



(Do not write above this line.)

State Bar Court of California		
Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco		
Counsel for the State Bar Tammy M. Albertsen-Murray State Bar of California 180 Howard Street San Francisco, CA 94105 Bar # 154248	Case number(s) 06-0-10266-PEM 05-0-03659 (Unfiled)	(for Court's use) PUBLIC MATTER FILED OCT 31 2006 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent Damone K. Hale 88 Howard Street, #2305 San Francisco, CA 94105 Bar # 153686	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: FRANCIS J. McGREW Bar # 122523 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 February 21, 1986
(date)
- (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 and order consist of 15 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(Do not write above this line.)

(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:
2008, 2009, 2010, 2011 and 2012
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

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

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case 02-C-10099-JMR; 02-O-13663 (unfiled)

(b) Date prior discipline effective November 8, 2002

(c) Rules of Professional Conduct/ State Bar Act violations: Business & Professions Code,

section 6068(a) by way of Vehicle Code section 20002(A); Rules of Pro-

fessional Conduct, rule 3-700(D)(2)

(d) Degree of prior discipline Private reproof with public disclosure

(e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

SEE ATTACHMENT

(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.

(Do not write above this line.)

- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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.

(Do not write above this line.)

- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances are involved.**

Additional mitigating circumstances:

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of Three (3) 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 Three (3) years which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

(Do not write above this line.)

(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
- 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.

(Do not write above this line.)

- (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: Respondent attended and passed Ethics School on August 31, 2006
- (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(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended. Reason: _____
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, 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 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, 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 ATTACHMENT

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: FRANCIS J. McGREW

CASE NUMBER(S): 06-O-10266-PEM [filed]
 05-O-03659 [unfiled]

FACTS AND CONCLUSIONS OF LAW.

Case number 06-O-10266

Facts.

In or about November, 2004, respondent signed a stipulation in which he agreed to receive attorney discipline and agreed to comply with specified conditions of probation (State Bar case numbers 03-O-04373, 03-H-02104). By orders made on November 23, 2004 and January 6, 2005, the State Bar Court approved the stipulation subject to certain modifications. Respondent did not object to the modifications, and the stipulation was forwarded to the California Supreme Court. On May 19, 2005, based upon the stipulation as modified, the California Supreme Court filed an order suspending respondent from the practice of law for one year and until payment of restitution, staying execution of the suspension, and placing respondent on probation for three years on various conditions of probation set forth in the stipulation as modified (Supreme Court Case Number S131686). The Supreme Court order became effective on June 18, 2005.

One of the conditions of probation required respondent to submit written quarterly reports under penalty of perjury to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Respondent was required to state whether he had complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent submitted the October, 2005 report untimely on December 1, 2005. Respondent failed to submit the January, 2006 at all. Respondent did not submit the report due on April 10, 2006 until April 20, 2006, which was also untimely.

One of the conditions of probation required respondent to attend Alcoholics Anonymous, Narcotic Anonymous, or other therapy/counseling of his choice, or combination thereof, during the period of probation, as least once a week during the first year of probation, twice a month during the second year of probation and once a month during the third year of probation.

Despite the requirement that was required to state in his quarterly probation reports whether he had complied with "...all conditions of probation during the preceding calendar quarter," respondent failed to state in his October, 2005 and April, 2006 quarterly reports

whether he had attended Alcoholics Anonymous, Narcotic Anonymous, or other therapy/ counseling of his choice during the preceding calendar quarter. Because respondent failed to submit any January, 2006 quarterly report, he also failed to provide the required information for that reporting period.

One of the conditions of respondent's probation required respondent to furnish to a licensed medical laboratory of his choice upon request of the Probation Unit such blood and/or urine samples as may be required to show that respondent has abstained from the use of alcohol and drugs. On December 6, 2005, a deputy of the State Bar's Office of Probation directed respondent to submit to a drug test and to have the results sent to the State Bar Probation Office. Respondent failed to comply with this request in that he both (1) failed to submit to a drug test and (2) failed to cause any drug test results to be submitted to the Probation Office.

Thereafter, on or about December 22, 2005, respondent submitted a false and fictitious drug screening report to the State Bar Probation Office. The drug testing report: (1) was purportedly dated December 9, 2005, (2) purported to be from the Alameda County Probation Department, (3) purported to contain a signature from a staff member of the Alameda County Probation Department, (4) indicated that the Alameda County Probation Department had tested respondent for drugs and (5) indicated that the drug test results were negative. However, the Alameda County Probation Department had not prepared the report and had not tested respondent for drugs, and the purported staff signature was falsified, all of which was known to respondent. Respondent submitted the document to the State Bar Probation Office in order to deceive that office.

Respondent further completely refused to comply with a directive from the State Bar's Probation Unit on July 19, 2006 to submit to a drug test.

One of the conditions of probation required respondent to pay restitution in monthly installments and to provide the Probation Unit with satisfactory proof thereof with each quarterly report submitted of his payments of no less than \$150.00 per month to Eddie Tobias beginning September 1, 2004, until the principal sum of \$2,500.00 is paid in full. Respondent stipulated that "[f]ailure to make timely payment is a material violation of the probation conditions, and will trigger the probation requirement that the full sum of \$2,500.00 will be immediately due and payable to Tobias with 10% interest per annum accruing from 120 days after the date of the Supreme Court order herein."

Respondent missed payments due to Mr. Tobias in July, August and November, 2005 and in January, 2006. Respondent, through counsel, ultimately paid the remaining restitution and interest due to Mr. Tobias on or about June 12, 2006. Neither respondent nor his counsel reported respondent's full compliance with the restitution condition to the Probation Department as required by the conditions of his probation.

One of the conditions of probation required respondent to take and provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE") to the Probation Unit, within one year. Respondent has, to date, failed to pass and to provide proof of passage of

the MPRE to the Probation Unit.

Conclusions of Law.

Respondent failed to comply with conditions attached to a disciplinary probation in willful violation of Rules of Professional Conduct, rule 1-110 by: (1) submitting quarterly reports late, (2) failing to submit the January 10, 2006 quarterly report at all, (3) failing to report his compliance with the condition requiring attendance at Alcoholics Anonymous, Narcotics Anonymous, or other therapy/counseling of his choice, (4) failing to pay restitution in a timely manner, (5) failing to submit to drug testing on two separate occasions, (6) failing to provide results of drug testing to the State Bar Probation Office, (7) submitting to the Probation Office a falsified and fabricated drug testing report, and (8) failing to take and pass the MPRE within one-year of the effective date of his probation or at all.

Respondent committed an act of moral turpitude, dishonesty and corruption by submitting to the State Bar Probation Office a falsified drug testing report on or about December 22, 2005, in violation of Business and Professions Code, section 6106.

Case no. 05-O-03659 (not yet filed)

Facts.

Respondent represented a defendant in a criminal matter in Alameda Superior Court. Respondent's actual suspension resulting from discipline imposed in State Bar case no. 03-O-04373/03-H-02104 (Supreme Court case no. S131686) was to go into effect on June 18, 2005. At a court appearance for the defendant on June 16, 2005, respondent and the judge discussed the return date to be set for the preliminary hearing. Respondent did not inform the court that he would be unable to appear between June 18 and July 22, 2005 because of an actual suspension. Respondent instead told the judge that he would be unavailable for a variety of other reasons. Based on respondent's misrepresentations, the Court set the return date for the preliminary hearing for July 22, 2005.

Conclusion of Law.

By failing to inform the Court that his pending actual suspension was the reason for the request to set a further hearing for July 22, 2005 and by misrepresenting to the Court reasons other than his actual suspension for his unavailability to appear during the period at issue, respondent wilfully violated Business and Professions Code, section 6068(d).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was October 3, 2006.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 2, 2006, the estimated prosecution costs in this matter are approximately \$4,273.00, exclusive of deposition related expenses for the proceeding held on September 14, 2006, which are yet to be fully determined and will be added to the Office of the Chief Trial Counsel's costs. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

- Standard 2.3 - Culpability of a member of an act of moral turpitude, fraud, dishonesty or concealment toward a court, client or another person or if concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment;
- Standard 2.6 (a) - Offenses Involving Other Specified Sections of the Business and Professions Code - section 6068(k) - shall result in disbarment or suspension depending on the gravity of the offense or harm;
- Standard 2.9 - Culpability of a member of a wilful violation of rule 1-110, RPC, shall result in suspension;
- *Borré v. State Bar* (1991) 52 Cal.3d 1047 (misconduct included creating a false letter regarding a requested extension of time to file an appeal which respondent tendered to the State Bar during its investigation, and lying to the State Bar; moral turpitude found; two years actual suspension);
- *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 315 ("Subdivision (d) of section 6068 obligates an attorney to 'employ, for the purposes of maintaining the causes confided in him, such means only as are consistent with the truth.' The statute requires an attorney to refrain from misleading and deceptive acts without qualification. (citing, *DiSabatino v. State Bar* (1980) 27 Cal.3d 159, 162).") Two years actual suspension;
- *In the Matter of Chesnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166, 174-175 (to find a violation of Business and Professions Code section 6106, an attorney's actual intent to deceive is not necessary. It is sufficient that respondent knowingly presented a false statement that tended to mislead the court; six months actual suspension).

AGGRAVATING CIRCUMSTANCES.

PRIOR DISCIPLINE (CONTINUED FROM PAGE 2).

- (a) State Bar Court case # of prior case 03-O-04373; 03-H-02104 (Cons.); Supreme Court case no. S13186 (and as modified by Supreme Court order dated May 19, 2005)
- (b) Date prior discipline effective June 18, 2005 (and as modified by Supreme Court order dated May 19, 2005)
- (c) Rules of Professional Conduct/State Bar Act violations: RPC 3-700(D)(2); RPC 1-110
- (d) Degree of prior discipline One (1) year suspension, stayed and until payment of restitution; three (3) years probation with conditions, including 30 days actual suspension

MITIGATING CIRCUMSTANCES.

- Respondent agreed to this stipulated discipline, thus obviating the need for trial.

STATE BAR ETHICS SCHOOL EXCLUSION.

It is not recommended that respondent attend State Bar Ethics School since respondent attended Ethics School within the last two years on August 31, 2006 in connection with State Bar case numbers 03-O-04373 and 03-H-02104 (Supreme Court case no. S13186).

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

1. Respondent shall abstain from any use of alcoholic beverages and may neither use nor possess any narcotics, controlled substances, marijuana or associated paraphernalia, except with a valid prescription issued by a physician who has been provided with a copy of this stipulation and resulting Supreme Court order. Respondent further acknowledges that he will bear the burden of proving that any physician under this condition has been provided with a copy of this stipulation and Supreme Court order.

2. **ATTENDANCE AT ABSTINENCE-BASED SELF-HELP GROUP:** Respondent shall attend an abstinence-based self help group of his own choosing, including *inter alia*, Narcotics Anonymous, LifeRing, S.M.A.R.T, S.O.S. Other self-help maintenance programs are acceptable if they include: (i) a subculture to support recovery (meetings); and (ii) a process of personal development that does not have financial barriers. (See, *O'Conner v. Calif.* (C.D. Calif. 1994) 855 F. Supp. 303 [No first amendment violation where probationer given choice between AA and secular program].) The program called "Moderation Management" is not acceptable because it allows the participant to continue consuming alcohol. **Frequency of meetings:**

respondent shall attend at least four (4) meetings per month at the rate of one per week during the **first two years of the probation period**; two (2) meetings per month at the rate of one every other week during the third year of probation; and one (1) time per month on any day of the month convenient to respondent for the fourth year of probation.

Respondent shall furnish to the Probation Unit of the State Bar proof of attendance at the meetings set forth in this Condition. If respondent attends meetings via the internet, respondent shall furnish to the Probation Unit documentary evidence of his participation in such meetings.

3. Respondent shall furnish to a licensed medical laboratory of his choice upon request of the Probation Unit such blood and/or urine samples as may be required to show that respondent has abstained from the use of alcohol and other drugs. Said samples must e furnished to the laboratory in such a manner as my be specified by the laboratory to ensure specimen identification and integrity. Upon the Probation Unit's request, respondent shall cause the laboratory to provide the Probation Unit at respondent's expense a screening report based on said samples.

4. Respondent shall at all times maintain with the Probation Unit a current address and a current telephone number at which he can be reached. Respondent must personally return within twelve (12) hours any telephone call from the Probation Unit concerning blood and /or urine testing. The Probation Unit may require respondent to deliver his blood and/or urine to a laboratory no later than **six (6) hours** after telephone notice to respondent at the number provided by respondent. The parties acknowledge that any requirement by the Probation Unit for respondent to submit a blood and/or urine sample within six (6) hours shall be made by the Probation Unit no later than **10:00 a.m.** of the day the test is being required.

RESTRICTIONS WHILE ON ACTUAL SUSPENSION.

1. During the period of actual suspension, respondent shall not:

- Render legal consultation or advice to a client;
- Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
- Appear as a representative of a client at a deposition or other discovery matter;
- Negotiate or transact any matter for or on behalf of a client with third parties;
- Receive, disburse, or otherwise handle a client's funds; or
- Engage in activities which constitute the practice of law.

2. Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the Probation Unit, pertaining to periods in which the respondent was actually suspended from the practice of law.

SUSPENSION NOTIFICATION REQUIREMENTS.

1. Within the first thirty days following commencement of probation, respondent shall provide written notifications concerning the suspension by registered or certified mail, return receipt requested, to:

- a. all clients being represented in pending matters;
- b. any co-counsel;
- c. any opposing counsel or unrepresented opposing parties; and
- d. the court, agency or tribunal in which any active litigation is pending.

2. The notification shall state the following:

- a. that the respondent has been suspended from the practice of law;
- b. the effective date of the suspension;
- c. the length of the suspension;
- d. the respondent's consequent ineligibility to render legal services during the period of the suspension; and
- e. in notifications to clients, any urgency in seeking the substitution of other legal counsel.

3. Within the first forty days following commencement of probation, respondent shall file an affidavit (or declaration in conformity with the requirements of California Code of Civil Procedure section 2015.5) with the Probation Unit showing that respondent has fully complied with these provisions.



4. Respondent shall maintain complete records of the notifications and the certified or registered mailings and shall provide such records upon the request of the Office of the Chief Trial Counsel.

(Do not write above this line.)

In the Matter of FRANCIS J. McGREW	Case number(s): 06-0-10266-PEM; 05-0-03659 (unfiled)
---	--

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 Facts, Conclusions of Law and Disposition.

<u>10.23.04</u> Date	<u>Francis J. McGrew</u> Respondent's signature	<u>Francis J. McGrew</u> Print name
<u>10-24-06</u> Date	<u></u> Respondent's Counsel's signature	<u>Damone K. Hale</u> Print name
<u>10/24/06</u> Date	<u></u> Deputy Trial Counsel's signature	<u>Tammy M. Albertsen-Murray</u> Print name

(Do not write above this line.)

In the Matter of FRANCIS J. McGREW	Case number(s): 06-O-10266; 05-O-03659
---------------------------------------	---

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 11, under Prior Discipline, the Supreme Court case No. is S131686.
2. On page 12, under Other Conditions Negotiated by the Parties, in paragraph 2, the following is deleted: "; and one (1) time per month on any day of the month convenient to respondent for the fourth year of probation." Respondent will be on probation for only three years.

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 953(a), California Rules of Court.)

Date

10/31/06

JOANN M. REMKE

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 October 31, 2006, I deposited a true copy of the following document(s):

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

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

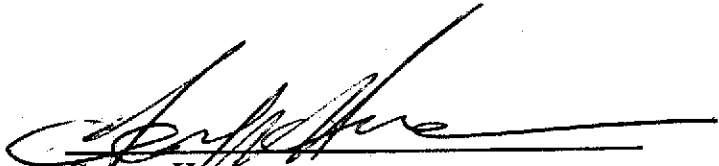
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**DAMONE K HALE
88 HOWARD ST #2305
SAN FRANCISCO CA 94105**

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

TAMMY ALBERTSEN-MURRAY, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 31, 2006.**


George Hue
Case Administrator
State Bar Court