

State Bar Court of California

Hearing Department
Los Angeles

PUBLIC MATTER

ORIGINAL

<p>Counsel For The State Bar</p> <p>Geri von Freyemann Supervising Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015</p> <p>Bar # 97937</p>	<p>Case Number (s) 05-O-02139 (05-O-03683 07-O-11682)</p>	<p>(for Court's use)</p> <p>FILED</p> <p>JUL 25 2007 <i>JK</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Kevin Gerry 433 N. Camden Drive, 4th Floor Beverly Hills, CA 90210</p> <p>Bar # 129690</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: David M. Robinson 12121 Wilshire Blvd., Suite 120 Los Angeles, CA 90025</p> <p>Bar # 175913</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 **February 27, 1995**.
- (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."



- (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):
- 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: **2008, 2009** (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 **04-O-13011**
 - (b) Date prior discipline effective **February 19, 2006**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **4-100(A), 4-100 (B)(4)**
 - (d) Degree of prior discipline **six months stayed suspension**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

02-O-10501
July 1, 2004
RPC 3-110 B & P Code 6068(M)
- (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. **Two client matters are involved in the present matter.**
- (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. **Respondent's marriage began deteriorating causing a physical separation in early 2003, and the filing of dissolution of marriage in July 2003.**
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

See statement of other factors

D. Discipline:

(1) **Stayed Suspension:**

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

- 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**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **75 days**.

- 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.
- (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: **Respondent has been ordered to take and pass the program in case no. 04-O-13011, which is within the last two years of the current matter.**
- (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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: **Respondent has been ordered to take and pass the MPRE in no. 04-O-13011 which is within the last two years of the current matter.**

- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, 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:**

(Do not write above this line.)

Attachment language begins here (if any):

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID M. ROBINSON

CASE NUMBER(S): 05-O-02139 (investigative matter 05-O- 03683,
07-O-11682)

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.

Case number 05-O-02139

1. In December 1996, Nadine Moore (hereinafter "Moore") employed attorney Jack Treiman (hereinafter "Treiman") to pursue a wrongful termination claim against her employer, TRW Inc. On December 24, 1996, Treiman filed case number 96-9025 WDK entitled Moore v TRW, Inc. in the United States District Court, Central District.

2. In February 1997, the parties, pursuant to local rules, agreed to a stay in the underlying matter, pending alternate dispute resolution efforts.

3. On January 21, 1998, at a scheduled mediation, a settlement offer was presented to Moore by TRW's counsel. The offer included an offer of a cash payment to Moore of \$75,000.00. The offer remained open for 21 days during which time Moore made a counter offer which was rejected by TRW. Treiman remained attorney of record on the matter through September 2000, at which time, he notified Moore that he was giving up private practice and she would have to employ a new attorney to complete the TRW matter.

4. Treiman referred Moore to attorney Victor Jacobovitz (hereinafter "Jacobovitz"). Jacobovitz advised Moore to consult with Respondent. Moore consulted with Respondent in October 2000. At first, Moore asked Respondent "to find out what Treiman did with the \$75,000.00" Later, Moore asked Respondent to get the \$75,000.00 offer reinstated. Respondent accepted representation of Moore.

5. In February 2001, although he had referred Moore to Respondent, Jacobovitz made several telephone calls to attorney Elizabeth Lily, counsel for Northrup Grumman, formerly TRW, on Moore's behalf. Respondent made a request to Treiman for the Moore file, but he failed to get

the file from him, or to otherwise follow-up on Moore's case. Thereafter, the matter languished in Respondent's office and has remained abated on the Central District's docket. Moore's matter has not been dismissed, nor has it been resolved. It has remained on the docket.

Legal Conclusions

By failing to obtain Moore's file, by failing to take any action on Moore's claim against TRW, from October 2000, through January 2005, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to take any action on Moore's claim against TRW, and by failing to advise Moore that he had not pursued her claim, Respondent withdrew from employment without taking any steps to avoid foreseeable prejudice to Moore, in wilful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.

05-O-03683 (investigative matter)

1. In August 2002, Christine Loeb (hereinafter "Loeb") employed Respondent to recoup two pieces of real property improperly foreclosed upon by a bail bond company subsequent to the bond being exonerated by court order.
2. On September 27, 2002, Respondent filed an action entitled *Loeb v Ebarb, et. al.* case number BC 282 273, Los Angeles Superior Court. Respondent also represented Loeb in case number 02BO5960, entitled *Capital Investment Properties LLC v Loeb* filed on October 7, 2002.
3. The Ebarb matter was resolved against some of the defendants. Loeb was able to pay costs and fees as owed, and received the balance of the equity in the two properties. The funds were held in a joint trust account opened by Respondent. The sum of \$113,814.00 was deposited in a joint account, held by respondent and Loeb. Loeb maintained the checks and wrote them as needed. The funds have been fully accounted for.
4. Loeb was interested in investing some of the funds. On May 13, 2003, Respondent suggested and arranged for Loeb to invest the sum of \$50,000.00 by lending the funds to Tidal Wave Entertainment Group, Inc. ("Tidal Wave") The promoter was a nationally recognized Grammy nominated musician. Loeb was given a promissory note and a UCC interest in state of the art musical recording equipment worth substantially more than twenty times the invested sum. The Platinum Club was opened with fanfare. Unfortunately, the club did not succeed. There was a default on the note. Tidal Wave became financially insolvent. Loeb has not collected the principal sum of the loan but is still receiving monthly interest payments. Loeb has the option of foreclosing on the UCC claim or suing for breach of contract.

Conclusions of Law

By making the recommendation to Loeb of a high risk loan secured only by depreciating equipment, Respondent intentionally, recklessly, or repeatedly failed to perform legal with competence in wilful violation of rule 3-110(A) of the Rules of Professional Confidence.

Case number 07-O-11682

1. On September 15, 2005, Respondent executed a Stipulation re Facts and Conclusions of Law and Disposition with the State Bar in State Bar Court, Case number 04-O-13011 ("Stipulation"). The Hearing Department of the State Bar Court filed an order approving the Stipulation on September 30, 2005.
2. On January 20, 2006, the California Supreme Court filed an Order in case no. S138795 (State Bar Case No. 04-O-13011) that Respondent be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 5, 2005.
3. Respondent was ordered to comply with the following terms and conditions of probation, among other things:
 - a. Respondent must submit written quarterly reports to the Office of Probation with the initial report being due on April 10, 2006.
 - b. Respondent, if he possesses client funds at any time during the period covered by a required quarterly report must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation.
4. On February 8, 2006, the Office of Probation mailed an initial letter to Respondent at his membership records address outlining the terms and conditions of his probation. Respondent received that letter.
5. On June 14, 2006, Respondent submitted his first quarterly report, but failed to submit the CPA report. Prior to the late submission of his report, Respondent had been contacted by

telephone by a probation deputy reminding him of the requirement.

6. Respondent submitted amended quarterly reports for July 10, 2006, October 10, 2006, and January 10, 2007. Respondent has submitted two CPA reports that have been considered by Office of Probation to be defective. Respondent has provided the signed original declarations covering the period of time for which no funds were entrusted to him. He has provided the original CPA reports to his probation deputy.

Conclusions of Law

By failing to timely file his Quarterly Report due on April 10, 2006 and including a CPA report, and by failing twice more to file CPA reports that have been approved by the Office of Probation, Respondent wilfully violated Business and Professions code 6068(k).

PENDING PROCEEDINGS.

The disclosure date referred to, on page two, paragraph A.(7), was on June 20, 2007.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
05-O-02139	Three	B & P Code section 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 26, 2007, the costs in this matter are \$4,913.03, 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

Standards for Attorney Discipline:

Standard 1.3

are the protection of the public, the courts, and the legal profession; the maintenance of high professional standards by attorneys and the protection of public confidence in the legal profession.

Standard 2.4

(B) Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 1.7

(B) If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline, the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Case Law

In the Matter of Broderick (R.D. 1994) 3Cal. State bar Ct. Rptr.138

OCTC requested review of these consolidated proceedings, one original matter and one probation violation matter. The matters were considered separately for recommendation of discipline. In the probation matter, respondent violated the restitution and reporting requirements. The review department recommended three years stayed suspension, four years probation and one year actual suspension. In the original proceeding, respondent misused his client trust account, lost a settlement check, and was grossly negligent in failing to reply to reasonable status inquiries from the client and her new attorney and failed to respond to the State Bar investigator's letters. Respondent had two priors. The review department recommended three years stayed suspension, four years probation and one year actual suspension, to run concurrently with the period of actual suspension in the probation matter.

In the Matter of Greenwood (R.D. 1998) 3 Cal. State Bar Ct. Rptr. 831

Respondent's two serious instances of reckless failure to perform legal services with competence which resulted in the dismissal of his clients' civil lawsuits, and Respondent's failure to cooperate with the State Bar investigations warrants a discipline recommendation of eighteen months stayed suspension, two years probation, and a 90 day actual suspension.

MITIGATING CIRCUMSTANCES

Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary proceedings. (Std. 1.2(e)(v)). Respondent responded promptly to State bar inquiries and provided documentation requested.

OTHER FACTORS IN CONSIDERATION

After the October 2000 Nadine Moore referral to Respondent from Victor Jacobovitz, Mr. Jacobovitz initiated further contact with Northrup Grumman on Moore's behalf until February 2001. Respondent was not the only attorney involved in the matter, therefore, he failed to have the sense of urgency in obtaining possession of the file from Treiman as he should have had.

Respondent had been in a partnership which dissolved and he had plans to form a new partnership. His prospective partner and he entered into a lease arrangement. While back in the mid west, Respondent's new partner suddenly died from an aneurism. Respondent took over the task of contacting clients, winding down his practice and closing out the trust accounts, and even made funeral arrangements. Respondent became obligated for the new partnership lease.

Respondent and his spouse separated and eventually filed for a dissolution of their marriage. He was distracted from his practice by all the upheaval in his personal life.

A new partner for the law practice was found and other employees added to the staff. Better record keeping systems have been incorporated into the practice to avoid similar future problems from occurring. Respondent's private life has once again become stable.

(Do not write above this line.)

In the Matter of DAVID M. ROBINSON	Case number(s): 05-O-02139 (05-O-03683 07-O-11682)
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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.

6/27/07
Date


Respondent's Signature

DAVID M. ROBINSON
Print Name

Date

Respondent's Counsel Signature

KEVIN GERRY
Print Name

Date

Deputy Trial Counsel's Signature

GERI VON FREYMAN
Print Name

(Do not write above this line.)

In the Matter of DAVID M. ROBINSON	Case number(s): 05-O-02139 (05-O-03683 07-O-11682)
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6/27/07
Date

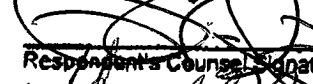
5/29/07
Date

7/5/07
Date




Respondent's Signature

DAVID M. ROBINSON
Print Name



Respondent's Counsel Signature

KEVIN GERRY
Print Name



Deputy Trial Counsel's Signature

GERI VON FREYMANN
Print Name

(Do not write above this line.)

In the Matter of DAVID M. ROBINSON	Case number(s): 05-O-02139 (05-O-03683 07-O-11682)
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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:

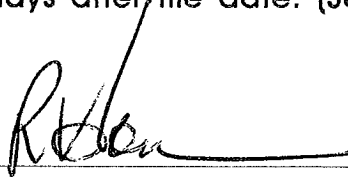
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 4, paragraph D. (1) (a), after "Respondent must be suspended from the practice of law for a period of " insert "one (1) year".

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

7/17/07


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 July 25, 2007, I deposited a true copy of the following document(s):

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

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

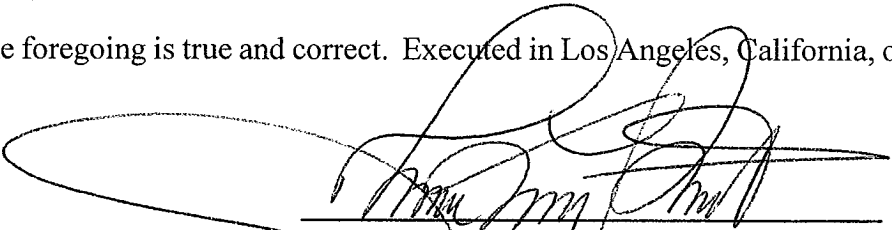
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

KEVIN P. GERRY
1001 OLIVE ST
SANTA BARBARA, CA 93101

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

GERALDINE VONFREYMANN , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 25, 2007**.



Johnnie Lee Smith
Case Administrator
State Bar Court