical bill from Whittier/Anaheim Physical Therapy Center.

92. At no time did Respondent pay any portion of the medical bill from Whittier/Anaheim Physical Therapy Center.

93. At no time did Respondent attempt to negotiate a reduction of the medical bill from Scientific Thermo Center.

94. At no time did Respondent pay any portion of the medical bill from Scientific Thermo Center.

95. To date, Respondent has not provided an accounting of the undisbursed remainder of the settlement proceeds which amounts to approximately \$4000.

96. At no time did Respondent inform Brown that he did not follow through on his promise to negotiate a reduction of any of his medical bills.

97. At no time did Respondent inform Brown that he did not pay any of the medical bills prior to August 2003.

98. By telling Brown that he had paid Dr. Hafezi's bill when he had not paid any portion of the bill at any pertinent time, Respondent misrepresented a material fact to his client.

99. On about May 6, 2002, Respondent was required to maintain \$5,000 of Brown's settlement money in Respondent's CTA.

100. The balance in Respondent's CTA dipped below \$5,000 on the following dates:

Date	CTA Balance
November 26, 2002	\$1,333.59
December 3, 2002	\$1,119.09

101. As stated above (see ¶83) on August 25, 2003, Respondent disbursed \$1000 from his CTA to E.R.S. Financial Services, Inc. on Brown's behalf. From August 25, 2003, to the present, Respondent was required to maintain \$4,000 of Brown's settlement money in his CTA.

102. The balance in Respondent's CTA dipped below \$4,000 on the following dates:

Date	CTA Balance
December 13, 2004	\$456.39
July 26, 2005	\$69.31
November 1, 2005	\$0.92

103. On or about June 10, 2005, the State Bar opened an investigation, case no. 05-O-02930, pursuant to a complaint filed by Dominique Brown ("Brown matter").

104. On or about August 19, 2005, a State Bar Investigator sent a letter to Respondent informing him of the allegations against him in the Brown matter, and requesting a written response to the allegations, including certain supporting documentation. Respondent received the letter. Respondent did not respond to the letter.

105. On or about October 19, 2005, the State Bar Investigator sent a second letter to Respondent requesting a written response to the allegations in the Brown matter, and certain supporting documentation as set forth in the August 19, 2005, letter. Respondent received the letter. Respondent did not respond to the letter.

106. To date, Respondent has not provided any substantive response to the Investigator's letters regarding the Brown matter.

Conclusions of Law for Case No. 05-O-02930:

107. By not paying any portion of Upscale Medical, Inc.'s bill between approximately April 2002 and August 2003; and by not paying any portion of Brown's other medical bills including those of Fred F. Hafezi, M.D., Whittier/Anaheim Physical Therapy Center, and Scientific Thermo Center, at any time, as Respondent had agreed to do with the remainder of Brown's settlement proceeds, and despite repeated requests for payment, Respondent failed to pay promptly, as requested by a client, funds in Respondent's possession which the client is entitled to receive, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(4).

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108. By not attempting to negotiate a reduction of any of Brown's medical bills, by not informing Brown that he did not negotiate or try to negotiate a reduction of any of his medical bills, and by not informing Brown that he did not pay any of his medical bills prior to August 2003, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

109. By misrepresenting a material fact to his client, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code section 6106.

110. By not providing a copy of the payment he purportedly made to Dr. Hafazi, despite Brown's specific and repeated requests, by not rendering appropriate accounts to Brown while holding his funds over two years without disbursement, and by not otherwise providing an accounting of the remainder of Brown's settlement funds, Respondent failed to render accounts of client funds in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

111. By not providing a substantive response to at least two letters from the State Bar investigator in a disciplinary matter, and by not otherwise cooperating in the investigation of the Brown matter, Respondent failed to cooperate in a disciplinary investigation, in wilful violation of Business and Professions Code section 6068(i).

112. By failing to maintain Brown's settlement money in his CTA, Respondent wilfully misappropriated client funds in violation of Business and Professions Code, section 6106.

Facts for Case No. 06-O-12321:

113. On or about April 16, 2002, Swana White ("White") employed Respondent to represent her in a personal injury matter arising out of an automobile accident that occurred on or about March 7, 2002.

114. On or about June 17, 2002, Respondent informed the opposing party's insurance company, State Farm Insurance, that Respondent had been retained by White to handle all claims arising out of the accident.

115. On or about June 18, 2002, State Farm sent a letter to Respondent requesting certain additional information from Respondent to help in the evaluation of White's claims. Respondent received the letter. Respondent did not respond to the letter.

116. On or about March 7, 2003, Respondent filed a personal injury lawsuit on behalf of White in Los Angeles County Superior Court, entitled, *Swana White vs. Andrew James Ballard*, case no. 03C00959.

117. On or about March 10, 2003, State Farm sent a letter to Respondent asking him to call the claim representative to discuss White's bodily injury claim, and requesting White's medical bills and records for purposes of evaluating and settling White's lawsuit. Respondent received the letter. Respondent did not call the claim representative; he did not provide any medical bills or records; and he did not otherwise respond to the letter.

118. On or about April 2, 2003, State Farm sent a letter to Respondent requesting a settlement demand. Respondent received the letter. Respondent did not make a settlement demand, and he did not otherwise respond to the letter.

119. On or about August 25, 2003, State Farm sent a letter to Respondent requesting information about medical specials, and requesting a settlement demand. Respondent received the letter. Respondent did not provide any information about the medical specials; he did not make a settlement demand; and he did not otherwise respond to the letter.

120. On or about August 8, 2003, the court issued an Order to Show Cause as to why the lawsuit should not be dismissed due to lack of service (as no proof of service was on file with the court), and the absence of a case management statement. The court scheduled a hearing on the matter for August 28, 2003, and duly served notice of the OSC and hearing on Respondent.

121. On or about August 28, 2003, the court continued the OSC hearing to October 1, 2003. The court duly served notice of the continued hearing date to Respondent.

122. On or about October 1, 2003, the court held its hearing on the OSC. There was no appearance by or for either party. The court ordered the lawsuit dismissed, without prejudice. Respondent received notice of the dismissal.

123. On or about April 1, 2004, Respondent filed or caused to be filed a motion to set aside the dismissal of the lawsuit.

124. On or about April 21, 2004, Respondent served the lawsuit upon the opposing party.

125. On or about April 28, 2004, Respondent filed or caused to be filed a proof of service of the summons and complaint of the lawsuit.

126. On or about April 29, 2004, the court granted the motion to set aside the dismissal, and restored the lawsuit to civil active list.

127. On or about May 21, 2004, the opposing party filed and served an Answer to the lawsuit.

128. On or about June 28, 2004, the court set the lawsuit for a status conference and trial setting conference on July 28, 2004. The court sent notice of the court conference to Respondent. Respondent received the notice.

129. On or about July 28, 2004, the court convened for the trial setting conference. Respondent did not appear. There was no other appearance on behalf of White. The court issued a second Order to Show Cause ("second OSC"), and scheduled a hearing on the matter for August 27, 2004. The second OSC was duly served on Respondent.

130. On or about August 27, 2004, the court held a hearing on the second OSC. Respondent did not appear at the hearing, and there was no other appearance for or on behalf of White. As a result, the court dismissed the lawsuit for the second time.

131. On or about August 30, 2004, the opposing party served notice of the second dismissal on Respondent. Respondent received the notice.

132. In or about November 2005, White telephoned Respondent at his last known number, and discovered that the telephone number was disconnected.

133. On or about January 30, 2006, White sent a letter, by certified mail, to Respondent inquiring about the status of her case. The letter was returned as "unclaimed and unable to forward."

134. In or about February 2006, White went to Respondent's last known office address, and found the office empty.

135. At no time did Respondent inform White about the dismissal of the lawsuit ordered by the court on or about October 1, 2003.

136. At no time did Respondent inform White that there was a court hearing scheduled for July 28, 2004, at which she had to appear.

137. At no time did Respondent inform White about the second dismissal ordered by the court on or about August 27, 2004.

138. By disconnecting his telephone, or causing his telephone to be disconnected, without informing White of a new telephone number; by vacating his law office without informing White of a new address at which he can be reached, Respondent effectively withdrew from employment as White's attorney.

139. On or about May 4, 2006, the State Bar opened an investigation, case no. 06-O-12321, pursuant to a complaint filed by Swana White ("White matter").

140. On or about June 15, 2006, a State Bar investigator sent a letter to Respondent informing him of the allegations in the White matter, and asking him to respond to the allegations. Respondent received the letter. Respondent did not respond to the letter.

141. On or about June 29, 2006, a State Bar investigator sent another letter to Respondent asking him to respond to the allegations in the White matter. Respondent received the letter. Respondent did not respond to the letter.

142. Each of the investigator's letters, dated June 15, 2006, and June 29, 2006, requested that Respondent respond in writing, by a certain date, to specified allegations of misconduct being investigated by the State Bar in the White matter.

143. Respondent received the investigator's letters dated June 15, 2006, and June 29, 2006.

144. To date, Respondent has not responded to either of the investigator's letters, he has not provided a written response to the allegations in the White matter, and he has not otherwise communicated with the investigator.

Conclusions of Law for Case No 06-O-12321:

145. By not responding to at least four of State Farm's letters, dated June 18, 2002, March 10, 2003, April 2, 2003, and August 25, 2003, each requesting information necessary to evaluate and process White's claims, which failures caused the insurance claim to be closed without any findings on the merit of the claim; by not appearing at three duly-noticed court

(Do Not Write Above This Line)

hearings on or about October 1, 2003, July 28, 2004, and August 27, 2004, which resulted in two dismissals of the lawsuit, Respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

146. By not informing White about the dismissal of her lawsuit on or about October 1, 2003, about the second dismissal on or about August 27, 2004, and about the court hearing requiring her appearance on or about July 28, 2004, Respondent failed to keep a client reasonably informed of significant developments in a matter in which he had agreed to provide legal services, in wilful violation of Business and Professions Code section 6068(m).

147. By not informing White that he had withdrawn from employment, that his telephone number was disconnected, or that he had vacated his law office, Respondent failed to take reasonable steps to avoid foreseeable prejudice to his client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

148. By not providing any response to at least two letters from a State Bar investigator in a disciplinary matter; by not providing a response to the allegations in the White matter; and, by not otherwise cooperating in the State Bar investigation, Respondent failed to cooperate in a disciplinary investigation, in wilful violation of Business and Professions Code section 6068(i).

RESTITUTION

It is recommended that Dale Robert McBride make restitution to Dominique Brown in the amount of \$5,000.00 plus 10% interest per annum from May 6, 2002 (or to the Client Security Fund to the extent of any payment from the fund to Dominique Brown, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to the State Bar's Office of Probation. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d).

DISCLOSURE OF PENDING INVESTIGATIONS/PROCEEDINGS NOT RESOLVED BY THIS STIPULATION.

The disclosure date referred to, on page one, paragraph A.(6), was October 30, 2007.

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In the Matter of DALE ROBERT McBRIDE Member #113913	Case number(s): 04-O-14460; 05-O-04032; 05-O-00338; 06-O-12321 05-O-02930;
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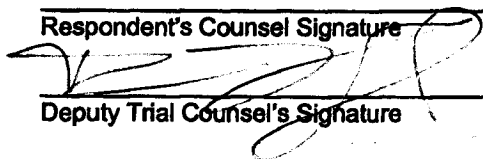
SIGNATURE OF THE PARTIES

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

<u>11-18-07</u> Date	 Respondent's Signature	<u>DALE R. McBRIDE</u> Print Name
<u>11-26-07</u> Date	 Deputy Trial Counsel's Signature	<u>DAVID T. SAUBER</u> Print Name

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In the Matter Of DALE ROBERT McBRIDE Member #113913	Case Number(s): 04-O-14460; 05-O-04032; 05-O-00338; 06-O-12321 05-O-02930;
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

1/18/08
Date


Judge of the State Bar Court

***AMENDED 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 July 7, 2010, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS

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:

***DALE ROBERT MCBRIDE
PO BOX 1301
GLEN DORA, CA 91740**

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 7, 2010.



Tammy Cleaver
Case Administrator
State Bar Court