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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar JEAN H. CHA Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 (213) 765-1629 Bar # 228137	Case Number (s) 05-O-05199 - RAH 06-O-12709 - RAH <div style="text-align: center; font-size: 1.5em; font-weight: bold;">PUBLIC MATTER</div>	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> JUL 22 2008 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent WARREN J. SMALL, JR. 3890 11 th Street, #201 Riverside, California 92501 (951) 781-5950 Bar # 90945	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: WARREN JOSEPH SMALL, JR. Bar # 90945 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 **DECEMBER 14, 1979**.
- (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 **11** 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."



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- (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: (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 **01-O-04872 - AIN**
 - (b) Date prior discipline effective **APRIL 2, 2003**
 - (c) Rules of Professional Conduct/ State Bar Act violations:
Rules of Professional Conduct, rule 3-110(A), failure to perform legal services with competence; and Business and Professions Code section 6103, failure to obey a court order.
 - (d) Degree of prior discipline **18-month public reproof conditions.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

Supreme Court Order Number S033979; State Bar Case No. 90-O-13675; Effective October 30, 1993; violation of Rules of Professional Conduct rule 8-110(A), failure to properly supervise; Degree of Discipline -- 90-days stayed suspension, two years probation, and no actual suspension.
- (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.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

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

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

Additional mitigating circumstances

See "Other Considerations" at page 8.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **TWO (2) YEARS**.

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

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 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.

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- (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: .
- (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 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

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Attachment language (if any):

**ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF WARREN JOSEPH SMALL
CASE NUMBERS: 05-O-05199 & 06-O-12709-RAH

The Gomez Matter
Case No. 05-O-05199

FACTS.

1. Respondent admits that the following facts are true and that he is culpable of wilfully violating Rules of Professional Conduct rule 3-110(A) ~~and rule 3-200(B)(2)~~ as follows:

2. On July 19, 2004, the Department of Child Support Services filed a motion for review and adjustment for child support relating to the support of Jody Gomez's ("Gomez") two sons owed by their father, Jeffrey Warner ("Warner"). A hearing was set for August 24, 2004. On August 24, 2004, the matter was continued to October 7, 2004.

3. On August 31, 2004, Gomez employed Respondent to represent her interests in connection with the pending modification proceeding initiated by the Department of Child Support Services and any other issues arising out of child custody or child support issues in the Riverside Superior Court case entitled, *Warner v. Warner*, case number FAM 143867 (the "child support matter"). At that time, Gomez paid Respondent \$2,500 in advanced attorneys fees.

4. On August 31, 2004, Gomez informed Respondent that she would be out of the country on October 7, 2004 and requested that Respondent obtain a continuance of the child support motion hearing set on that date. Respondent agreed to obtain a continuance of the motion hearing.

5. Respondent did not file a written motion for continuance of the October 7, 2004 hearing on the child support motion; nor did Respondent otherwise notify the court that he sought to continue the October 7, 2004 hearing as Gomez would be out of the country on that date.

6. It was not until Tuesday, October 5, 2004, that Respondent spoke with opposing counsel, John Balent ("Balent"), who represented Warner, Gomez's ex-husband. In that conversation, Respondent represented to Balent that he would appear at the Thursday, October 7, 2004 motion hearing and request a continuance of the hearing as Gomez was out of the country.

7. On October 5, 2004, in a facsimile, Balent memorialized the conversation with Respondent and confirmed that Respondent would appear at the October 7, 2004 hearing and request a continuance on behalf of both parties.

8. Thereafter, Respondent failed to appear at the October 7, 2004 hearing on the child support motion and failed to request a continuance of the hearing date. Balent also did not appear at the hearing in reliance on Respondent's representation that Respondent would request a continuance in person. Only the Riverside County Department of Child Support Services appeared at the hearing to address its motion for

review and adjustment of child support. The hearing went forward without the presence of Warner and Gomez, or their counsel. As a result of the hearing, the court issued an order increasing Warner's child support obligations.

CONCLUSION OF LAW.

By failing to appear on October 7, 2004 to seek continuance of the hearing, Respondent wilfully failed to perform legal services competently in violation of rule 3-110(A) of the Rules of Professional Conduct.

The Kingsboro-Mills Matter Case No. 06-O-12709

FACTS.

9. Respondent admits that the following facts are true and that he is culpable of wilfully violating Rules of Professional Conduct rule 3-700(D)(2) as follows:

10. On September 12, 2005, Yvette Kingsboro-Mills ("Kingsboro-Mills") employed Respondent to represent her in connection with her dissolution of marriage. On September 20, 2005, Kingsboro-Mills paid Respondent \$4,900.00 in advanced attorneys fees. Respondent believed the \$4,900.00 constituted a true retainer. Respondent was wrong.

11. On September 22, 2005, Respondent filed a petition for dissolution of marriage on behalf of Kingsboro-Mills.

12. On November 14, 2005, Kingsboro-Mills terminated Respondent as her attorney in the dissolution matter and requested a refund of all unearned fees.

13. On November 28, 2005, Respondent signed a substitution of attorney form substituting out of the matter.

14. On July 11, 2006, Respondent provided Kingsboro-Mills with an accounting for fees and costs that reflected a credit balance owing to Kingsboro-Mills of \$3,312.40.

15. On September 7, 2006, Respondent refunded the sum of \$3,312.40 to Kingsboro-Mills. When Respondent refunded the unearned fees, Respondent was aware that the State Bar was investigating the Kingsboro-Mills Matter.

CONCLUSION OF LAW.

Respondent wilfully violated rule 3-700(D)(2) of the Rules of Professional Conduct by failing to promptly refund to his client Kingsboro-Mills the unearned fees she was entitled to receive when she terminated Respondent as her attorney in November 2005 and by taking almost one year to refund the unearned fees.

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OTHER CONSIDERATIONS.

Respondent has furnished evidence of his exemplary record of involvement in bar association and community service activities that demonstrate his good moral character and his commitment to the legal profession.

Respondent has participated in extensive community service from the time he obtained his license to practice law in California to present. Respondent was a founding director of the Public Service Law Corporation in 1982, which is a legal aid agency that acts as the Riverside County Bar Association legal aid agency. Respondent has volunteered once per month as a family law lawyer in addition to accepting many special representation cases for the Public Service Law Corporation to date. Throughout the 1990's Respondent accepted at least two pro bono complex or protracted cases and since 2000 has accepted at least one per year. (Std. 1.2(e); *In the Matter of Twitty* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 664, 673.)

Respondent has acted as a Judge pro tem for the Riverside consolidated courts at least two times per month in 2007 and eight times per month since January 2008.

Respondent is active in his parish as a volunteer school board director and is certified by the archdiocese of San Bernardino and Riverside to act as a volunteer advocate for persons seeking change of their marital status.

Respondent has volunteered as a member of the mandatory dispute resolution service of the Riverside County Bar Association. Respondent has served on the Mediation Panel at the Court of Appeals, 4th District, Division Two since early 2007. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647-648; *In the Matter of Crane and DePew* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 139, 158 & fn. 22.)

Also, from 2007, Respondent has been a volunteer board member of the Sisters of St. Joseph of Carondelet Ministerial Services, a non-profit devoted to outreach to the poor, needy, homeless, and mentally ill to provide services not otherwise met in the community.

Community service and other pro bono activities are mitigating circumstances. (*Rose v. State Bar* (1989) 49 Cal.3d 646, 667; *In the Matter of Respondent E* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 716, 729.)

Respondent has provided character letters from twelve references in the legal and general communities, many of whom are clients. (Std. 1.2(e)(vi); *In the Matter of Sampson* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 119, 133.)

Respondent has stipulated to facts and culpability. (Std. 1.2(e)(v); *In the Matter of Respondent E*, at p. 730.)

AUTHORITIES SUPPORTING DISCIPLINE.

The starting point for determining the appropriate discipline in this matter is the Standards for Attorney Sanctions for Professional Misconduct. (Rules Proc. of State Bar, Tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.7(b) states that where an attorney is found culpable of disciplinable misconduct and has a record of two prior impositions of discipline, the degree of discipline shall be disbarment unless the most compelling mitigating circumstances clearly predominate. Respondent herein has the imposition of two prior disciplines. This would be his third. If the inquiry stopped there, the State Bar would be seeking disbarment.

However, case law tempers the analysis of the proper disposition and recognizes that there is no fixed formula to be applied, notwithstanding the guidance of the Standards. (*In the Matter of Brimberry* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 390, 403; *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11; *Arm v. State Bar* (1990) 50 Cal.3d 763, 774.) The nature and extent of the prior discipline, for example, affects the appropriate discipline. (*In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208, 217.) In this case, the aggravating weight of prior discipline is arguably diminished because both are fairly remote in time; one in 1988 and the other in 1997. (*In the Matter of Tenner* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 688.) Also considered is the interest of justice and whether a particular outcome would be manifestly unjust. (See *In re Silvertown* (2005) 36 Cal.4th 81.)

The purpose of discipline is not punitive; rather it is to inquire into the fitness of an attorney to continue in that capacity for the protection of the public, the courts and the legal profession. (Std. 1.3; *In re Morse* (1995) 11 Cal.4th 184, 205; *Marcus v. State Bar* (1980) 27 Cal.3d 199, 202.) Here, a sanction short of disbarment is adequate to deter future misconduct and protect the public. (*Maltaman v. State Bar* (1987) 43 Cal.3d 924, 958; Cf. *Rimel v. State Bar* (1983) 34 Cal.3d 128, 131-132; see also *Friedman v. State Bar* (1990) 50 Cal.3d 235, 244-245 and *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 316-318.)

In this third matter, Respondent refunded to Ms. Kingsboro-Mills the unearned portion of the fee she paid when it was explained to Respondent that what he called a "true retainer," was in fact an advanced fee, particularly when he billed hourly against the fee.

In the Gomez matter, there was no ultimate harm to Ms. Gomez. The child support matter is ongoing due to the delays caused by Warner. Also, due to the fact that Respondent did not appear at the October 7, 2004 hearing and that Balent did not appear, the child support obligation was increased in favor of Gomez and her two sons. The result of the hearing was not disputed by Gomez or Warner.

According to Respondent, Respondent did not appear at the October 7, 2004 hearing because he asked his secretary to call the clerk to request a continuance before leaving the office to attend to matters of a personal nature on October 5, 2004. Respondent delegated the task to his secretary at the time. While Respondent was out of the office, Respondent's secretary did not contact the clerk of the family law court to request a continuance. Upon his return the following week, Respondent learned that the matter was not properly continued. Shortly following this discovery, Respondent contacted his client upon her return from being out of the country to inform her of the missed appearance. No action was requested by Ms. Gomez. The staff person no longer works for Respondent and lack of follow through with delegated tasks has not recurred. Respondent recognizes that he is ultimately responsible even when he delegates tasks.

Respondent's reappearance in the State Bar discipline system would seem to demonstrate that the past discipline "did not succeed in imparting to him an understanding of the duties of an attorney to his clients and to the public." (*Bruns v. State Bar* (1941) 18 Cal.2d 667, 673; see also *Eschwig v. State Bar* (1969) 1 Cal.3d 8, 18-19.) On the other hand, an individualized balancing of all the factors, the particular

combination of the priors and this matter do not appear to warrant the harshest response of disbarment to protect the public and to finally get Respondent's attention.¹

It is believed that the disposition recommended and agreed to by the parties will adequately address the interests of the public, as well as to deter the member from further lapses in his professional obligations.

In light of all relevant circumstances, including the mitigating circumstances based on Respondent's conduct in toto, another public reproof would not be appropriate, but disbarment would be harsh. Stayed suspension is the appropriate outcome. (*Gary v. State Bar* (1988) 44 Cal.3d 820, 828)

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was July 9, 2008.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
05-O-05199	Two	Section 6068(m), Business and Professions Code
06-O-12709	Three	Rule 3-600(D)(2), Rules of Professional Conduct

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 9, 2008, the estimated prosecution costs in this matter are approximately \$5,539.00. 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.

STATE BAR ETHICS SCHOOL.

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

¹ "Individualized balancing" is applied where there is no case on point and the sanction arises from a balanced consideration of relevant factors, on a case-by-case-basis. (*Stevens v. State Bar* (1990) 51 Cal.3d 283, 288-289; *Stanley v. State Bar* (1990) 50 Cal.3d 555, 565 and cases cited; *In re Billings* (1990) 50 Cal.3d 358, 366.)

(Do not write above this line.)

In the Matter of WARREN JOSEPH SMALL, JR. Member #90945	Case number(s): 05-O-05199 - RAH 06-O-12709 - RAH
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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>7/19/08</u> Date	<u>WJ Small</u> Respondent's Signature	<u>WARREN J. SMALL, JR.</u> Print Name
<u>7/21/08</u> Date	<u>Jean Cha</u> Deputy Trial Counsel's Signature	<u>JEAN H. CHA</u> Print Name

(Do not write above this line.)

In the Matter Of WARREN JOSEPH SMALL, JR. Member #90945	Case Number(s): 05-O-05199 - RAH 06-O-12709 - RAH
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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.

PAGE 6, FACTS, 1. DELETION OF "AND RULE 5-700(b)(2).

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.)**

07/22/08
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 22, 2008, I deposited a true copy of the following document(s):

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

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

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

**WARREN JOSEPH SMALL
LAW OFC WARREN J SMALL JR
3890 11TH ST #203
RIVERSIDE, CA 92501**

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

Jean Hee Cha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 22, 2008**.



Cristina Potter
Case Administrator
State Bar Court