

State Bar Court of California
Hearing Department
San Francisco

<p>Counsel For The State Bar</p> <p>Erica L. M. Dennings State Bar of California 180 Howard Street San Francisco, CA 94105 (415)538-2000</p> <p>Bar # 145755</p>	<p>Case Number (s) 05-O-3195, 05-O-3503</p> <p>PUBLIC MATTER</p>	<p>(for Court's use)</p> <p>FILED <i>[Signature]</i></p> <p>MAY 02 2007</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Jonathan I. Arons 101 Howard Street, Suite 310 San Francisco, CA 94105 (415) 957-1818</p> <p>Bar # 111257</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: David Boyer Prince</p> <p>Bar # 166113</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 2, 1993**.
- (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."



(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.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **2008 and 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
 - (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.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Stayed Suspension

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

- (1) Respondent was admitted to the practice of law in California on December 2, 1993 and has no prior record of discipline.

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, California Rules of Court)

E. Additional Conditions of Probation:

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

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

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

(Do not write above this line.)

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

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

In the Matter of David Boyer Prince (#166113)	Case number(s): 05-O-3195, 05-O-3503
A Member of the State Bar	

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Michael Wilson and Kenneth Wilson	\$7000	November 9, 2004
Santa Clara County Defendants	\$4875	July 30, 2003
Juanita Paredes and Raymond Paredes	\$3274	June 2, 2006

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Robert F. Sinclair	\$200	monthly (the first of every month)
Santa Clara County	\$200	monthly (the first of every month)
Juanita and Raymond Paredes	\$200	monthly (the first of every month)

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent 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, certifying that:

- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID BOYER PRINCE

CASE NUMBER(S): 05-O-3195, 05-O-3503 ET AL.

FACTS AND CONCLUSIONS OF LAW.

Case no. 05-O-3195 (Paredes)

On or about September 3, 2003, Raymond Paredes (“Paredes”) and his sister Juanita Paredes employed respondent to help them recover some of their father, John Paredes’s, assets that they believed had been taken by Mabel Paredes, John Paredes’s second wife. The Paredeses employed respondent to file a petition for an accounting, setting up a conservatorship for John, and to take action regarding any damages suffered relating to John’s assets or interests.

Thereafter, on or about August 30, 2004, respondent filed a petition for the appointment of probate conservator of the person and estate conservatorship, and on or about November 2, 2004, filed an order appointing probate conservator. The order contained the following sentence: Warning: This appointment is not effective until letters have issued.

After submitting the order appointing probate conservator, respondent did not take any further steps to complete the conservatorship. In December 2004, the Paredeses employed new counsel to complete the conservatorship.

On or about January 26, 2005, the Paredeses filed the letters of conservatorship in pro per.

On or about April 27, 2004, respondent filed a complaint on behalf of John Paredes alleging *inter alia*, fraud, breach of fiduciary duty, and for an accounting. *John Paredes v. Michael Wilson, Kenneth Wilson, Estate of Mabel Paredes*, Santa Clara County Superior Court case number 104CV018616. The action involved an accounting of proceeds totaling approximately \$238,000 from the sale of a residence John Paredes and his wife, Mabel Paredes (mother of defendants Michael Wilson and Kenneth Wilson) had lived in. Attorney Robert Sinclair represented the defendants.

On or about June 18, 2004, respondent filed an application to transfer the case to Placer County. Respondent had agreed to provide Sinclair with copies of all documents filed with the court relating to the venue change.

On or about June 24, 2004, the Court filed an order transferring the case to Placer County. The Placer County case number was SCV 17268.

On or about June 28, 2004, the clerk of Placer County Court notified respondent that the file had been transferred to Placer county. The clerk did not notify Sinclair of receipt of the file,

nor did respondent.

On or about July 13, 2004, attorney Eric Sayre, whom respondent had associated into the case, wrote a letter to Sinclair confirming an agreement to extend the time for the defendants to file an answer.

On or about August 4, 2004, respondent wrote to Sinclair informing him he would request the defendants' default. Sinclair responded to respondent's letter stating he did not believe the default was appropriate, given his belief that the statutory time frame for the defendants to respond had not expired.

On or about August 17, 2004, respondent filed a request for entry of default. The default was entered on that date.

After the default was entered, respondent attempted to engage in settlement negotiations with Sinclair.

On or about August 25, 2004, respondent filed a request for court judgment.

At the prove up hearing on the matter, the Court asked respondent to describe the events leading to default, specifically whether the clerk's notice of receipt of transfer had been served on the defendants. Respondent answered that the proofs of service were in the file, referring to the service of the complaint and summons. Respondent contends that his response to the Court regarding the service of the notice of receipt of file was accurate, however, the Court found the response to be misleading.

On or about August 31, 2004, the Court entered a judgment in the amount of \$266,754 in favor of John Paredes and against defendants and ordered an accounting of all marital assets.

On or about October 18, 2004, defendants filed a motion to set aside the default and for sanctions against respondent. The basis for the sanctions were that respondent violated section 128.7 of the Code of Civil Procedure.

Respondent filed an opposition to the motion to set aside default.

On or about November 9, 2004, the Court issued a tentative ruling granting the motion for sanctions and ordering respondent to pay sanctions in the amount of \$7,000 to defendants Michael Wilson and Kenneth Wilson forthwith. On or about February 1, 2005, the Court filed the Order imposing sanctions.

The basis for the sanctions were that respondent knowingly violated provisions of Code of Civil Procedure section 128.7 (b)(1) by 1) requesting entry of default when he knew the time for defendants to respond had not passed, 2) not honoring an agreement granting defendants an open extension to respond, 3) misrepresenting to the court that defendants had been served with the notice of receipt of file by the clerk of the court, and 4) requesting entry of default for the improper purpose of attempting to negotiate a favorable settlement. The court also found that sanctions were appropriate pursuant to Code of Civil Procedure section 128.7(b)(2) because respondent had no good faith basis to conclude that defendants were in default as of August 4, 2004 and that their default could be properly entered as of August 17, 2004. The Court further found respondent violated section 128.7(b)(3) for advocating the existence of facts without a reasonable basis for doing so.

Respondent has not paid any portion of the sanctions.

On or about June 2, 2006, In the Conservatorship of John Cosmo Paredes, Santa Clara County Superior Court case number 1-04PR-156126, the court issued an Order Terminating Conservatorship. That order required respondent to reimburse Juanita Paredes and Raymond Paredes in the amount of \$3,274, which is the amount they had paid respondent to set up the conservatorship. Respondent has not paid any of the \$3,274 to Juanita or Raymond Paredes.

By making incomplete statements to the Court about whether the notice of receipt of transfer had been served on the defendants, respondent recklessly failed to perform legal services competently in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By not paying the \$7,000 sanctions as he was ordered to do on November 9, 2004, and not paying the \$3,274 to as ordered on June 2, 2006, respondent disobeyed an order of the court in wilful violation of section 6103 of the Business and Professions Code.

Case no. 05-O-3503

On or about February 12, 2002, respondent filed a complaint on behalf of Donna Fryer ("Fryer"), Delina Ferretti, Brad Foster, and Fryer as guardian ad litem for her minor children Anthony and Mark Vidunas. *Donna Fryer, et al. v. Triad Community Services*, Santa Clara County Superior court case number CV805646. Fryer is Anthony and Mark's mother; Ferretti is the children's maternal grandmother, and Foster is the children's paternal step- grandfather. The complaint was filed against Triad Community Services ("Triad"), a testing facility for Fryer's ex-husband, Mark Vidunas ("Vidunas"), Fryer's ex-husband and father of Anthony and Mark Vidunas, as well as Triad employees and against Santa Clara County employees. The complaint arose out of a custody dispute and juvenile dependency proceeding involving the plaintiffs and defendants. The essence of the complaint was that Vidunas conspired with the County of Santa Clara and certain of its employees to alter drug tests that were required by the juvenile court for Vidunas to have visitation with his children. The complaint alleged, *inter alia*, negligence, fraud, and contempt of court orders.

On or about January 8, 2003, respondent filed a second amended complaint.

On or about March 27, 2003, the Superior Court sustained the demurrer by Triad and two other defendants as to two of the claims. The plaintiffs were not given leave to amend. The court sustained the demurrer by the County of Santa Clara and other county defendants as to all the claims in the complaint. The plaintiffs were given leave to amend for all the claims except two.

On or about April 28, 2003, respondent filed a third amended complaint in the Superior Court matter alleging various state law claims and federal racketeering claims arising from the child dependency proceedings.

On or about April 29, 2003, respondent filed a complaint on behalf of Fryer, Ferretti and Foster in federal court. *Fryer v. Triad Community Services, County of Santa Clara, et al.*, United States District Court, Northern District of California, case no. C03-01938. The federal complaint alleged, *inter alia*, violation of civil rights, breach of fiduciary duty and intentional infliction of emotional distress. The complaint contained the same claims for relief against the same defendants in both state and federal court at the same time.

On or about May 7 and 13, 2003, counsel for defendants, Melissa R. Kinyalocts ("Kinyalocts"), wrote respondent a letter informing him that his filing in federal court was improper, and that if respondent did not dismiss the matter, she would file a request for dismissal and sanctions. Respondent told Kinyalocts that he would not dismiss the federal action.

On May 19, 2003, defendants filed a motion to dismiss. On May 30, 2003, defendants filed a notice of motion and a motion for sanctions pursuant to Federal Rule of Civil Procedure 11 ("Rule 11").

Respondent did not appear at the July 25, 2003 hearing on the motion for sanctions.

On July 30, 2003, the Court issued an order imposing sanctions in the amount of \$4,875 against respondent for violating the provisions of Rule 11. The order required respondent to pay the \$4,875 to the County defendants. The court found the filing in federal court was improper and the plaintiffs were trying to forum shop or to delay and beleaguer opposing counsel.

Respondent failed to pay any portion of the sanctions.

On or about November 12, 2004, respondent reported the sanctions to the State Bar of California.

By filing an action in federal court for an improper purpose, respondent intentionally failed to perform legal services competently in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By not paying the \$4,875 in sanctions to the County defendants, respondent disobeyed an order of the court in wilful violation of section 6103 of the Business and Professions Code.

By not reporting the sanctions imposed on July 30, 2003 until November 12, 2004, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of any judicial sanctions against him in wilful violation of section 6068(o)(3) of the Business and Professions Code.

Financial Conditions

b. Installment Restitution Payments

Respondent shall provide proof of each installment payment to the Office of Probation within thirty days of each payment.

Respondent recognizes that some payments will have to be bigger than the minimum and/or that he will need to make a balloon payment at the end of his probationary period in order to complete restitution within his probationary period.

PENDING PROCEEDINGS.

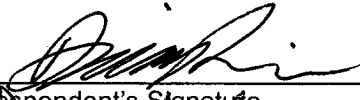
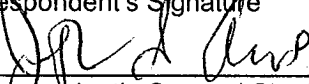
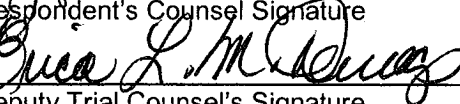
The disclosure date referred to, on page one, paragraph A.(7), was March 21, 2007.

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In the Matter of David Boyer Prince (#166113)	Case number(s): 05-O-3195, 05-O-3503
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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>4/12/07</u> Date	 Respondent's Signature	<u>David Boyer Prince</u> Print Name
<u>April 13, 2007</u> Date	 Respondent's Counsel Signature	<u>Jonathan I. Arons</u> Print Name
<u>April 17, 2007</u> Date	 Deputy Trial Counsel's Signature	<u>Erica L. M. Dennings</u> Print Name

(Do not write above this line.)

In the Matter Of David Boyer Prince (#166113)	Case Number(s): 05-0-3195; 05-0-3503
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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.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

April 23, 2007
Date

Car McElroy
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 San Francisco, on May 2, 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:

**JONATHAN IRWIN ARONS
LAW OFC JONATHAN I ARONS
101 HOWARD ST #310
SAN FRANCISCO, CA 94105**

- [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 **May 2, 2007**.



Laretta Cramer
Case Administrator
State Bar Court