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State Bar Court of California
Hearing Department
Los Angeles

PUBLIC MATTER

Counsel For The State Bar Eli D. Morgenstern The State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1334	Case Number (s) 06-O-10371-RAP; 06-O-12751	(for Court's use) <div align="center"> FILED MAY 14 2008 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Bar # 190560 Counsel For Respondent Michael E. Wine 301 North Lake Avenue, Suite 800 Pasadena, CA 91101-5113 (626) 796-6688	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
Bar # 58657 In the Matter Of: DONALD W. LAMSON Bar # 97363 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 **May 12, 1981**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **14** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ costs added to membership fee for calendar year following effective date of discipline.
- ☒ costs to be paid in equal amounts prior to February 1 for the three billing cycles*
(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

* following the effective date of the Supreme Court Order. For a further discussion concerning costs, please see page 11.

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 or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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 \$ o n i n restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

Although the present misconduct is deemed serious, Respondent has been a member of the State Bar since May 12, 1981, and has no prior record of discipline.

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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **eighteen (18) months**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

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

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

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are

directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason: .

- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

- (9) ☒ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☒ Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☐ No MPRE recommended. Reason: .

- (2) ☐ **Other Conditions:**

In the Matter of
DONALD W. LAMSON

Case number(s):
06-O-10371-RAP; 06-O-12751

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

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reproval), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

- ☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DONALD LAMSON

CASE NUMBERS: 06-O-10371 and 06-O-12751

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 06-O-10371

Facts

1. On or about September 9, 1988, Pedro Nunez ("Nunez") was injured in a work-related motor vehicle accident while employed as a Deputy Probation Officer for the County of Imperial, California ("Imperial County").
2. On January 19, 1992, Nunez settled his claim against the driver of the other vehicle .
3. On May 27, 1992, approximately five months after Nunez settled his claim, Nunez filed an application for Disability retirement with the Imperial County Employees Retirement System ("ICERS").
4. On August 4, 1994, Nunez filed a Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the Southern District of California ("Bankruptcy Court"), titled *In re Pedro Nunez*, Case No. 94-08387-A7 (the "*Nunez Bankruptcy*").
5. On September 23, 1994, ICERS, after a hearing, determined that Nunez qualified for a service-connected disability retirement and awarded the same to Nunez.
6. On August 1, 1995, the Bankruptcy Court approved the settlement between the Bankruptcy Trustee and Nunez in the *Nunez Bankruptcy* and released Nunez from all dischargeable debts.
7. On June 19, 1997, ICERS filed a complaint for declaratory relief against Nunez in the Imperial County Superior Court in a matter titled, *Imperial County Employees' Retirement System v. Nunez*, Case No. 93452 ("*ICERS v. Nunez*"). In *ICERS v. Nunez*, ICERS sought reimbursement for the disability benefits it had paid to Nunez following the settlement of his claim against the other driver in Nunez's work-related motor vehicle accident.

8. In or about April 2000, Nunez employed Respondent to conduct legal and factual research to determine if there was a basis to argue that ICERS' claim was discharged by the *Nunez Bankruptcy* and thus persuade ICERS to settle.

9. On May 12, 2000, the Court entered a judgment in *ICERS v. Nunez* for ICERS against Nunez in the sum of \$117,392.43. Thereafter, ICERS' satisfied the judgment by collecting approximately \$1,400 per month from Nunez's retirement benefits.

10. On March 23, 2002, Respondent sent a demand letter on behalf of Nunez to the County Counsel for Imperial County, legal counsel for ICERS. Enclosed with the demand letter was a ten-page memorandum with attachments outlining the factual and legal basis for Respondent's contention that ICERS' claim was discharged by the *Nunez Bankruptcy* and that Nunez was entitled to injunctive relief and damages under the bankruptcy code.

11. On March 28, 2002, Respondent also sent the demand letter and the enclosed memorandum to the board members of ICERS.

12. Thereafter, ICERS did not take any action on the demand.

13. On March 24, 2003, Nunez mailed a letter by certified mail, return receipt requested, to Respondent inquiring about the status of the demand letter and whether Respondent intended to commence an adversary proceeding on behalf of Nunez against ICERS in the *Nunez Bankruptcy*.

14. Respondent received Nunez's March 24, 2003 letter; however, he did not respond to said letter until September 8, 2003.

15. On February 13, 2004, Respondent mailed a retainer agreement to Nunez. Pursuant to the retainer agreement, Respondent was to represent Nunez in an adversarial proceeding against ICERS in the *Nunez Bankruptcy* for a contingency fee of 33 percent of any punitive damages or sanctions awarded to Nunez and all attorney fees awarded to Nunez by the Bankruptcy Court. Nunez signed the retainer agreement and returned it to Respondent.

16. Approximately two weeks later, Respondent wrote to Nunez advising him that he would be unable to represent him in the adversarial proceeding.

Conclusions of Law

By failing to respond to Nunez's March 24, 2003 letter until September 8, 2003, Respondent failed to respond promptly to reasonable status inquiries of a client in wilful violation of Business and Professions Code section 6068(m).

Facts

1. At all relevant times to the stipulated facts herein, Respondent maintained a client trust account at Bank of America, account no. 16646-12267 ("CTA").
2. On January 9, 2006, Respondent issued CTA check no. 1023 for \$3,000 to the Encinitas Inn for personal expenses.

Conclusions of Law

By issuing a CTA check for personal expenses, Respondent misused his client trust account in wilful violation of rule 4-100(A).

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any variance between the Notice of Disciplinary Charges filed on December 6, 2007, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was April 24, 2008.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
06-O-10371	One	Rules of Professional Conduct, rule 3-110(A)
06-O-10371	Three	Rules of Professional Conduct, rule 3-700(D)(2)
06-O-10371	Four	Business and Professions Code, section 6106
06-O-12751	Six	Business and Professions Code, section 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of April 24, 2008, the costs in this matter are \$3,050.99. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order. 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.6(a) of the Standards for Attorney Sanctions for Professional Misconduct ("Standard(s)") provides that the culpability of a member of a violation of Business and Professions Code section 6068(m) shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim.

In Case No. 06-O-10371, Respondent's failure to promptly respond to Nunez's March 24, 2003 letter caused little, if any, harm to Nunez. In addition, Respondent established the mitigating circumstances explained below.

Standard 2.2(b) provides that culpability of a member of commingling of entrusted funds with personal funds shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

In Case No. 06-O-12751, Respondent provided mitigating evidence and other factors worthy of consideration, which are described below, surrounding the misuse of his CTA.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Initially, although Respondent's misuse of his client trust account is considered serious, Respondent has been a member of the State Bar since May 12, 1981, has no prior record of discipline, and is entitled to mitigation under Standard 1.2(e)(i).

In regard to Case No. 06-O-10371 (the Nunez matter), between 2000 and 2005, Respondent was involved in a dispute with his ex-wife concerning the custody of his son. The

dispute was extremely emotional for all the parties and occasionally compelled Respondent to take time away from his practice in order to address the issues. The emotional difficulties experienced by Respondent as a result of the custody dispute are a mitigating circumstance under Standard 1.2(e)(iv).

In regard to Case No. 06-O-12751, the commingling matter, in January 2006, at the time that Respondent issued the subject check from his CTA, Respondent was preoccupied with his mother's poor health. Shortly after issuing the subject check, Respondent traveled to Florida to be with his mother and remained with her for approximately three months. The emotional difficulties Respondent experienced coping with his mother's poor health are a mitigating circumstance under Standard 1.2(e)(iv).

OTHERS FACTORS IN CONSIDERATION REGARDING STIPULATED DISCIPLINE

Standard 1.3 provides that the primary purpose of discipline is the protection of the public, the courts and the legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 2.2(b) provides that culpability of a member of commingling of entrusted funds with personal funds shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

In the case of *In re Silvertown* (2005) 36 Cal.4th 81, the Supreme Court discussed the fact that the Standards are entitled to great weight and the State Bar Court should follow their guidance whenever possible. (*In re Silvertown*, *supra*, 36 Cal. 4th at p. 92.)

However, the Supreme Court also indicated that the State Bar Court may deviate from the Standards where there exists grave doubts as to the propriety of applying them in a particular case. (*In re Silvertown*, *supra*, 36 Cal. 4th at p. 92.) For example, departure from the Standards may be appropriate where the imposition of discipline called for by the Standards would be manifestly unjust. (*Id.*)

The parties submit that it would be manifestly unjust to apply Standard 2.2(b) in this matter without deviation for the following reasons.

Respondent did not mishandle client funds. Respondent provided evidence that the funds that he used to cover the CTA check issued to Encinitas Inn were earned attorney's fees. Had Respondent first removed these funds from his client trust account to a personal account before paying his personal expense to Encinitas Inn, there would have been no violation of the Rules of Professional Conduct.

While Respondent's conduct was clearly improper, it does not reflect a failure to appreciate and protect client property. As such, Respondent's conduct does not present a significant concern that he poses a future threat to the public or his clients.

The parties further submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of a stayed suspension with those probationary conditions articulated herein, including that Respondent attend the State Bar's Client Trust Account School and that his client trust account and management of client funds be reviewed by a certified public accountant.

STATE BAR ETHICS AND TRUST ACCOUNT SCHOOLS.

Because Respondent has agreed to attend the State Bar Ethics and Trust Account Schools as part of this Stipulation, he may receive Minimum Continuing Legal Education credit upon the satisfactory completion of the courses.

(Do not write above this line.)

In the Matter of DONALD W. LAMSON	Case number(s): 06-O-10371-RAP; 06-O-12751
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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.

4-29-08
Date

4/30/08
Date

5/1/08
Date

Donald W. Lamson
Respondent's Signature

Donald W. Lamson
Print Name

Michael E. Wine
Respondent's Counsel Signature

Michael E. Wine
Print Name

Eli D. Morgenstern
Deputy Trial Counsel's Signature

Eli D. Morgenstern
Print Name

(Do not write above this line.)

In the Matter Of
DONALD W. LAMSON

Case Number(s):
06-O-10371; 06-O-12751

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.)**

5/5/08
Date


Richard A. Honn
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 Los Angeles, on May 14, 2008, I deposited a true copy of the following document(s):

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

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

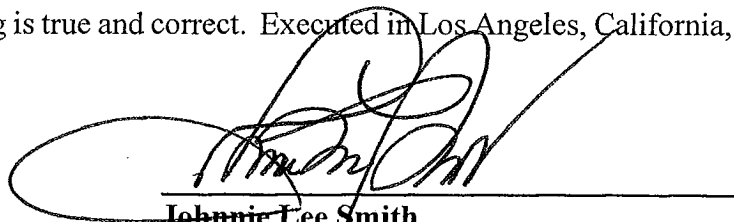
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL E. WINE
301 N LAKE AVE STE 800
PASADENA, CA 91101 - 5113**

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

ELI MORGENSTERN , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 14, 2008**.



Johnnie Lee Smith
Case Administrator
State Bar Court