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kwiktag® 022 607 246 		State Bar Court of California Hearing Department Los Angeles	
Counsel For The State Bar Jean Cha, Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, California 90015-2299 (213) 765-1000 Bar # 228137		Case Number (s) 06-H-12812-RAP	(for Court's use) <div style="text-align: center;"> FILED MAR 16 2007 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Sheldon Gilbert Bardach Law Office of Sheldon G. Bardach 11319 1/4 Iowa Ave Los Angeles, California 90025-4214 Bar # 32057		PUBLIC MATTER	
In the Matter Of: Sheldon Gilbert Bardach Bar # 32057 A Member of the State Bar of California (Respondent)		Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 **January 9, 1962**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

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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):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **Two (2) billing cycles following the effective date of the Supreme Court Order.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) **Prior record of discipline [see standard 1.2(f)]**
- (a) State Bar Court case # of prior case **04-O-15318.**
 - (b) Date prior discipline effective **October 7, 2006.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, Rule 3-110(A) for failing to negotiate and pay the medical lien on behalf of his client. Rule 4-100(A) for failing to maintain the balance of funds in a Client Trust Account. Business and Professions Code section 6106, converting settlement funds.**
 - (d) Degree of prior discipline **one year actual suspension; five years probation; five years stayed suspension**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
 - (i) State Bar Court case # of prior cases: 03-O-02442, 04-O-13098 and 04-H-14867.
Date prior discipline effective: May 10, 2005.

Rules of Professional Conduct violations: Rule 3-300(B) for entering into business transaction with client and failing to advise the client, in writing, of right to seek advice of independent lawyer of the client's choice regarding the business transaction. Rule 1-110 for failing to complete reapproval conditions and pay restitution.

Degree of prior discipline: Public Reprimand one year; Restitution \$2,500.00, interest accrues from July 1, 2004.
 - (ii) State Bar Court case # of prior case: 02-O-12806. Date prior discipline effective: July 31, 2003. Rules of Professional Conduct violation: Rule 3-700(D)(2) for failing to refund unearned fees. Restitution of \$2,500.00 by July 31, 2004.

Degree of prior discipline: Private Reprimand one year; Restitution \$2,500.00.

- (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:

None.

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. **See Attachment, page 12.**
- (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

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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. **See Attachment, page 12.**
- (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. **See Attachment, page 12.**
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

See Attachment, page 12.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **five (5) 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:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of **five (5) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **eighteen (18) months**.
- 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

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- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason:
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

- (10) The following conditions are attached hereto and incorporated:
- | | |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

In the Matter of
Sheldon Gilbert Bardach

Case number(s):
06-H-12812-RAP

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
Ligia Card	\$2,500.00	July 1, 2004

- 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

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: **SHELDON GILBERT BARDACH**

CASE NUMBER: **06-H-12812-RAP**

JURISDICTION

Sheldon Gilbert Bardach ("Respondent") was admitted to the practice of law in the State of California on January 9, 1962, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

FACTS AND CONCLUSIONS OF LAW

1. On April 15, 2005, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in case nos. 03-O-02442, 04-O-13098, and 04-H-14867.
2. On April 19, 2005, the Hearing Department of the State Bar Court filed an order approving the Stipulation and imposing the public reproof with conditions set forth in the Stipulation (the "reproof order").
3. On April 19, 2005, the reproof order was properly served by mail upon Respondent at his official State Bar membership records address. Respondent received the April 19, 2005 reproof order.
4. Pursuant to the April 19, 2005 reproof order, Respondent was ordered to comply with the following terms and conditions, among others:
 - i. to comply with the conditions attached to the reproof for a period of one year;
 - ii. within one (1) year of the effective date of the reproof order, to submit to the Office of Probation satisfactory proof of attendance at State Bar Ethics School and passage of the test given at the end of that session; and

- iii. within one (1) year of the effective date of the reprovial order, to provide satisfactory proof of restitution payment to Ligia Card (or to the Client Security Fund, if applicable) in the principal amount of \$2,500 plus 10% interest accruing from July 1, 2004.

5. The April 19, 2005 reprovial order became effective on May 10, 2005.

6. On April 28, 2005, a Probation Deputy of the Office of Probation of the State Bar of California wrote Respondent reminding Respondent of the terms and conditions of the April 19, 2005 reprovial order. In the letter, the Probation Deputy specifically reminded Respondent that proof of compliance with State Bar Ethics School was due by May 10, 2006 and proof of payment of restitution was due by May 10, 2006. Enclosed with the Probation Deputy's April 28, 2005 letter to Respondent were, among other things, a copy of the State Bar of California Ethics/CTA school schedule for 2005 and instructions for providing the State Bar with satisfactory proof of compliance with restitution.

7. On April 28, 2005, the Probation Deputy's April 28, 2005 letter was mailed to Respondent via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent at his official State Bar membership records address. The April 28, 2005 letter was not returned as undeliverable or for any other reason by the United States Postal Service. Respondent received the April 28, 2005 letter from the Probation Deputy.

8. To date, Respondent has failed to submit to the Office of Probation satisfactory proof of attendance at State Bar Ethics School and passage of the test given at the end of that session.

9. To date, Respondent has failed to submit to the Office of Probation satisfactory proof of any restitution payments to Ligia Card (or to the Client Security Fund, if applicable).

10. By failing to file the required proof of attendance at Ethics School and passage of the test given at the end of the session, and by failing to file proof of restitution payment to Ligia Card in the amount of \$2,500 plus interest, Respondent failed to comply with the terms and conditions of the April 19, 2005 reprovial order.

11. By failing to comply with the terms and conditions of the reprovial order, Respondent wilfully violated rule 1-110 of the Rules of Professional Conduct.

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A.(7), was February 23, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 23, 2007, the estimated prosecution costs in this matter are approximately \$3,530.00. Respondent acknowledges that this figure is an estimate only and that it does not include incidental expenses (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)) 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

The primary purposes of the disciplinary proceedings are the protection of the public, the courts, and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession. (Std. 1.3; *In re Morse* (1995) 11 Cal.4th 184, 205, Std. 1.3; *Tarver v. State Bar* (1984) 37 Cal.3d 122, 133, 207 Cal.Rptr. 302, 688 P.2d 911; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) Respondent had a discipline-free history with the State Bar from 1962 through 2002. During the time of the present misconduct, Respondent experienced serious financial difficulties, family problems, and marital strain.

Standard 2.9 of the Standards for Attorney Sanctions for Professional Misconduct¹ provides that culpability of a member of a wilful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension.

The determination of discipline involves an analysis of the standards and a balancing of both the mitigating and aggravating circumstances. (Std. 1.6(b). *Segal v. State Bar* (1988) 44 Cal.3d 1077, 1089; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-11.) When balancing the aggravating facts with the mitigating factors a result which protects the public is achieved with an 18-month actual suspension which will continue until Respondent makes complete restitution and satisfies the requirements of Standard 1.4(c)(ii). (Std. 1.2(b). Std. 1.2(e).)

MITIGATING CIRCUMSTANCES

Candor and Cooperation:

Mitigating weight is afforded because Respondent willingly admits his culpability and has participated in these proceedings. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179.)

¹Future references to standard or Std. are to the Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct.

Severe Financial Stress:

Respondent's financial stress is directly responsible for his inability to pay the underlying restitution and merits some weight in mitigation. Respondent's failure to pay restitution was due to his financial inability. Respondent was barely able to maintain his fundamental living expenses leading up to and at the time of the expiration of the reproof in May 2006. Respondent attempted to acquire the ability to pay the restitution. Throughout 2006, Respondent sent résumés in response to classified and Internet ads. Respondent was not offered any interviews. On May 24, 2006, Respondent did make a payment of \$50.00 to the Client Security Fund. On October 16, 2006, Respondent belatedly submitted a motion for extension of time to make restitution. The motion was late because Respondent was suffering from personal difficulties involving his marital problems, discussed *infra*. Starting in the beginning of 2007, Respondent has found employment under the supervision of a law school colleague.

Marital Problems:

According to Respondent, in 2003, Respondent's marriage fell apart and he and his wife separated. Respondent's wife relocated to England. In early 2006, reconciliation discussions began between the couple. About the time Respondent was addressing his third disciplinary proceeding, Respondent and his estranged wife were discussing a reconciliation and her imminent return to the United States in April or May 2006. But when the stepmother of his wife died suddenly, Respondent's wife's imminent return was delayed. She is now caring for her father in Spain. According to Respondent, this event affected Respondent's ability to focus on the May 10, 2006 deadline to make restitution or to file for an extension to make restitution in the underlying reproof. Respondent claims that this delay in Respondent's wife's return caused Respondent to feel hopeless, suffer extreme emotional difficulties, and depression.

ANALYSIS

Respondent has three prior records of discipline. Standard 1.7(b) provides that presumptively when there are two priors "the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate." Standard 1.7(b) should not be applied in these circumstances because disbarment would be manifestly disproportionate to Respondent's cumulative misconduct. (*Arm v. State Bar* (1990) 50 Cal.3d 763, 778-780.) Respondent's first discipline was a private reproof which became effective on July 31, 2003 for misconduct committed in 2000. Respondent's second disciplinary proceeding was a public reproof which became effective on May 10, 2005 for misconduct committed on October 5, 1997 and July 2004. Respondent was in practice for 35 years before he committed the 1997 misconduct. (Std. 1.2(e)(i).) Respondent's third discipline was actual suspension which became effective October 7, 2006 for misconduct committed in December 2003. The present misconduct was not included in the third disciplinary proceeding because the probation violation had not yet occurred as of the execution of the stipulation on April 28, 2006. Had

Respondent's third disciplinary proceeding been resolved concurrently with the present misconduct, the result would have been similar to that found here.

The standards are not mandatory where there is a compelling reason to depart from them. (*In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404; *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96.) Respondent's failures to comply with his reapproval conditions were mitigated by the fact that, at the time, Respondent was suffering from financial and personal difficulties.²

While the standards are entitled to great weight, they are not to be followed in talismanic fashion. (*In re Silvertown* (2005) 36 Cal.4th 81, 92; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221.) When considering the nature and extent of the prior record, Respondent has been actually suspended since October 7, 2006. (*In the Matter of Anderson* (Review Dept.) 2 Cal. State Bar Ct. Rptr. 208, 217.) Coupled with the 18-month actual suspension here, Respondent will thus have been continuously ineligible to practice law for greater than two years by the time the 18-month suspension terminates.

This disposition adequately protects the public. (Std. 1.3; Std. 1.7(b); *In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490; *In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245.) Respondent will remain actually suspended until the State Bar Court determines that he is rehabilitated, fit to practice, and has current learning and ability in the general law pursuant to Standard 1.4(c)(ii). Further, Respondent will be required to fully satisfy the restitution condition before he is able to petition for relief from actual suspension pursuant to Standard 1.4(c)(ii).

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²Respondent's mitigating circumstances considered in his third disciplinary proceeding regarding financial and personal issues, though not identical, are related to the mitigation addressed herein.

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In the Matter of Sheldon Gilbert Bardach	Case number(s): 06-H-12812-RAP
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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.

March 7, 2007
Date


Respondent's Signature

Sheldon Gilbert Bardach
Print Name

3/7/07
Date

Jean Cha
Deputy Trial Counsel's Signature

Jean Cha
Print Name

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In the Matter Of Sheldon Gilbert Bardach	Case Number(s): 06-H-12812-RAP
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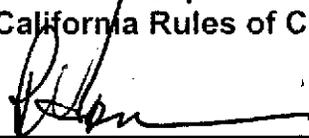
ORDER

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.)**

3-15-07
Date


Judge of the State Bar Court
Honorable 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 March 16, 2007, I deposited a true copy of the following document(s):

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

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

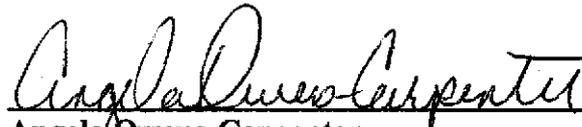
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**SHELDON GILBERT BARDACH
LAW OFC SHELDON G BARDACH
11319 1/4 IOWA AVENUE
LOS ANGELES CA 90025 4214**

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

JEAN CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **March 16, 2007**.



Angela Owens-Carpenter
Case Administrator
State Bar Court