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State Bar Court of California
Hearing Department
San Francisco

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| <p>Counsel For The State Bar</p> <p>Susan Chan Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105</p> <p>Bar # 233229</p> | <p>Case Number (s) 06-J-13522 [07-O-12360 - NOT YET FILED]</p> | <p>(for Court's use)</p> <p style="text-align: center;">PUBLIC MATTER</p> <p style="text-align: center;">FILED <i>[Signature]</i></p> <p style="text-align: center;">SEP 01 2009</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p> |
| <p>Counsel For Respondent</p> <p>Doron Weinberg Law Offices of Weinberg & Wilder 523 Octavia Street San Francisco, CA 94102</p> <p>Bar # 46131</p> | <p>Submitted to: Settlement Judge</p> | <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> |
| <p>In the Matter Of: JAMES T. BENNETT</p> <p>Bar # 113009</p> <p>A Member of the State Bar of California (Respondent)</p> | | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 13, 1984**.
- (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 **12** 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:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (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. **See Attached.**
- (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. **See Attached.**
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. **See Attached.**
- (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. **See Attached.**
- (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. **See Attached.**
- (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 Attached.**
- (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 (1) year**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be 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)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty (60) days**.

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:

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.

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- (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 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 951-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, 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.

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- (3) **Conditional Rule 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, 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: See Attached.**

5. In its Order filed June 14, 2007, the Ninth Circuit found respondent had only partially completed the law office audit and implemented its recommendations and was only in partial compliance with other terms of the probation order. Respondent's request that his probationary period be extended for six months was granted by the Ninth Circuit. The Ninth Circuit ordered respondent to remain on probation for an additional six months and compliance with the court's rules and orders.
6. The Ninth Circuit's June 14, 2007, Order, include *inter alia*, the following findings during respondent's probationary period: respondent filed six (6) new cases without giving the requisite notice to the Appellate Commissioner; respondent did not file courtesy copies with the Commissioner of his filing for additional motions for extensions or file brief late in five (5) cases; respondent continued to fail to file briefs by their due dates, and otherwise failed to comply with court rules and orders. The Ninth Circuit stated that respondent's most common problem was failing to file timely motions for extensions of time to file opening briefs. (*See* 9th Cir. R. 31-2.2(b) motions are due 7 days before the brief due date). During the probationary period, three of respondent's cases were dismissed due to his failure to file an opening brief. Two petitions were later reinstated but all three dismissals, placed respondent's clients in jeopardy and strained court resources. In seven (7) other cases, respondent requested and received multiple extensions of time before filing his brief, and he often filed the brief late.
7. On or about January 29, 2008, respondent filed a second status report and motion for extension of time to file law office audit report for thirty days as a supplemental report.
8. On or about March 3, 2008, respondent's supplement to second status report was filed with the Ninth Circuit.
9. On or about July 7, 2008, the Ninth Circuit issued a Second Report and Recommendation regarding respondent's performance on probation. On August 5, 2008, respondent filed objections and response to the Second Report and Recommendation. On February 10, 2009, the Ninth Circuit held a hearing on the Second Report and Recommendation, in *In re James Todd Bennett*, No. 05-80133.
10. On or about March 5, 2009, the Honorable Peter Shaw, Appellate Commissioner, United States Court of Appeals for the Ninth Circuit, issued an order in Case No. 05-80133 placing respondent on probation for one additional year with no suspension. The July 7, 2008 Second Report and Recommendation was withdrawn by Appellate Commissioner Shaw in his order.

Conclusions of Law

As a matter of law, respondent's culpability as determined by the Court of Appeals for the Ninth Circuit warrants the imposition of discipline under the laws and rules binding upon members of the State Bar at the time the respondent committed the misconduct found by the Ninth Circuit, as determined by the proceedings specified in Business and Professions code section 6049.1 subdivision (a); and that the proceedings of the Court of Appeals for the Ninth Circuit contained fundamental constitutional protection, specifically including procedural due process of notice and an opportunity to be heard.

By failing to file opening briefs in 45 petitions, failing to move for voluntary dismissal of approximately 21 cases that were no longer viable, or had been resolved and instead of notifying the

court, respondent waited for the court to dismiss the matters for lack of jurisdiction, respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).

By failing to abide by numerous court orders and failing to abide by the probation conditions as set forth in the Ninth Circuit's order of July 28, 2006 and June 14, 2007, respondent failed to maintain the respect due to the courts of justice and judicial officers, in willful violation of Business and Professions Code sections 6068(b) and 6103.

Case No. 07-O-12360 (Not-yet-filed as a Notice of Disciplinary Charges)

A. Facts

1. In or about October 2004, on behalf of Augustin and Maria Sanchez Rojas ("Sanchez Rojas"), Hector Cavazos, Sr. of Cavazos & Associates hired respondent to file a petition for review of the final administrative order of removal issued by the Board of Immigration Appeals on behalf of Sanchez Rojas. The order was based on petitioner's failure to present any credible evidence of the required period of their physical presence in the United States before the Immigration Judge, adopted per curiam by the Board of Immigration Appeals, as reflected in the Certified Administrative Record. Respondent did not communicate directly with Sanchez Rojas. Respondent did not enter into a written fee agreement with Sanchez Rojas for legal services.
2. On or about October 21, 2004, respondent filed a Petition for Review in the U.S. Ninth Circuit of Appeals, entitled *Sanchez Rojas, et al. v. Gonzales* (Docket No. 04-75388).
3. On or about October 22, 2004, respondent filed a Notice of Motion and Motion for Emergency Stay of Execution of Final Order of Removal and Application for Temporary Stay Order Pending Ruling of Motion on behalf of Sanchez Rojas, in the U.S. Ninth Circuit of Appeals, entitled *Sanchez Rojas, et al. v. Gonzales*.
4. On or about March 2, 2005, the Ninth Circuit granted a Motion for Extension of Time to File the Certified Administrative Record. Accordingly, the court set forth a briefing schedule: opening brief due date of June 6, 2005; answering brief due date of July 6, 2005; optional reply brief due 14 days after service of the answering brief. A copy of the Motion for Extension of Time to File the Certified Administrative Record was served on respondent by U.S. Mail.
5. Respondent failed to file an opening brief for Sanchez Rojas of which he had notice and ability to perform. On or about October 4, 2005, the Ninth Circuit issued an Order dismissing *Sanchez Rojas, et al. v. Gonzales* (Docket No. 04-75388), for failure to prosecute after petitioners failed to file their opening brief.

B. Conclusions of Law

By failing to file an opening brief on an appeal at which Sanchez Rojas' denied claim for residency was at stake, respondent failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was August 4, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 4, 2009, the prosecution costs in this matter are \$6,641.25. 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.

Standard 2.4(a) specifies that a pattern of willful failure to perform indicating abandonment shall result in disbarment. Here, respondent suffered the dismissal of 45 petitions in the original Ninth Circuit disciplinary proceeding, chronic tardiness in filing briefs and failing to timely file motions for extensions of time to file opening briefs in violation of his probation conditions as noted in the Ninth Circuit's second order, dated June 14, 2007.

Standard 2.4(b): specifies culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client. Here, respondent failed to file an opening brief in the Sanchez Rojas matter resulting in the Ninth Circuit's dismissal of the case.

Standard 2.6 specifies that disbarment or suspension is warranted for violations of Business and Professions Code, section 6103 (violation of court orders). Here, respondent has violated dozens of court orders regarding these cases.

Disciplinary case law involving repeated violations with immigration matters warrant significant suspension. *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498; *Gadda v. State Bar* (1990) 50 Cal.3d. 344; *In re Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416; *In re Brockaway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944.

Lydon v. State Bar (1988) 45 Cal.3d 1181, wilfulness does not require actual knowledge of the provision violated.”

In the Matter of Taggart (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 309, “Thus, the term wilful does not require a showing that respondent intended the consequences of his acts or omissions, it simply requires proof that he intended the act or omission itself.”

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Standard 1.2(b)(ii): The current misconduct found or acknowledged by the member evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. With 45 dismissals to his discredit, respondent demonstrates a pattern of repeated misconduct. (*Young v. State Bar* (1990) 50 Cal.3d. 1204, 1217; *Bledsoe v. State Bar* (1991) 52 Cal.3d. 1074, 1079-1080). Respondent's failure to

comply with court orders and probation conditions as set forth in the orders dated July 28, 2006 and June 14, 2007, demonstrates multiple acts of misconduct.

Standard 1.2(b)(iv): The misconduct harmed significantly a client, the public, or the administration of justice. Despite the supervision of the Ninth Circuit, respondent appears incapable of managing his clients responsibilities to assure timely, and therefore competent representation, respect for the court, and adherence to the most basic of court orders and rules during the period under consideration.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(i): Respondent was admitted in 1984 and has no prior discipline.

Standard 1.2(e)(iv): From December 2003 through the present, respondent has experienced a myriad of personal and health problems. Respondent has taken objective steps to control his health condition and family related situation.

Standard 1.2(e)(vi): Respondent's good character has been attested to by a wide range of references in the legal and general communities who are aware of his misconduct. Respondent received letters of reference from attorneys and former clients attesting to his good character.

STATE BAR ETHICS SCHOOL.

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

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

Respondent is ordered to show proof of compliance with all conditions of the underlying Court of Appeals for the Ninth Circuit court orders, in *In re James Todd Bennett*, No. 05-80133, and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

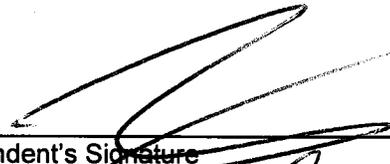
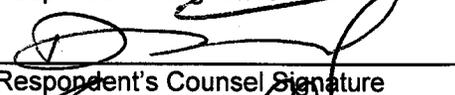
Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

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| In the Matter of JAMES T. BENNETT | Case number(s): 06-J-13522 [07-O-12360 Not Yet Filed] |
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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.

| | | |
|-----------------|---|--------------------------------|
| 8/12/09 Date |  Respondent's Signature | James T. Bennett Print Name |
| 8/12/09 Date |  Respondent's Counsel Signature | Doron Weinberg Print Name |
| 8/13/09 Date |  Deputy Trial Counsel's Signature | Susan Chan Print Name |

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In the Matter Of
James T. Bennett

Case Number(s):
06-J-13522; 07-O-12360

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:

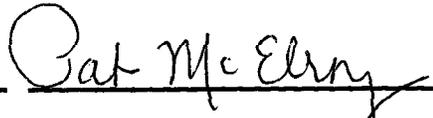
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 5, F(1)—an "x" is inserted in front of the box so that respondent will be required to take and pass the MPRE within one year of the effective date of the Supreme Court order in this matter.

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.)**

September 1, 2009

Date



Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on September 1, 2009, 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 San Francisco, California, addressed as follows:

**DORON WEINBERG
523 OCTAVIA ST
SAN FRANCISCO, CA 94102**

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

SUSAN CHAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 1, 2009.



Bernadette C.O. Molina
Case Administrator
State Bar Court