


ORIGINAL

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State Bar Court of California Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL KATHERINE D. KINSEY 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1503 Bar # 183740	Case number(s) 05-0-00004 05-0-01288 05-0-01665	(for Court's use) <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em;">JUN 10 2005</div> <div style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
PUBLIC MATTER		
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Jon David Railsback 2501 E. Chapman Ave #100 Fullerton, CA 92831 Bar #	<div style="text-align: center;"> kwiktag* 022 605 263  </div>	
In the Matter of JON DAVID RAILSBACK Bar # 64853 A Member of the State Bar of California (Respondent)	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING 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 August 11, 1975
(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):

- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:
2007, 2008
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

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

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

(a) ☒ State Bar Court case # of prior case 00-0-10757/S10087

(b) ☒ Date prior discipline effective December 2, 2001

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: 6125, 6126, 6106, 4-200, 3-700(A) (2)

(d) ☒ Degree of prior discipline 30 days actual suspension

(e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

See Attachment page 6-f.

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

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

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

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

Additional aggravating circumstances:

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____
in restitution to _____ without the threat or force of disciplinary,
civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(Do not write above this line.)

- (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 (2) years

- i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(II) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☒ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: _____

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of Three (3) years, which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of six (6) months

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(II), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) ☒ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(II), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

(Do not write above this line.)

- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: Ethics school ordered under case no. 02-0-10286 et al.
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- ☒ No MPRE recommended. Reason: Respondent took and passed the MPRE in November 2002
- (2) ☒ **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) ☒ **Other Conditions:** See page 6-g

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

In the Matter of: Jon David Railsback

Case Numbers: 05-O-00004; 05-O-01288; 05-O-01665

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:

Respondent, Jon David Railsback, was admitted to the practice of law in the State of California on August 11, 1975, was a member at all times pertinent to these charges and is currently a member of the State Bar of California.

PARTIES ARE BOUND BY THE STIPULATED FACTS:

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

Case Number 05-O-00004

1. In or about March 2003, Kevin Bozeman ("Bozeman") retained Respondent to represent him in a family law matter (the "family law matter").
2. On or about January 26, 2004, Respondent entered into a Stipulation as to Facts and Disposition ("Stipulation") with the State Bar of California in case nos. 02-O-10286, 02-O-10288, 02-O-13891 and 03-O-03866.
3. On or about February 4, 2004, the Hearing Department of the State Bar Court filed an order approving the Stipulation and recommended that Respondent be suspended for one year, that suspension be stayed and that Respondent be placed on two years probation on the condition that he be actually suspended for sixty (60) days.
4. On June 18, 2004, the Supreme Court issued an order imposing the recommended discipline.
5. On or about June 18, 2004, the Clerk of the California Supreme Court properly served upon Respondent a copy of the June 18, 2004 Supreme Court order. Respondent received the June 18, 2004 Supreme Court Order.

6. On or about June 25, 2004, the State Bar of California, Office of Probation, sent a letter to Respondent notifying him that effective July 18, 2004, he would be actually suspended from the practice of law. Respondent received the June 25, 2004 letter.

7. The June 18, 2004 Supreme Court Order became effective on July 18, 2004.

8. Pursuant to the June 18, 2004 Supreme Court Order, Respondent was suspended from the practice of law from July 18, 2004 through September 16, 2004.

9. On or about July 16, 2004, Respondent filed a motion on behalf of Bozeman opposing a request for change of custody in the family law matter.

10. On or about July 16, 2004, the court scheduled a Order to Show Cause ("OSC") in the family law matter for August 5, 2004. The court informed Respondent that he had to appear personally at the August 5, 2004 hearing if he intended to question witnesses. Respondent informed the court that he would proceed by declaration rather than testimony. Respondent was ordered to file the declaration by August 2, 2004. As of July 16, 2004, Respondent had not advised the court that he was anticipating suspension from the practice of law.

11. On July 18, 2004, Respondent was actually suspended from the practice of law.

12. On or about July 31, 2004, Respondent wrote the clerk of the court in the family law matter. Enclosed with the July 31, 2004 letter, was an original declaration by Toni Fink and two copies to be filed with the court in the family law matter. The proposed declaration was submitted by Respondent so that it may be considered by the court at a custody/visitation hearing. The letterhead on the July 31, 2004 letter contained the following: "Jon D. Railsback, Attorney and Counselor at Law." Respondent thereby held himself out as an attorney licensed to practice law in the State of California.

13. On or about August 5, 2004, Respondent failed to appear at the August 5, 2004 OSC. On or about August 5, 2004, Bozeman informed the court clerk that Respondent had called him and told Bozeman that he would not be able to appear at the August 5, 2004 hearing due to a family emergency.

14. On or about August 5, 2004, the court in the family law matter was unsuccessful in contacting Respondent by telephone and left a message for Respondent to contact the court. Since Bozeman was represented by counsel and could not appear in pro per, the court continued the OSC to August 6, 2004 at 10:00 a.m.

15. On or about August 6, 2004, the court filed the Declaration of Toni Fink in Opposition to Petitioner's Request for Change of Custody. In this pleading, Respondent was identified as counsel for Bozeman.

16. On or about August 6, 2004, Bozeman appeared at the OSC, but Respondent failed to appear. At the August 6, 2005 hearing, the court notified Bozeman that Respondent had

been suspended from the practice of law and was unable to represent Bozeman. At the August 6, 2004 hearing, the court noted that Respondent had sent declarations and filings to the court after the July 18, 2004 suspension.

17. On or about August 6, 2004, Respondent informed the court clerk in the family law matter that he had been suspended from the practice of law.

18. On or about August 6, 2004, the court permitted Bozeman to represent himself at the hearing. However, the court noted that Bozeman may have been disadvantaged by the fact he was not represented by counsel.

19. As of September 2004, Respondent had not filed a substitution of attorney or otherwise withdrawn as attorney of record for Bozeman in the family law matter.

Legal Conclusions

By the foregoing, Respondent wilfully violated Business and Professions Code section 6068(a) by holding himself out as practicing or entitled to practice law or otherwise practicing law when he was not an active member of the State Bar in violation of Business and Professions Code sections 6125 and 6126.

By misrepresenting to the court and his client that he was entitled to practice law when he was not an active member of the State Bar, Respondent committed acts involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code section 6106.

By failing to inform Bozeman that he was scheduled to be suspended from the practice of law on July 18, 2004, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Case Number 05-O-01288

1. On or about January 26, 2004, Respondent entered into a Stipulation as to Facts and Disposition ("Stipulation") with the State Bar of California in case nos. 02-O-10286, 02-O-10288, 02-O-13891 and 03-O-03866.

2. On or about February 4, 2004, the Hearing Department of the State Bar Court filed an order approving the Stipulation and recommended that Respondent be suspended for one year, that suspension be stayed and that Respondent be placed on two years probation on the condition that he be actually suspended for sixty (60) days.

3. On or about June 25, 2004, the State Bar of California, Office of Probation, sent a letter to Respondent notifying him that effective July 18, 2004, he would be actually suspended from the practice of law. Respondent received the June 25, 2004 letter.

4. On June 18, 2004, the Supreme Court issued an order imposing the recommended discipline.

5. On or about June 18, 2004, the Clerk of the California Supreme Court properly served upon Respondent a copy of the June 18, 2004 Supreme Court order. Respondent received the June 18, 2004 Supreme Court Order.

6. The June 18, 2004 Supreme Court Order became effective on July 18, 2004.

7. Pursuant to the June 18, 2004 California Supreme Court Order, Respondent was suspended from the practice of law from July 18, 2004 through September 16, 2004.

8. On or about July 30, 2004, Respondent signed and filed a Petition for Dissolution of Marriage on behalf of Jack Porter Dunn ("Jack") and served the summons and petition on Jack's wife, Elwanda Louise Dunn ("Elwanda"). At the time Respondent signed, filed and served the petition and summons, he was suspended from the practice of law.

9. At the time Respondent filed the petition, Jack was 87 years old, had been married to Elwanda for 62 years and lived in an assisted care facility.

10. On or about November 1, 2004, Respondent filed an Order to Show Cause in Jack Porter Dunn v. Elwanda Louise Dunn Orange County Superior Court case no. 04D006814 (the "dissolution matter") regarding attorney fees and costs (the "OSC"). In the OSC, Respondent requested \$7,500 in attorney fees from Elwanda. The court scheduled a hearing in the dissolution matter regarding the OSC for December 27, 2004.

11. On or about December 27, 2004, the court, on its own motion, set a motion regarding dismissal of the petition for dissolution filed on July 30, 2004. The court set the hearing regarding dismissal for February 28, 2005.

12. On or about February 7, 2005, Elwanda filed a motion to quash service of the summons and petition and to dismiss the dissolution matter on the grounds Jack suffered from dementia related to his Alzheimer's disease and therefore, was incapable of entering into a contract to retain Respondent. In addition, Elwanda contended the dissolution matter should be dismissed because Respondent was suspended from the practice of law when he filed the summons and petition.

13. On or about February 28, 2005, the court issued its decision in the dissolution matter. In its decision, the court found that by filing an action while suspended from the practice of law by the California Supreme Court and by filing an action on behalf of a person in advanced age who resided in an assisted living home, without making inquiries about Jack's competency and without a written contract, Respondent acted in bad faith. On or about February 28, 2005, the court dismissed the summons and petition and ordered Respondent to pay \$1,375.50 in sanctions to Elwanda. The February 28, 2005 decision was served on Respondent at his State Bar membership address. Respondent received the February 28, 2005 decision.

14. To date, Respondent has not complied with the court's order to pay the \$1,375.50 in sanctions to Elwanda.

15. Respondent failed to notify the State Bar that the court in the bankruptcy matter imposed sanctions against him in the amount of \$1,375.50.

Legal Conclusions

By the foregoing, Respondent wilfully violated Business and Professions Code section 6068(a) by holding himself out as practicing or entitled to practice law or otherwise practicing law when he was not an active member of the State Bar in violation of Business and Professions Code sections 6125 and 6126.

By intentionally and knowingly filing a dissolution action in bad faith, Respondent failed to maintain such actions, proceedings or defenses that only appeared to him to be legal or just in wilful violation of Business and Professions Code section 6068(c).

By failing to report to the State Bar of California within 30 days of the court's order that a court had imposed sanctions against him in the amount of \$1,375.50, Respondent wilfully violated Business and Professions Code section 6068(o)(3).

By failing to comply with the February 28, 2005 court order requiring Respondent to pay \$1,375.50 in to Elwanda sanctions, Respondent wilfully disobeyed or violated a court order in violation of Business and Professions Code section 6103.

Case Number 05-O-01665

1. On or about July 28, 2003, Respondent filed a Notice of Appeal, appealing a Orange County Superior Court child custody order (the "appeal matter") on behalf of his client, James Christopher O'Brien ("O'Brien").

2. On or about February 23, 2004, Respondent filed the opening brief in the appeal matter.

3. On or about April 6, 2004, opposing counsel in the appeal matter filed a motion requesting sanctions on the ground the appeal was frivolous.

4. On or about June 23, 2004, the California Court of Appeal, Fourth Appellate District, issued its decision in the appeal matter. In its decision, the Court of Appeal noted that California courts no longer had jurisdiction to issue custody orders in the underlying matter. Specifically, the court noted that on May 7, 2003, the trial court issued an order concluding California no longer had jurisdiction over the child or the parents in the underlying matter since none of the parties had lived within the state within the last 18 months. The Court of Appeal found that the appeal filed by Respondent was frivolous as well as untimely.

5. The Court also found Respondent's brief on appeal to be "woefully inadequate," and specifically noted that the brief did not contain a single citation to the record to support its contentions. The Court of Appeal further concluded that the real problem with the appeal was that it "indisputably ha[d] no merit" and ordered O'Brien and Respondent, jointly and severally, to pay sanctions in the amount of \$7,250 to the opposing party. The June 23, 2004 decision was served on Respondent at his State Bar membership address. Respondent received the June 23, 2004 decision.

6. To date, Respondent has not complied with the court's order to pay \$7,250 in sanctions in the appeal matter.

7. Respondent failed to notify the State Bar of California that the court in the appeal matter imposed sanctions against him and his client, jointly and severally, in the amount of \$7,250.

Legal Conclusions

By intentionally and knowingly filing an action that was without merit, Respondent failed to maintain such actions, proceedings or defenses that only appeared to him to be legal or just in wilful violation of Business and Professions Code section 6068(c).

By failing to comply with the June 23, 2004 court order requiring Respondent to pay \$7,250 in sanctions, Respondent wilfully disobeyed or violated a court order in violation of Business and Professions Code section 6103.

By failing to report to the State Bar of California within 30 days of the court's order that a court had imposed sanctions against him in the amount of \$7,250, Respondent wilfully violated Business and Professions Code section 6068(o)(3).

Pending Proceedings

The disclosure date referred to, on page one, paragraph A. (6), was May 11, 2005.

Prior Discipline (con't)

Case Nos. 02-O-10286 et. al./S123607 By order filed on June 18, 2004 in this matter, Respondent was suspended for one year, suspension was stayed and Respondent was placed on two years probation on the condition that he be actually suspended for sixty (60) days. The misconduct in this matter concerned Respondent's violation of Business and Professions Code sections 6125, 6126, 6068(a) and 6068(k).

Other Conditions Negotiated by the Parties:

Restitution

Respondent shall pay restitution in Case Number 05-O-01288 to Elwanda Louise Dunn (or the State Bar Client Security Fund, if appropriate) in the amount of \$1,375, plus 10% interest per annum accruing from February 28, 2005 until paid, and provide proof thereof to the Probation Unit of the State Bar within **one year** of the effective date of discipline imposed in this matter.

Respondent shall pay restitution in Case Number 05-O-01665 to Patricia O'Brien Anderson (or the State Bar Client Security Fund, if appropriate) in the amount of \$7,250, plus 10% interest accruing from June 23, 2004 until paid, and provide proof of thereof to the Probation Unit of the State Bar within **two years** of the effective date of discipline imposed in this matter.

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

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

(Do not write above this line.)

In the Matter of JON D. RAILSBACK	Case number(s): 05 O 00004; 05 O 01288; 05 O 01665
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

On page 6, paragraph F, item number (1), the box requiring proof of passage of the MPRE is marked with an "x" and the "x" in the following box indicating "no MPRE recommended" is deleted.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

6/9/05


RICHARD A. HONN
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 June 10, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed June 10, 2005**

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

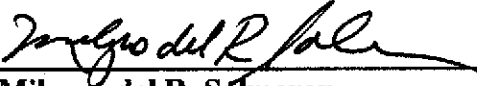
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JON DAVID RAILSBACK
ATTORNEY AT LAW
2501 E CHAPMAN AVE #100
FULLERTON, CA 92831 3135**

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

Katherine Kinsey, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 10, 2005**.


Milagro del R. Salmeron
Case Administrator
State Bar Court