

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar PAUL T. O'BRIEN SUPERVISING TRIAL COUNSEL 1149 S. HILL ST. LOS ANGELES, CA 90015-2299 (213) 765-1486	Case Number (s) 05-O-03676-RAP	(for Court's use) FILED APR 27 2007 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Bar # 171252 Counsel For Respondent JAMES R. DIFRANK 12227 PHILADELPHIA ST WHITTIER, CA 90601-3931	PUBLIC MATTER	
Bar # 105591 In the Matter Of: STEVEN R. LISS Bar # 129527 A Member of the State Bar of California (Respondent)		

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 **September 15, 1987**.
- (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):
- ☐ 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, 2009, and 2010**
(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 **02-O-13022, et al.**
 - (b) ☒ Date prior discipline effective **November 8, 2004**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **RPC 3-110(A) and 3-700(D)(2)**
 - (d) ☒ Degree of prior discipline **Private Reprimand**
 - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline. In Case No. 02-O-12289, et al., Respondent was publicly reprimanded, effective May 27, 2004, for violations of RPC 3-110(A) [two counts], and B&P § 6103. (The private reprimand subsequently issued, above, concerned misconduct that occurred concurrent with the misconduct in the public reprimand matter, and it was determined that had the misconduct therein been known at the time of the public reprimand disposition, there would not have been an increase in the level of 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

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. **Respondent cooperated with his clients, Leslie and Richard Cooper, in resolving their dispute by promptly resorting to fee arbitration proceedings, and fully complied with the resulting order.**
- (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

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one 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 years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 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.
- (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: **Respondent completed Ethics School on June 9, 2005, in connection with his prior disciplinary matter(s), and passed the test given at the end of the session. See Rule 290(a), Rules of Procedure of the State Bar of California.**
- (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:
- | | |
|---|--|
| ☐ Substance Abuse Conditions | ☒ Law Office Management Conditions |
| ☐ Medical Conditions | ☒ 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☒ No MPRE recommended. Reason: **Respondent took and passed the MPRE on August 13, 2004, in connection with his prior discipline. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal. state Bar Ct. Rptr. 229, 244). It is stipulated that the instant matter would have resolved within two years of that date had dismissals of Counts One through Three (see below) of the Notice of Disciplinary Charges been anticipated. The protection of the public and the interests of the attorney do not require passage of the MPRE in this case..**

- (2) ☒ **Other Conditions:**

See Law Office Management and Financial Conditions, below.

In the Matter of
STEVEN R. LISS

Case number(s):
05-O-03676; 06-O-10019

A Member of the State Bar

Law Office Management Conditions

- a. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within days/**SIX** months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

In the Matter of
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Case number(s):
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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

- ☐ 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 reproval), 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

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:
- 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: STEVEN R. LISS

CASE NUMBER(S): 05-O-03676, ET AL.

FACTS AND CONCLUSIONS OF LAW.

1. In or about July 2005, Richard and Leslie Cooper (the "Coopers") contacted Respondent to explore the possibility of adopting a child. Between on or about July 11, 2005 and August 15, 2005, the Coopers and Respondent actively corresponded by email, and Respondent responded to the Coopers' questions and inquiries into the adoption process. On or about July 13, 2005, the Coopers paid Respondent a \$450 initial consultation fee.

2. On or about July 19, 2005, Respondent requested that the Coopers execute an employment agreement and send \$17,500 in advanced fees, and \$1,000 for costs. Respondent's employment agreement provided that approximately \$600 of the sums to be paid for costs were for generic expenditures to be paid on all cases, whether or not the listed costs were actually incurred. Respondent did not sufficiently explain to the Coopers that he charged a flat fee in lieu of actual costs for a number of itemized services.

3. Thereafter, in e-mail correspondence, Respondent and the Coopers continued to discuss "costs" without any distinction between anticipated costs to be incurred, and the flat fee in-lieu of costs that Respondent asserted in his employment agreement.

4. On or about July 25, 2005, Respondent advised the Coopers that, if they would sign the employment agreement and send him the first of two installments for the fees and costs, Respondent estimated that he could find them a match within the next 4-6 months. He did not explain that the time

estimate was conditioned on his expectations of the Coopers, or adequately describe what those expectations were.

5. On or about August 16, 2005, the Coopers sent Respondent a check for \$9,250. On or about August 29, 2005, the Coopers sent Respondent another check for \$9,750.

6. On or about August 16, 2005, the Coopers sent Respondent the executed employment agreement. Pursuant to the agreement, Respondent was to locate a birth mother, match the Coopers with a child, and take the necessary actions to obtain approval to adopt and get the proper court adoption orders for the Coopers.

7. In or about August 2005, Respondent sent the Coopers a sample adoptive parent packet, informing adoptive parents of the process and containing instructions on how to write "birth mother letters" that are letters from prospective mothers to the birth mothers.

8. In or about September 2005 and October 2005, the Coopers sent Respondent two drafts of their "birth mother" letter, requesting Respondent's feedback.

9. Subsequent to September 2005, the Coopers became disappointed with what appeared to them to be a lack of diligence on the part of Respondent to take action on their behalf.

10. On or about November 22, 2005, the Coopers sent Respondent a letter, terminating his services, and requesting a refund of the \$18,500 they had paid Respondent. Respondent did not respond to the Coopers' request for a refund, as the certified letter was misdirected within the office complex in which Respondent was a tenant.

11. In or about December 2005, when they did not receive a response to their November 22, 2005, refund request, the Coopers filed a complaint with the State Bar.

12. On or about January 12, 2006, Respondent wrote to the Coopers, and declined to refund any portion of the advanced fees, pointing to a purported "non-refundable" clause in his fee agreement. Respondent did, however, acknowledge in his letter that he would refund \$200 of the costs they had advanced, and further offered to continue to represent them, based upon the employment agreement of August 2005.

13. Thereafter, the Respondent and the Coopers engaged in formal fee arbitration proceedings.

14. On or about July 7, 2006, Respondent promptly complied with an arbitration award entered in favor of the Coopers.

15. By not explaining to the Coopers that the "costs" charged in his fee agreement was actually an assertion of a flat fee in-lieu-of costs, and by not adequately describing or documenting his expectations of the Coopers to them, Respondent failed to communicate significant developments in a matter with regard to which he agreed to provide legal services, in wilful violation of California Business and Professions Code section 6068(m).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was March 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-03676	1 - 3	B&P § 6106; RPC 3-210; RPC 3-700(D)(2)
06-O-10019	4 - 5	3-110(A); 3-700(D)(2)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 12, 2007, the estimated prosecution costs in this matter are approximately \$ 3,654.00.

Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. 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 SANCTIONS

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. See *Snyder v. State Bar* (1990) 49 Cal.3d 1302. Also, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct 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 1.7(a) supports an increase of the level of discipline from the discipline imposed in a prior proceeding. Respondent's prior instances of discipline were reprimands (one public, one private).

Standard 1.7(b) calls for disbarment where discipline has been imposed in two or more prior matters unless the most compelling mitigating circumstances clearly predominate. Respondent's two prior instances of discipline, however, were both reprimands. Moreover, the more recent imposition of discipline was the issuance of a private reprimand, pursuant to an analysis under the guidance of *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602. Disbarment would be manifestly unfair under these circumstances.

Standard 2.4(b) calls for reprimand or suspension for failing to communicate with a client, depending on the extent of the misconduct and the degree of harm to the client.

Standard 2.6(a) calls for disbarment or suspension for a violation of B&P Code § 6068(m), depending on the gravity of the offense.

Standard 2.9 calls for suspension where a member is culpable of a violation of rule 1-110. This standard does not technically apply in this matter, as Respondent is not charged with, nor is there a stipulation to, a violation of that rule. But because the misconduct herein commenced at a time when Respondent was serving a period of reproof, the standard provides appropriate guidance for discerning the appropriate sanction.

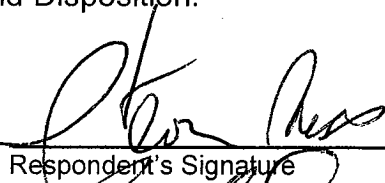
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In the Matter of STEVEN R. LISS	Case number(s): 05-O-03676; 06-O-10019
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SIGNATURE OF THE PARTIES

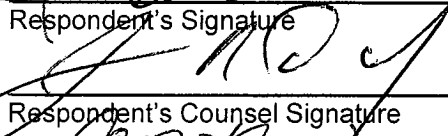
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

3/22/07
Date


Respondent's Signature

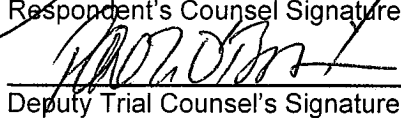
STEVEN R. LISS
Print Name

3/22/07
Date


Respondent's Counsel Signature

JAMES R. DIFRANK
Print Name

3/22/07
Date


Deputy Trial Counsel's Signature

PAUL T. O'BRIEN
Print Name

(Do not write above this line.)

In the Matter Of STEVEN R. LISS	Case Number(s): 05-O-03676 06-O-10019
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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.)**

4/27/07
Date


Judge of the State Bar Court
RICHARD A. HONN

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 April 27, 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:

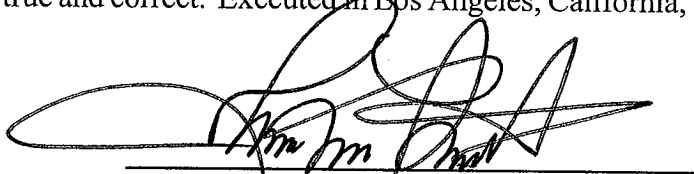
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAMES RICHARD DIFRANK
12227 PHILADELPHIA ST
WHITTIER, CA 90601 - 3931**

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

MONIQUE MILLER , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **April 27, 2007**.

A handwritten signature in black ink, appearing to read "Johnnie Lee Smith", is written over a horizontal line.

Johnnie Lee Smith
Case Administrator
State Bar Court