

CONFIDENTIAL ORIGINAL

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State Bar Court of California Hearing Department	
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES	
Counsel For The State Bar DAVID T. SAUBER Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 176554 Tel: (213) 765-1252	Case Number (A) PUBLIC MATTER (for Court's use) 06-O-10418; 06-O-10504; 06-O-11174 <div style="text-align: center;">LODGED DEC 04 2007 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div> <div style="text-align: center;">FILED DEC 20 2010 AC STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
RICHARD S. COLLINS 1606 E. Washington Street, #301 Colton, California 92324 Bar # 162552 Tel: N/A	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED
In the Matter Of: RICHARD SAMUEL COLLINS Bar # 162552 A Member of the State Bar of California (Respondent)	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 14, 1992.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.



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.

- (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.

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- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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:

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **RICHARD SAMUEL COLLINS**

MEMBER # **162552**

CASE NUMBER(s): **06-O-10418; 06-O-10504; 06-O-11174**

FACTS AND CONCLUSIONS OF LAW

Respondent, by entering into this Stipulation Re Facts, Conclusions of Law and Disposition, hereby waives any variance in the facts and charges as alleged in the Notice of Disciplinary Charges and the facts and conclusions set forth in the Stipulation as filed.

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.

Facts for Case No. 06-O-10418:

1. On or about March 4, 2005, Taunya B. Haverfield ("Haverfield") employed Respondent to represent her in a marriage dissolution matter. Haverfield paid Respondent \$2,000 in advanced fees.
2. On or about March 8, 2005, Haverfield sent a facsimile to Respondent terminating his legal services, and requesting a refund of the \$2,000 she had paid him.
3. On or about March 23, 2005, Respondent wrote a letter to Haverfield in which he offered a partial refund of \$400. Respondent did not perform any legal services for Haverfield and failed to return the requested unearned fees.
4. Respondent failed to refund to Haverfield the \$2,000 she had paid him in advanced fees and failed to provide an accounting to Haverfield to show how any or all of those fees were ostensibly earned.
5. On or about September 6, 2005, Haverfield sued Respondent in San Bernardino County Superior Court case no. SBB21062, to recover the \$2,000 in advanced fees she had paid Respondent.
6. On or about October 21, 2005, Haverfield was awarded a \$1,202 judgment against Respondent in San Bernardino County Superior Court case no. SBB21062. The judgement was served on Respondent on or about October 24, 2005. Haverfield made a written demand for payment of the judgment to Respondent on or about December 9, 2005.
7. Respondent failed to pay the \$1,202 judgment to Haverfield.

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8. On or about December 12, 2005, the State Bar opened an investigation, case no. 00-O-10418, based on a complaint filed by Tanya Haverfield ("the Haverfield Matter").

9. On or about March 6, 2006, a State Bar investigator wrote to Respondent regarding the Haverfield matter. On or about April 4, 2006 the investigator wrote to Respondent again regarding the Haverfield matter. Respondent received the ~~December 29, 2005~~ and March 6, 2006 letters.

April 4, 2006 MA

10. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Haverfield matter. Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

Conclusions of Law for Case No. 06-O-10418:

11. COUNT ONE: By failing to refund promptly to Haverfield any part of a fee paid in advance that has not been earned when Respondent had not performed any services for Haverfield, Respondent wilfully failed to return unearned fees in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

12. COUNT TWO: By failing to account to Haverfield regarding all funds she paid in advance, Respondent wilfully failed to render appropriate accounts to a client for funds that had come into his possession in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

13. COUNT THREE: By failing to pay Haverfield's judgement for \$1,202, Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code, section 6103.

14. COUNT FOUR: By not providing a written response to the allegations in the Haverfield matter or otherwise cooperating in the investigation of the Haverfield matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code, section 6068(i).

Facts for Case No. 06-O-10504:

15. On or about October 6, 2005 Richard Basil ("Basil") employed Respondent to represent him in a civil lawsuit and he paid Respondent \$1,500.00 in advanced fees.

16. On or about October 8, 2005, Basil sent Respondent an e-mail requesting certain amendments to Respondent's fee agreement. Respondent did not respond to Basil's October 8, 2005 e-mail.

17. On or about October 21, 2005, Basil sent Respondent an e-mail asking about the status of his case. Respondent received the e-mailed, but did not respond to Basil's October 21, 2005 e-mail.

18. On or about October 24, 2005, Basil sent Respondent an e-mail requesting Respondent to provide him with certain information. Respondent received the e-mail, but did not respond to Basil's October 24, 2005 e-mail.

19. On or about October 26, 2005, Basil sent Respondent an e-mail providing detailed information about the underlying case and requesting a change of venue. Respondent received the e-mail, but did not respond to Basil's October 26, 2005 e-mail.

20. On or about November 15, 2005, Basil sent Respondent an e-mail asking about the status of his case. Respondent received the e-mail, but did not respond to Basil's November 15, 2005 e-mail.

21. On or about December 5, 2005, not having had a reply to his e-mails to Respondent, Basil sent Respondent a facsimile terminating Respondent's legal services and requesting a refund of unearned fees.

22. On or about December 15, 2005, Respondent wrote a letter to Basil acknowledging his failure to communicate with Basil and promising Basil a refund of his unearned fees within approximately ten days.

23. On or about December 16, 2005, Basil sent Respondent a facsimile demanding a full refund of the \$1,500 he had paid to Respondent in advanced fees. Respondent received the facsimile, but failed to respond to it.

24. On or about January 27, 2006, Basil sued Respondent in San Bernardino County Superior Court case no. SBB21130 to recover the \$1,500 in advanced fees he had paid Respondent.

25. On or about March 17, 2006, in a contested lawsuit, Basil was awarded a \$1,580 judgment against Respondent in San Bernardino County Superior Court, case no. SBB21062. The court recommended that Respondent pay \$500 to Basil that same day, and that Respondent pay \$200 per month to Basil thereafter until the \$1580.00 was paid. Respondent has the means to pay the payments.

26. On or about March 17, 2006, Respondent paid Basil \$500, but thereafter failed to pay any of the balance of the monies owed to Basil. On or about May 12, 2006 Basil entered a judgment against Respondent that ordered Respondent to pay the balance of the money owed to Basil. Respondent was served with the judgment. The balance remains unpaid.

27. On or about March 7, 2006, an investigator of the State Bar of California, Office of the Chief Trial Counsel, Investigations, sent Respondent a letter requesting that Respondent provide a written explanation regarding the allegations set forth in Counts Five through Eight of this Notice of Disciplinary Charges. Respondent received the March 7, 2006 letter.

28. Respondent failed to respond to the investigator's letter dated March 7, 2006.

29. On or about May 17, 2006, a State Bar investigator sent Respondent a second letter again requesting that Respondent provide a written explanation regarding the allegations set forth in Counts Five through Eight of this Notice of Disciplinary Charges. Respondent received the May 17, 2006 letter.

30. Respondent failed to respond to the investigator's letter dated May 17, 2006.

Conclusions of Law for Case No. 06-O-10504:

31. COUNT FIVE: By failing to respond to Basil's October 8, 2005, October 21, 2005, October 24, 2005, October 26, 2005, and November 15, 2005 e-mails, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code, section 6068(m).

32. COUNT SIX: By failing to communicate with Basil, by failing to perform any legal services for Basil, and by failing to promptly refund Basil's advanced fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

33. COUNT SEVEN: By failing to pay Basil's judgement as ordered by the Court, Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code, section 6103.

34. COUNT EIGHT: By failing to take any action in furtherance of Basil's civil case, and by failing to communicate with Basil, Respondent effectively abandoned his client and withdrew from employment and upon termination of employment failed to take reasonable steps to avoid reasonably foreseeable prejudice to his client in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

35. COUNT NINE: By failing to respond to the March 7, 2006 and May 17, 2006 letters from the State Bar investigator regarding the Basil matter, Respondent failed to cooperate and participate in a disciplinary investigation in wilful violation of Business and Professions Code, section 6068(i).

Facts for Case No. 06-O-11174:

36. On or about January 3, 2006, Mary Wheeler ("Wheeler") employed Respondent to prepare and to promptly file a summons and complaint in an unlawful detainer action. Wheeler made an initial payment of \$250 against Respondent's fee of \$500. The remaining \$250 was to be billed to Wheeler.

J AD 37. Respondent did not prepare and did not file the summons and complaint in the unlawful detainer action or perform any other legal services for Wheeler.

38. On or about January 8, 2006, Wheeler telephoned Respondent's office and left a voice mail message terminating Respondent's legal services; Wheeler explained that the unlawful detainer would not be needed after all as the tenant had moved from the premises. Wheeler asked for a refund of the \$250 she had paid in advance fees.

39. On or about January 10, 2006, Wheeler telephoned Respondent's office and spoke with Respondent's secretary, Donna. Donna informed Wheeler that the \$250 in advance fees paid by Wheeler would not be returned because that sum was going to be used to satisfy a debt owed to Respondent by Wheeler's son. Wheeler did not consent to crediting her \$250 to her son's account.

40. Respondent refused to return any of Wheeler's telephone calls or respond to a facsimile Wheeler sent to Respondent regarding the issue of refunding the \$250 Wheeler had paid in advance.

Conclusions of Law for Case No. 06-O-11174:

41. COUNT TEN: By failing to prepare and to file a summons and complaint in Wheeler's unlawful detainer action, Respondent intentionally, recklessly, or repeatedly failing to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A). *ED/AD*

42. COUNT ELEVEN: By failing to refund promptly Wheeler's advanced fee when no part of a fee paid in advance had been earned, Respondent wilfully failed to refund unearned advanced fees in wilful of violation Rules of Professional Conduct, rule 3-700(D)(2). *SP/AD*

43. COUNT TWELVE: By failing to return unearned fees demanded by Wheeler and by unilaterally applying Wheeler's advanced fees to Wheeler's son, Respondent committed an act or acts of moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

[Continued on Following Page]

RESTITUTION:

As a condition of his Alternative Discipline Program compliance in this matter, Respondent shall pay the following restitution to the following persons (and/or the Client Security Fund, if appropriate) in the following amounts plus 10 percent interest per annum accruing from the dates indicated. To the extent Respondent has paid any restitution prior to the effective date of the order arising from this stipulation he shall be given credit for such payments provided satisfactory proof is shown to the Probation Unit of the State Bar:

off-l2 JAC

CASE NO	PRINCIPAL AMOUNT	DATE INCURRED	PARTY OWED*
06-O-10418	\$1,202.00	10/21/05	Taunya B. Haverfield
06-O-10504	\$1,080.00	03/17/06	Richard Basil
06-O-11174	\$250.00	01/03/06	Mary Wheeler

In addition to the principal amount(s) listed above, Respondent owes as additional restitution to the designated party, interest on that amount at the rate of ten percent (10%) per annum from the date incurred listed above.

*Restitution is due the "Party owed" or the *State Bar Client Security Fund* if it has paid.

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In the Matter of RICHARD SAMUEL COLLINS MEMBER #162552	Case number(s): 06-O-10418; 06-O-10504; 06-O-11174
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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 Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

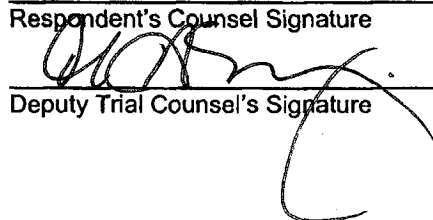
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

7-2-07
Date


Respondent's Signature

RICHARD S. COLLINS
Print Name

7/2/07
Date

David T. Sauber
Respondent's Counsel Signature

Deputy Trial Counsel's Signature

DAVID T. SAUBER
Print Name

By CHARLES A. MURRAY

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In the Matter Of RICHARD SAMUEL COLLINS MEMBER #162552	Case Number(s): 06-O-10418; 06-O-10504; 06-O-11174
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

12/04/07
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 January 27, 2011, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS; STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:

RICHARD S COLLINS
135 SIR DAMAS DR
RIVERSIDE CA 92507

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:

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 27, 2011.



Angela Carpenter
Case Administrator
State Bar Court