

State Bar Court of California
Hearing Department
San Francisco

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<p>Counsel For The State Bar</p> <p>Erica L. M. Dennings STATE BAR OF CALIFORNIA Office of Chief Trial Counsel 180 Howard Street San Francisco, California 94122 (415) 538-2285</p> <p>Bar # 145755</p>	<p>Case Number (s)</p> <p>05-O-02610 05-O-03420 05-O-04154 06-O-10567</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>APR 25 2007 <i>[Signature]</i></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Michael E. Wine 301 N. Lake Avenue, Suite 800 Pasadena, California 91101 (626) 796-6688</p> <p>Bar # 58657</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Thomas Patrick Hogan</p> <p>Bar # 95055</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 **December 16, 1980**.
- (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 **15** 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."

In the Matter of
THOMAS PATRICK HOGAN (#95055)

Case number(s):
05-O-2610, 05-O-3420, 05-O-4154, 06-O-10567

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

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

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

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

Rule 133, Rules of Procedure of the State Bar of California STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

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

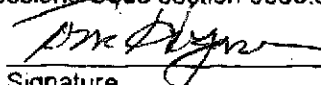
- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and
 - (b) if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)

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

Date

4/2/07

Signature



Print Name

(Do not write above this line.)

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

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

- (9) The parties understand that:

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

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
- (b) Date prior discipline effective
- (c) Rules of Professional Conduct/ State Bar Act violations:
- (d) Degree of prior discipline
- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(Do not write above this line.)

- (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. **Respondent committed misconduct in four separate client matters.**
- (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. **Respondent was admitted to the practice of law in California on December 16, 1980 and has no prior record of discipline.**
- (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. **Respondent has cooperated throughout the disciplinary 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.

(Do not write above this line.)

- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

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

or

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

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **two years**.
- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office 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 condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the 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 conditions attached to the reprobation.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.
 No MPRE recommended. Reason: _____
- (11) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

(Do not write above this line.)

Attachment language (if any):

SEE ATTACHMENT.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Thomas Patrick Hogan, (number 95055)

CASE NUMBER(S): 05-O-02610 (Preston Matter)
 05-O-03420 (Gildea Matter)
 05-O-04154 (Rambaran Matter)
 06-O-10567 (Park Matter)

1. 05-O-02610 (Preston Matter)

On December 3, 2004, Thomas and Olga Preston (“the Prestons”) employed respondent to represent them in a civil matter stemming from a real estate transaction. The Prestons essentially wanted specific performance on a real estate contract to purchase a house.

On or about December 30, 2004, respondent filed a complaint on behalf of the Prestons, *Thomas Preston and Olga Preston v. David F. Ferguson, Wenchi Wang, Investment 1 Realty and Management Co., Inc., et al*, Alameda Superior Court case number VG 04191874. Respondent also filed a notice of lis pendens on that date.

At some point after the case was filed, the defendants sold the subject property to someone other than the Prestons. After the property was sold, the Prestons were no longer interested in pursuing the action against the defendants as they could no longer purchase the property.

Prior to March 24, 2005, the Prestons communicated with respondent about the direction of the case. They were concerned with the possibility that the defendants were only interested in dragging out the litigation and churning attorney’s fees. The Prestons told respondent that if he could get the case in a posture for mediation, and quick settlement, then that would be acceptable. If not, then they did not want to continue the case. On several occasions during the case, Mr. Preston told respondent not to proceed with the case. Respondent continued to pursue the case by, inter alia, filing an amended complaint and persuading the Prestons to see the case through the mediation process in the belief that he was protecting their rights.

On April 4, 2005, the Prestons wrote to respondent requesting that he dismiss the case immediately. The Prestons enclosed a signed substitution of attorney and requested that respondent sign and file the substitution of attorney with the court. Respondent did not sign and file the substitution of attorney.

On or about April 8, 2005, respondent wrote the Prestons acknowledging receipt of their numerous requests that he dismiss the litigation. In the letter, respondent stated, inter alia, that the Prestons had an obligation to see the case through mediation and have it resolved there.

Thereafter, respondent continued to represent the Prestons, including filing documents and making court appearances.

On or about June 6, 2005, the Prestons sent a letter to the assigned judge in the matter and to defense counsel expressing their desire to drop the case. The same day, respondent sent a letter to the Prestons advising them of an upcoming motion to compel discovery responses.

On or about June 9, 2005, the Prestons wrote respondent a letter reiterating their desire for him to drop the case.

On or about June 14, 2005, respondent filed a motion to be relieved as counsel.

On or about July 22, 2005, respondent's motion for relief as counsel was granted:

By continuing to pursue the case in the belief he was protecting his clients interests, after they told him to dismiss the case, respondent recklessly failed to perform legal services competently in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

2. 05-O-03420 (Gildea Matter)

On or about January 19, 2005, Craig Gildea ("Gildea") and Beverly Angel ("Angel") employed respondent to represent Gildea in a business dispute against the owners of CKS, Inc., a business Gildea and Angel had been running.

Respondent took steps to pursue the case, including, inter alia, filing a complaint and setting up and participating in a mediation. The case did not resolve at the mediation.

On or about April 7, 2005, Charles Brunn ("Brunn"), defense counsel, wrote a letter to respondent confirming an agreement to grant the defendants an extension up to, and including May 6, 2005, to file a responsive pleading in the matter.

On or about April 10, 2005, Gildea and Angel wrote a letter to respondent discharging him and asking that he do nothing further on the case. Gildea and Angel also requested that respondent return their file documents.

On or about April 11, 2005, respondent wrote to Gildea and Angel, acknowledging their April 10, 2005 letter discharging him and enclosed a substitution of attorney form. Gildea and Angel did not return the substitution of attorney form right away.

On or about May 6, 2005, Brunn wrote a letter to respondent confirming a May 6, 2005

telephone conversation in which respondent agreed to grant the defendants an extension up to and including June 6, 2005 to file a responsive pleading in the matter.

Respondent did not notify Gildea and Angel that he had agreed to extend the time for defendants to file a responsive pleading.

On May 19, 2005, Gildea and Angel wrote to respondent requesting their file and enclosed the signed substitution of attorney form.

On May 20, 2005, respondent wrote to Gildea and Angel, acknowledging the receipt of their May 19, 2005 letter. Respondent informed them that he had filed a motion to be relieved as counsel on April 27, 2005, and that the hearing on the motion was scheduled for June 14, 2005.

On May 24, 2005, respondent filed the substitution of attorney form signed on May 23, 2005.

On or about May 26, 2005, Gildea, unaware that respondent had agreed to an extension of time to June 6, 2005 for the defendants to file a response, filed a request for entry of default and for entry of judgment against defendants.

By not informing Gildea and Angel that he had agreed to extend defendants' time to file a responsive pleading, 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 section 6068(m).

3. 05-O-04154 (Rambaran Matter)

On or about March 16, 2004, Gary and Meena Rambaran ("the Rambarans") employed respondent to represent them in a civil matter, *Gary Rambaran v. Kuldeep Dhami*, Stanislaus County Superior Court case number 310449. The defendants filed a cross complaint against the Rambarans. Respondent represented the Rambarans through the trial.

In or about October 2004, the judge issued a judgment in favor of defendants in the amount of \$53,167.57 plus attorney's fees. Respondent informed the Rambarans that the defendants would file a memorandum of costs in which they would specify the amount of attorney's fees they were seeking. There was a bond in the amount of \$100,000 issued by a surety company and secured by a lien against the Rambarans' home.

In or about December 2004, the Rambarans asked respondent about the status of the case and whether he had received the amount of costs. Respondent told the Rambarans he had heard nothing. Respondent told the Rambarans that until the defendants/cross complainants filed their judgment, they didn't have to do anything. Respondent did not explain to the Rambarans that he was not going to represent them or take any action with regard to the memorandum of costs. Respondent was still attorney of record and did not file a substitution of attorney substituting out

of the case.

On or about January 11, 2005, defendants/cross complaints filed a judgment after trial by superior court. The judgment was served on respondent.

On January 18, 2005, defendants filed a Memorandum of Costs, listing costs of \$52,914.65. Respondent was served with the Memorandum of Costs.

On or about February 14, 2005, defendants/cross complainants filed a notice of entry of judgment. Respondent was served with the notice. Respondent did not inform the Rambarans that he had received the memorandum of costs. Respondent took no steps to protect the Rambarans' interests with respect to the judgment or memorandum of costs, including filing an opposition or objection to the memorandum of costs. Respondent remained attorney of record for the Rambarans and took no steps to substitute out of the case.

On or about May 16, 2005, Patty Lei ("Lei"), a representative from HCC Surety Group, called respondent and left two messages regarding the claim of the defendants to execute payment on the bond. Respondent failed to return Lei's call.

On or about May 17, 2005, Lei wrote respondent a letter asking that he respond in writing to the claim defendants were making on the bond.

On or about May 18, 2005, Larry Menton ("Menton"), a paralegal in respondent's office returned Lei's call. He told Lei to contact the Rambarans directly.

On or about May 18, 2005, Menton called the Rambarans and informed them of the judgment and the defendants' claim on the surety. Menton sent the Rambarans a copy of the judgment via facsimile. Prior to receiving the judgment from Menton, the Rambarans had not seen a copy of the judgment. Sometime later, the Rambarans got a copy of the memorandum of costs from the court file.

By the time the Rambarans saw the judgment and memorandum of costs, the time to oppose the memorandum of costs had lapsed.

Although respondent had conversations with the Rambarans about the memorandum of costs and the judgment, he did not confirm in writing that he was taking no further action regarding either the memorandum of costs or judgment.

By not confirming in writing that he was taking no further action regarding either the memorandum of costs or judgment, respondent failed to keep a client informed of significant developments in a matter in which Respondent had agreed to provide legal services, in wilful violation of B&PC 6068(m).

4. 06-O-10567 (Park Matter)

In or about October 2004, Joyce Park ("Park") employed respondent to help her halt a foreclosure of a home in Turlock which she owned jointly with her granddaughter, Lynn Perry, and her granddaughter's husband, Derek Perry ("Turlock home"). On or about September 16, 2004, the Perrys had filed for bankruptcy. That petition disclosed the Turlock home had a secured debt. The bankruptcy proceeding temporarily halted the foreclosure process. Respondent advised Park that she would make a profit from the sale of the Turlock home and therefore, it would be worth her while to save the Turlock home from foreclosure.

On or about November 24, 2004, the bankruptcy trustee filed a motion to sell real property of the estate to Park. Park bought the bankruptcy estate's interest in the Turlock home for \$8,000. (Park's son, Gary Park ("Gary"), had loaned her the \$8,000 to purchase the estate's interest in the Turlock home). Park then planned to purchase the home from the secured creditor in order to resell it. Respondent advised Park that her son, Gary, should co sign the loan as she could not qualify for a loan by herself due to credit issues. Gary agreed to cosign the loan. However, the loan documents listed Gary as the sole borrower. Respondent's company, Benjamin Financial, secured the loan for Gary. The closing statement showed that Benjamin Financial received a fee of \$16,487 from the loan transaction. Respondent received \$6,750 in legal fees from the transaction. That amount included \$5,850 in materials for improving the Turlock home.

The Turlock home was listed with respondent's realty company, Lincoln Realty, for a time although the property was ultimately listed and sold by another realtor. At no time during the course of representing Park did respondent advise her in writing that she could seek the advice of an independent lawyer of her choice; nor did respondent give her a reasonable opportunity to seek that advice with regard to securing the loan with Benjamin Financial and listing the home with his realty company.

By not advising Park in writing that she could seek the advice of an independent lawyer of her choice and by not giving her a reasonable opportunity to seek that advice with regard to securing the loan with respondent's financial services company and listing the home with his realty company, respondent wilfully violated rule 3-300 of the Rules of Professional Conduct.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 2.4(b) states in pertinent part "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 a reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Standard 2.8 states in pertinent part "Culpability of a member of a wilful violation of rule 3-300, Rules of Professional Conduct, shall result in suspension unless the extent of the

member's misconduct and the harm to the client are minimal, in which case, the degree of discipline shall be reproof.

Respondent's misconduct in the current matter was less serious than that of the respondent in *In the Matter of Lane* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 735 in which the respondent was found culpable of violating rule 3-300 and repeated violations of rule 3-310, respondent received sixty days actual suspension.

PENDING PROCEDURES

The disclosure referred to, on page one, paragraph (A)(6), was March 14, 2007.

STATE BAR ETHICS SCHOOL

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

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

As part of this Stipulation, respondent has agreed to attend and provide proof of passage of the Multistate Professional Responsibility Examination, within one (1) year from the effective date of discipline.

(Do not write above this line.)

In the Matter of THOMAS PATRICK HOGAN (#95055)	Case number(s): 05-O-2610, 05-O-3420, 05-O-4154, 06-O-10567
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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.

<u>4/2/07</u> Date	<u>Tom Hogan</u> Respondent's Signature	<u>Thomas Patrick Hogan</u> Print Name
<u>4/6/07</u> Date	<u>Michael E. Wine</u> Respondent's Counsel Signature	<u>Michael E. Wine</u> Print Name
<u>11 April 2007</u> Date	<u>Erica L. M. Dennings</u> Deputy Trial Counsel's Signature	<u>Erica L. M. Dennings</u> Print Name

(Do not write above this line.)

In the Matter Of THOMAS PATRICK HOGAN (#95055)	Case Number(s): 05-0-2610; 05-0-3420; 05-0-4154; 06-0-10567
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ORDER

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

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All 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. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

Date

April 24, 2007

Judge of the State Bar Court

Pat McElroy

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on April 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 San Francisco, California, addressed as follows:

**MICHAEL E. WINE
301 N. LAKE AVE #800
PASADENA CA 91101**

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

ERICA DENNINGS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **April 25, 2007**.



George Hue
Case Administrator
State Bar Court