


State Bar Court of California
Hearing Department
Los Angeles

PUBLIC MATTER

Counsel For The State Bar Jean Cha Deputy Trial Counsel State Bar of California 1149 S. Hill Street Los Angeles, CA 90015 (213) 776-1000 Bar # 228137	Case Number (s) 06-O-10447 06-O-11302 06-O-13676 06-O-13715 07-O-11259 08-O-14786 (Inv.)	(for Court's use) FILED MAY - 8 2009  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Joseph E. Rowland 17592 Irvine Blvd, Ste 204 Tustin, CA 92780-3126 (714) 281-0567 Bar # 147636 In the Matter Of: Joseph Edward Rowland Bar # 147636 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **July 13, 1990**.
- (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 **25** 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):
- ☒ 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 **04-O-13932**
 - (b) ☒ Date prior discipline effective **8/16/07, Supreme Court Order S152717.**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **In one client matter, Respondent wilfully violated Rule of Professional Conduct 3-110(A) - failure to perform competently, Rule of Professional Conduct 3-700(D)(2) - failure to refund unearned portion of advanced fee; and Business and Professions Code section 6068(i) - failure to provide written response to State Bar investigation.**
 - (d) ☒ Degree of prior discipline **Two Years Stayed Suspension and Two Years Probation with conditions.**
 - (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.
- (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. **During much of the period of the misconduct, Respondent experienced extreme difficulties in caring for his dying father who passed away in 2001 and his ill and dying mother who required extensive care from 2003 by Respondent, who suffered from Alzheimer's and who passed away in 2006.**
- (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.

(Do not write above this line.)

- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

See "Other Circumstances," commencing at page. 21. 22

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **THREE 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 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 **SIX 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.
- (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 checked="" 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 954-9.10(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.

(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:**

Attachment language begins here (if any):

**ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: JOSEPH EDWARD ROWLAND
CASE NUMBERS: **06-O-10447, 06-O-11302, 06-O-13676,
 06-O-13715, 07-O-11259, 08-O-14786 (Inv.)**

Respondent admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and Rules of Professional Conduct.

KRASINSKI MATTER, CASE NO. 06-O-10447, COUNTS 1 – 7

FACTS

1. In January 2004, Piotr Krasinski (Krasinski) employed Respondent to represent him in a criminal matter pending in the United States District Court for the Northern District of Illinois, Eastern Division (the District Court), entitled, *United States of America v. Piotr Krasinski*, case number 03-CR-251.
2. Between February and September 2004, Respondent was paid \$27,000 as fees for his representation of Krasinski in the District Court.
3. At the time Respondent received fees for his representation and during his representation of Krasinski in the District Court, Respondent was not licensed to practice law in the State of Illinois and was not permitted to appear pro hac vice in Krasinski's case.
4. Between May 27, 2004 and February 14, 2005, Respondent was Krasinski's attorney of record in the District Court. Respondent provided legal representation and made appearances on behalf of Krasinski. Respondent entered into a plea agreement on May 27, 2004 on behalf of Krasinski. Respondent prepared and filed Krasinski's objections to the presentence report and sentencing position on October 9, 2004. Respondent appeared at the sentencing hearing on October 26, 2004. Respondent prepared and filed Krasinski's motion to withdraw his plea on November 2, 2004. Respondent prepared and filed a notice of appeal for Krasinski on February 14, 2005.
5. Prior to representing Krasinski, on September 8, 2003, Respondent had been stricken from the roll of attorneys permitted to practice in the Court of Appeals for the Seventh Circuit (the Court of Appeal) in connection with his representation in *United States of America v. Gabriel M. Trejo*, number 02-3533 (the

Trejo appeal). Respondent knew he had been stricken from the roll of attorneys permitted to practice before the Court of Appeal.

6. Respondent sought readmission to practice in the Court of Appeal in connection with the Trejo appeal on January 21, 2005.

7. On February 22, 2005, the Court of Appeal issued an order in Krasinski's appeal identified as number 05-1400. In the order, the Court of Appeal noted that on September 8, 2003, Respondent had been stricken from the roll of attorneys permitted to practice in the Court of Appeal. The clerk of the court served a copy of the order on Krasinski.

8. The Court of Appeal readmitted Respondent to practice in the Court of Appeal in connection with the Trejo appeal on March 8, 2005.

9. On April 11, 2005, Krasinski sent a letter to the Court of Appeal. In the letter, Krasinski requested that the court dismiss Respondent as his attorney and appoint another attorney for him.

10. On May 10, 2005, the Court of Appeal issued an order dismissing Respondent as Krasinski's attorney in the appeal. Respondent received the order.

11. On March 2, 2009, Respondent filed a motion with the District Court to be admitted pro hac vice in the Krasinski matter nunc pro tunc to January 27, 2004.

12. On March 17, 2009, the District Court granted Respondent's motion to be admitted pro hac vice nunc pro tunc to the time of initial appearance in the Krasinski matter.

CONCLUSIONS OF LAW

13. By providing representation to Krasinski as his attorney of record in the District Court between May 27, 2004 and February 14, 2005 when he was not admitted to practice in the District Court where practicing law is in violation of the regulations in that jurisdiction, Respondent willfully violated Rule of Professional Conduct 1-300(B), count 2 of the NDC.

14. By not informing Krasinski that he was not entitled to practice in the District Court, Respondent failed to keep his client reasonably informed of a significant development in a matter in which

Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m), count 4 of the NDC.

CAREY MATTER, CASE NO. 06-O-11302, COUNTS 8 – 14

FACTS

15. On May 24, 2004, Respondent appeared at a sentencing hearing in the United States District Court, Central District of California, with his court-appointed client, Christopher Blaine Carey (Carey), in *United States of America v. Christopher Blaine Carey*, case number CR-02-248. Carey entered a plea of guilty to a violation of 18 U.S.C. § 2252(A)(a)(5)(B), a Class D felony, and was sentenced.

16. On June 3, 2004, Respondent filed a notice of appeal of the conviction and sentence on behalf of Carey in the District Court when he was not entitled to practice before the Court of Appeals for the Ninth Circuit (Court of Appeal).

17. Respondent knew or should have known that his filing of the notice of appeal in the District Court would initiate action by the Court of Appeal. Respondent was the attorney of record for Carey's appeal.

18. On June 7, 2004, the Court of Appeal ordered that the opening brief and excerpts of the record be filed by September 2, 2004. Respondent received a copy of the order.

19. Respondent did not file an opening brief or the excerpts of the record by September 2, 2004.

20. On December 14, 2004, the Court of Appeal ordered Respondent to file an opening brief and the excerpts of the record within 14 days of December 14, 2004 and file a motion for relief from the default. Respondent received a copy of the order. In the order, the Court of Appeal warned Respondent that failure to respond to the order within the time permitted may result in the Court of Appeal imposing disciplinary and monetary sanctions against Respondent.

21. Respondent did not comply with the Court of Appeal's December 14, 2004 order.

22. On January 28, 2005, the Court of Appeal ordered Respondent to file an opening brief, excerpts of the record, and a motion for relief from default within 14 days of January 28, 2005. Respondent received a copy of the order by certified mail. In the order, the Court of Appeal warned Respondent that failure to

respond to the order within the time permitted may result in the imposition of sanctions on Respondent and a determination deeming Respondent ineligible to receive appellate appointments under the Criminal Justice Act.

23. On February 14, 2005, Respondent submitted a motion for relief from the default with the Court of Appeal when he was not entitled to practice before the Court of Appeal.

24. On February 28, 2005, the Court of Appeal granted Respondent's motion for relief and extended the time to file the opening brief and the excerpts of the record to May 2, 2005. Respondent received a copy of the Court of Appeal's February 28, 2005 order.

25. Respondent did not comply with the Court of Appeal's February 28, 2005 order.

26. On September 29, 2005, the Court of Appeal ordered Respondent to file an opening brief within 14 days and file a motion for relief from the default. Respondent received a copy of the order. In the order, the Court of Appeal warned Respondent that failure to respond to the order within the time permitted would result in Respondent being relieved of his appointment and that the Court of Appeal may impose disciplinary and monetary sanctions against Respondent.

27. Respondent did not comply with the Court of Appeal's September 29, 2005 order.

28. On November 21, 2005, the Court of Appeal ordered Respondent to show cause in writing, within 14 days of the order, why the Court of Appeal should not sanction Respondent for no less than \$1,000 and not deem Respondent ineligible to receive appellate appointments under the Criminal Justice Act. Respondent received a copy of the order by certified mail. In the order, the Court of Appeal warned Respondent that the failure to file a timely response or provide an adequate explanation may result in the imposition of sanctions without further notice.

29. On November 22, 2005, the Court of Appeal issued a written order to Respondent because the Court of Appeal had no record that Respondent had been admitted to the Ninth Circuit bar. Particularly, the Court of Appeal ordered Respondent to submit proof of admission to the Ninth Circuit bar or complete and submit a bar admission form within 14 days of the order. Respondent received a copy of the order with a

bar admission form. In the order, the Court of Appeal warned Respondent that failure to comply with the order may result in the imposition of sanctions.

30. On November 29, 2005, the Court of Appeal appointed attorney W. C. Melcher (Melcher) as Carey's attorney for his appeal.

31. On December 10, 2005, the Court of Appeal received a response to the November 21, 2005 order to show cause from Respondent in which he requested that a sanction not be issued against him and that his application for admission to the Ninth Circuit bar be accepted.

32. Respondent's application for admission was received by the Court of Appeal, but he did not pay the required admission fee, so the Court of Appeal did not grant the application.

33. On February 23, 2006, the Court of Appeal imposed a \$1,000 sanction against Respondent for failing to comply with the Court of Appeal's rules and orders. The Court of Appeal imposed the sanction as a judgment. The Court of Appeal ordered that Respondent pay the sanction to the clerk of the court within 21 days of the filing of the Court of Appeal's written order on February 23, 2006. Respondent received a copy of the February 23, 2006 order by certified mail on February 27, 2006. Also in the order, the Court of Appeal warned Respondent that his failure to comply with the order may result in the imposition of additional sanctions as well as referral of the judgment to the United States Attorney for collection.

34. Respondent did not pay the \$1,000 sanction within 21 days of February 23, 2006.

35. Respondent did not report the Court of Appeal's imposition of the \$1,000 sanction against him to the State Bar of California (State Bar).

36. Respondent knew that he was not admitted to practice in the Court of Appeal during his representation of Carey.

37. Respondent did not inform Carey that he was not entitled to practice in the Court of Appeal.

CONCLUSIONS OF LAW

38. By not withdrawing as counsel of record in Carey's appeal and by filing the motion for relief from default, Respondent practiced law in a jurisdiction where practicing is in violation of the regulations of

the profession in that jurisdiction in wilful violation of Rule of Professional Conduct rule 1-300(B), count 8 of the NDC.

39. By not paying the \$1,000 sanction within 21 days of February 23, 2006, Respondent wilfully disobeyed or violated an order of the court requiring him to do an act connected with or in the course of his profession which he ought in good faith to have done in willful violation of Business and Professions Code section 6103, count 9 of the NDC.

40. By not reporting the Court of Appeal's \$1,000 sanction against Respondent to the State Bar, Respondent failed to report in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against him in willful violation of Business and Professions Code section 6068(o)(3), count 10 of the NDC.

OLIVAREZ MATTER, CASE NO. 06-O-13676, COUNTS 15 – 17

FACTS

41. On July 28, 2006, the State Bar Court sent notice to Respondent at his official membership records address that effective July 31, 2006, he would be enrolled by the State Bar Court as an inactive member under Business and Professions Code section 6007(e) in connection with State Bar Court case number 04-O-13932. Respondent received the notice.

42. Effective July 31, 2006, Respondent was ordered to the roll of inactive attorneys by the State Bar Court under Business and Professions Code section 6007(e) in State Bar Court case number 04-O-13932. Respondent remained on the roll of inactive attorneys until September 13, 2006. Respondent knew his status was inactive and that he was not permitted to engage in the practice of law until September 13, 2006.

43. On and after July 31, 2006, Respondent represented Andrew Lee Olivarez (Olivarez) in a criminal appeal pending in the Riverside County Superior Court entitled, *People v. Andrew Lee Olivarez*, case number APP003828.

44. On July 31, 2006, Respondent called the Office of the District Attorney (ODA) about the Olivarez case. Respondent left a message for the ODA, that he was seeking a continuance of the hearing on a motion to dismiss the appeal set for August 4, 2006.

45. On August 9, 2006, Respondent's office served the ODA and the court with his motion to set aside the default entered against his client. With the motion, Respondent submitted a declaration signed by Respondent under penalty of perjury in which he represented, "The jury returned a verdict the afternoon of August 3, 2006. I was also told that afternoon, by the Assistant United States Attorney, that his office had been informed that a suspension was issued and I was no longer allowed to practice law."

46. Also on August 9, 2006, Deputy District Attorney Elise J. Farrell (Farrell) sent a letter to Respondent regarding the Olivarez case. In the letter, Farrell mentioned that Respondent was not eligible to practice law as of July 31, 2006. Respondent received the letter that day.

47. On August 14, 2006, Respondent filed a motion to set aside a default judgment entered against Olivarez on August 4, 2006, when Respondent did not appear for the August 4, 2006 hearing.

48. At the time, Respondent filed his motion on August 14, 2006, he knew that he was not entitled to practice law.

49. Respondent did not disclose in his motion filed on August 14, 2006 that he was not entitled to practice law thus failing to disclose his inactive status to the court.

CONCLUSIONS OF LAW

50. By filing the motion with the Court on August 14, 2006, Respondent violated Business and Professions Code sections 6125 and 6126, thus Respondent failed to support the Constitution and laws of the United States and of this state in willful violation of Business and Professions Code section 6068(a), count 15 of the NDC.

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ARN AND TREJO MATTERS, CASE NO. 06-O-13715, COUNTS 18 – 27

FACTS

51. On May 4, 2005, Respondent filed a notice of appeal on behalf of his court-appointed client, John William Arn (Arn), in a matter pending in the United States District Court for the Central District of California entitled, *United States of America v. John William Arn*, case number CR 01-01155.

52. Respondent counseled Arn about the appeal and agreed to provide representation to Arn in the appeal when he was not entitled to practice before the Court of Appeals for the Ninth Circuit (Court of Appeal) where Arn's appeal was pending.

53. Respondent knew or should have known that his filing of the notice of appeal in the District Court would initiate action by the Court of Appeal. Respondent was the attorney of record on Arn's appeal.

54. On May 5, 2005, the Court of Appeal issued an order that Arn's opening brief and excerpts of the record be filed and served by August 3, 2005. Respondent received a copy of the Court of Appeal's May 5, 2005 order.

55. Respondent did not file Arn's opening brief and excerpts of the record by August 3, 2005.

56. On September 29, 2005, the Court of Appeal issued an order that Arn's opening brief and a request for relief from default be filed within fourteen days of September 29, 2005. Respondent received a copy of the Court of Appeal's September 29, 2005 order. Respondent did not file an opening brief or a request for relief from default within fourteen days of September 29, 2005.

57. On February 27, 2006, the Court of Appeal issued an order stating that it was giving Respondent one final opportunity to prosecute the appeal. The Court of Appeal ordered Respondent to file the opening brief, excerpts of the record, and a motion for relief from default within 14 days of February 27, 2006. Alternatively, if Respondent was unable to prosecute the appeal, the Court of Appeal ordered Respondent to file a motion under Ninth Circuit Rule 4-1(c) to be relieved as counsel and for appointment of new counsel within 14 days of February 27, 2006. Respondent received notice of the Court of Appeal's February 27, 2006 order by certified mail. The notice warned Respondent that the failure to respond timely

to the order may result in the imposition of sanctions on Respondent, a determination deeming Respondent ineligible to receive appellate appointments, and no compensation to Respondent.

58. Respondent did not file the opening brief, excerpts of the record, a motion for relief from default, or a motion to be relieved as counsel within 14 days of February 27, 2006.

59. On April 4, 2006, the Court of Appeal relieved Respondent as Arn's attorney and ordered Respondent to show cause, in writing, within 14 days of the order, why the court should not impose sanctions of not less than \$1,000 against Respondent for failing to comply with the court's rules and orders. Respondent received the Court of Appeal's April 4, 2006 order. In the order, the Court of Appeal warned Respondent that his failure to file a timely response or provide an adequate explanation may result in the imposition of sanctions without further notice.

60. Respondent did not respond to the Court of Appeal's April 4, 2006 order.

61. On July 21, 2006, the Court of Appeal imposed a \$2,000 sanction against Respondent for failing to comply with the court's rules and orders. The sanction was imposed as a judgment. The Court of Appeal ordered Respondent to pay the sanction to the clerk of the court within 21 days of July 21, 2006. Respondent received the Court of Appeal's July 21, 2006 order. In the order, the Court of Appeal warned Respondent that his failure to comply with the order may result in the imposition of additional sanctions and referral of the matter to the United States Attorney for collection.

62. Respondent did not pay the \$2,000 sanction within 21 days of July 21, 2006.

63. Respondent did not report the Court of Appeal's imposition of the \$2,000 sanction against him to the State Bar of California (State Bar).

64. On October 16, 2002, the Court of Appeals for the Seventh Circuit (Court of Appeal) appointed Respondent to represent Gabriel M. Trejo in *United States of America v. Gabriel M. Trejo*, number 02-3533.

65. On November 21, 2002, the Court of Appeal extended the briefing schedule and ordered Trejo's opening brief to be filed by January 3, 2003. Respondent received notice.

66. On January 13, 2003, the Court of Appeal issued an order directing Respondent to show cause, in writing, by January 29, 2003, as to why disciplinary action should not be taken against him pursuant to

Circuit Rule 31(c)(1) for failing to prosecute Trejo's appeal. Respondent received the Court of Appeal's January 13, 2003 order.

67. On February 7, 2003, the Court of Appeal issued an order directing Respondent to show cause, in writing, by February 21, 2003, as to why disciplinary action should not be taken against him pursuant to Circuit Rule 31(c)(1) for failing to prosecute Trejo's appeal. Respondent received the Court of Appeal's February 7, 2003 order.

68. On February 18, 2003, Respondent filed a motion to file the opening brief late and a response to the order to show cause.

69. On February 20, 2003, the Court of Appeal, on consideration of the motion and response filed on February 18, 2003, suspended the order to show cause pending the timely filing of the opening brief. The Court of Appeal also ordered that the opening brief be filed by March 21, 2003. Respondent received the Court of Appeal's February 20, 2003 order.

70. On March 25, 2003, Respondent filed the opening brief and appendix on behalf of Trejo. Also on March 25, 2003, the Court of Appeal sent a brief deficiency letter to Respondent. Respondent received the letter.

71. On April 15, 2003, the Court of Appeal issued an order directing Respondent to show cause, in writing, why Trejo's opening brief should not be stricken for failure to comply with Circuit Rule 31(e). The Court of Appeal also ordered that a compliant disk must be furnished to the court no later than April 22, 2003. Respondent received the Court of Appeal's April 15, 2003 order.

72. On April 18, 2003, the Court of Appeal ordered that Trejo's reply brief was due by June 2, 2003.

73. On June 5, 2003, Respondent filed a motion to file Trejo's reply brief late. The Court of Appeal granted Respondent's motion to file a reply brief, so long as he filed a signed original reply brief by June 6, 2003.

74. Respondent did not file an original reply brief by June 6, 2003.

75. On June 9, 2003, the clerk of the Court of Appeal received Trejo's purported original reply brief, but Respondent had not signed the brief, only the certificate of service. The Court of Appeal rejected the filing of the reply brief.

76. On June 10, 2003, the Court of Appeal issued an order directing Respondent to show cause, in writing, by June 24, 2003, why discipline should not be taken against Respondent for his repeated failure to comply with the court's order and rules. Respondent received the Court of Appeal's June 10, 2003 order.

77. Respondent did not file a response to the Court of Appeal's June 10, 2003 order by June 24, 2003.

78. On July 22, 2003, the Court of Appeal sanctioned Respondent \$1,000. Respondent was ordered to pay the sanction within 14 days of the order or by August 5, 2003. Respondent received the Court of Appeals July 22, 2003 order.

79. Respondent did not pay the sanction by August 5, 2003.

80. On September 8, 2003, the Court of Appeal struck Respondent from the roll of attorneys allowed to practice before the Court of Appeal.

81. On January 21, 2005, Respondent paid the \$1,000 sanction.

82. Respondent did not report the Court of Appeal's imposition of the \$1,000 sanction against him to the State Bar of California (State Bar).

CONCLUSIONS OF LAW

83. By not paying the \$2,000 sanction within 21 days of July 21, 2006, Respondent wilfully disobeyed or violated orders of the court required him to do an act connected with or in the course of his profession which he ought in good faith to have done in willful violation of Business and Professions Code section 6103, count 21 of the NDC.

84. By not reporting the Court of Appeal's \$2,000 sanction against Respondent to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent in willful violation of Business and Professions Code section 6068(o)(3), count 22 of the NDC.

85. By not paying the \$1,000 sanction by August 5, 2003, Respondent wilfully disobeyed or violated orders of the court required him to do an act connected with or in the course of his profession which he ought in good faith to have done in willful violation of Business and Professions Code section 6103, count 26 of the NDC.

86. By not reporting the Court of Appeal's \$1,000 sanction against Respondent to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent in willful violation of Business and Professions Code section 6068(o)(3), count 27 of the NDC.

PROBATION MATTER, CASE NO. 08-O-14786, INV

FACTS

87. On April 5, 2007, the Hearing Department of the State Bar of California filed an order approving Stipulation and recommending the disposition set forth in the Stipulation to the California Supreme Court. On April 5, 2007, Hearing Department's order approving the Stipulation, with the Stipulation attached thereto, was properly served by mail upon Respondent.

88. On July 17, 2007, the California Supreme Court filed an Order in Case No. S152717 (State Bar Case No. 04-O-13932) that Respondent be suspended from the practice of law for two (2) years, that execution of suspension be stayed, and that Respondent be placed on probation for two (2) years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving the Stipulation filed April 5, 2007.

89. The July 17, 2007 California Supreme Court Order (the Order) became effective on August 16, 2007, thirty days after it was entered.

90. Pursuant to the Order, Respondent was ordered to comply with the following terms and conditions of probation, among others:

- a. to comply with the State Bar Act and the Rules of Professional Conduct during the period of probation;

- b. to submit to the Probation Unit written quarterly reports each January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, certifying under penalty of perjury that he has complied with all provisions of the State bar Act and the Rules of Professional Conduct during the preceding calendar quarter or part thereof covered by the report;
- c. 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, all changes of information, including current office address and telephone number, or other address for State Bar purposes;
- d. 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;
- e. 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;
to provide proof of passage of the Multistate Professional Responsibility Examination (MPRE).

91. On August 23, 2007, a State Bar of California Probation Deputy sent a letter to Respondent in which the Probation Deputy reminded Respondent of the terms and conditions of his probation imposed pursuant to the Order. The Probation Deputy specifically informed Respondent regarding his obligations to file quarterly probation reports, with the first due on October 10, 2007, submit proof of State Bar Ethics School attendance on or before August 16, 2008 and submit proof of successful passage of the MPRE to the Office of Probation by August 16, 2008. Moreover, the Probation Deputy warned Respondent that failure to timely submit reports or other proof of compliance would result in a non-compliance referral to the Enforcement Unit of the Office of the Chief Trial Counsel. Enclosed with the August 23, 2007 letter to Respondent were, among other things, copies of the Order, the relevant portions of the Stipulation setting forth the conditions of Respondent's probation, a Quarterly Report Instructions sheet, a Quarterly Report

form specially tailored for Respondent to use in submitting his quarterly reports, a Multi-State Professional Responsibility Examination 2007 schedule, and a State Bar Ethics School/CTA schedule.

92. Respondent received the August 23, 2007 letter from the Probation Deputy.

93. Accordingly, on April 15, 2008, the Probation Deputy sent a letter to Respondent in which the Probation Deputy again reminded Respondent that the conditions of his probation required that he file quarterly probation reports and that the first had been due on October 10, 2007. The Probation Deputy requested Respondent to submit forthwith the quarterly report and to schedule a meeting to discuss the conditions of his probation. The Probation Deputy enclosed a copy of the August 23, 2007 letter to Respondent.

94. Respondent received the April 15, 2008 letter from the Probation Deputy.

95. Respondent filed his October 2007, January 2008, and April 2008 quarterly reports on April 30, 2008 which were due on October 10, 2007, January 10, 2008, and April 10, 2008, respectively. Respondent came in for a meeting to review his conditions on April 30, 2008, which was due by September 16, 2007.

96. Respondent filed his January 10, 2009 quarterly report untimely on April 7, 2009.

97. To date Respondent has not provided the Office of Probation proof of passage of the MPRE.

CONCLUSION OF LAW

98. By failing to timely file seven quarterly reports, failing to timely meet with the assigned Probation Deputy, failing to provide to the Office of Probation proof of passage of the MPRE, 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 willful violation of Business and Professions Code sections 6068(k) and 6103.

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 September 19, 2008 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. The parties further waive the right to the filing of a notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
06-O-10447	1	Rule of Professional Conduct 4-200(A)
06-O-10447	3	Rule of Professional Conduct 1-300(B)
06-O-10447	5	Business and Professions Code section 6068(m)
06-O-10447	6	Business and Professions Code section 6106
06-O-10447	7	Rule of Professional Conduct 3-700(D)(1)
06-O-11302	11	Rule of Professional Conduct 3-700(A)(2)
06-O-11302	12	Rule of Professional Conduct 3-700(B)(2)
06-O-11302	13	Business and Professions Code section 6068(m)
06-O-11302	14	Business and Professions Code section 6106
06-O-13676	16	Business and Professions Code section 6068(d)
06-O-13676	17	Business and Professions Code section 6106
06-O-13715	18	Rule of Professional Conduct 1-300(B)
06-O-13715	19	Business and Professions Code section 6103
06-O-13715	20	Business and Professions Code section 6103
06-O-13715	23	Business and Professions Code section 6068(m)
06-O-13715	24	Business and Professions Code section 6106
06-O-13715	25	Business and Professions Code section 6103
07-O-11259	28	Rule of Professional Conduct 3-110(A)
07-O-11259	29	Rule of Professional Conduct 4-100(B)(3)
07-O-11259	30	Rule of Professional Conduct 3-700(D)(2)

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A (7), was April 3, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 3, 2009, the estimated prosecution costs in this matter are approximately \$6,749.00. Respondent acknowledges that this figure is an estimate only and that it might not include State Bar Court costs that will be included in any final cost assessment (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)), which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings. It is also noted that if Respondent fails to pay any installment of disciplinary costs 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 unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

MITIGATING CIRCUMSTANCES.

Candor

Respondent has been candid and cooperative. (Std. 1.2(e)(v); *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079; *Pineda v. State Bar* (1989) 49 Cal.3d 753, 760.)

Remorse

Respondent is remorseful and did not fail to file quarterly reports out of any maleficent intent. (Std. 1.2(e)(vii); *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179.) Concerted, though recent, efforts to satisfy conditions, albeit late, are better than utter non-compliance.

Family Problems

Respondent's father died in the winter of 2001. From 2003 through 2006, Respondent cared for his dying mother. Due to her medical conditions, Respondent had to spend many hours each day attending to her needs. Respondent's mother passed away in October 2006. Respondent had a difficult time assisting and caring for his dying mother and coping with her death. Since then, however, Respondent has recovered from these emotional difficulties. (Std. 1.2(e)(iv).)

Good Character

Four character references expressed their belief in Respondent's integrity and honesty even with the knowledge of the misconduct and believe that the conduct was due to error and will not recur. (Std. 1.2(e)(vi).)

Other Circumstances

Failure to communicate results in reproof or suspension. (Std. 2.4.) A violation of Business and Professions Code §6068 or §6103 results in suspension or disbarment. (Std. 2.6.)

Respondent's actions do not involve bad faith. (Cf. *Maltaman v. State Bar* (1987) 43 Cal.3d 924, 951.) Respondent believed that he was permitted to appear before the District Court of the Northern District of Illinois. Though notice was sent to his membership records during the time he was experiencing family problems, Respondent did not receive actual notice of complications related to the application for admission in the District Court until it was brought to his attention by the State Bar in relation to these proceedings. Respondent immediately made efforts to discover how his application was not approved and submitted a pro hac vice application. Respondent's late pro hac vice applicationⁱ was granted nunc pro tunc by the District Court.

Respondent proceeded to represent Krasinski in good faith,ⁱⁱ though mistaken and unreasonable (*Rose v. State Bar* (1989) 49 Cal.3d 646). Respondent had adequate skills as an advocate and there was no affirmative or intentional misrepresentation to the court or fraud on the court. (*Brooks v. AMP Service, Ltd.* (Fla. 4th 2008) 979 So.2d 435, 437 – attorney did not do anything to verify whether he was in good standing, but only assumed he was.)

Respondent has since created a system which identifies and confirms his admission status in each case file. (*In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 17, 26; *In the Matter of Koehler* 1 Cal. State Bar Ct. Rptr. at 627.)

In the Carey matter, because Respondent was court-appointed counsel in the lower court, he assumed another attorney would be court-appointed which did eventually occur. But not without some delay. Respondent did not respond to notices from the appellate court because he did not believe he could do so because he was not authorized to appear before that court. Respondent acknowledges that he should have withdrawn as counsel.

The purposes of imposing sanctions for professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession. (Std. 1.3; *In re Morse* (1995) 11 Cal.4th 184, 205, Std. 1.3; *Tarver v. State Bar* (1984) 37 Cal.3d 122, 133, 207 Cal.Rptr. 302, 688 P.2d 911; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) The nature and extent of the facts and circumstances surrounding the misconduct is considered. The determination of discipline involves an analysis of the standards on balance with any mitigation and aggravation. (Std. 1.6(b); *Segal v. State Bar* (1988) 44 Cal.3d 1077, 1089; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-11.)

Because Respondent has a prior record of discipline, the discipline in the present proceeding is greater than that imposed in the prior proceeding. (Std. 1.7(a).) A violation of Rules of Professional Conduct, rule 1-110 results in suspension. (Std. 2.9.) Here, the aggravating force of prior discipline is diminished because the misconduct underlying it occurred during the same time period. (*In the Matter of Hagen* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 153, 171; *In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.) The misconduct involved here was contemporaneous with the misconduct in the prior case though Respondent probation violations were more recent. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.) Mitigating factors considered here were not raised in mitigation during Respondent's prior discipline. Here, 6 months actual suspension is sufficient to protect the public based on the totality of the facts and circumstances.

i Admission pro hac vice refers to an attorney who is admitted temporarily to practice in a jurisdiction for the purpose of participating in a particular case. BLACK'S LAW DICTIONARY 1227 (7th ed. 1999).

"The right of an attorney of another state to practice is permissive and subject to the sound discretion of the court to which he applies for the permission. The right to revoke this permission is inherent in the right to grant it." (*Parker v. Parker* (Fla. App. 1957) 97 So.2d 136, 137.) A trial court's discretion is quite broad. (See *Huff v. State* (Fla. App. 1990) 569 So.2d 1247, 1249; *State Industries, Inc. v. Jernigan* (Fla. App. 2000) 751 So.2d 680, 681.)

ii "In order to establish good faith as a mitigating circumstance, an attorney must prove that his beliefs were both honestly held and reasonable." (*In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 653.) To conclude otherwise would reward an attorney for his unreasonable beliefs and "for his ignorance of his ethical responsibilities." (*In the Matter of McKiernan* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 420, 427.)

In the Matter of
Joseph Edward Rowland

Case number(s):
06-O-10447; 06-O-11302; 06-O-13676;
06-O-13715; 07-O-11259; 08-O-14786 (Inv.)

A Member of the State Bar

Law Office Management Conditions

- a. ☒ Within days/ months/**One** years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within days/**SIX** months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **SIX** hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☒ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for **TWO** year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

(Do not write above this line.)

In the Matter of <i>Joseph Edward Rowland</i>	Case number(s): <i>06-0-10447, 06-0-11302, 06-0-13676, 06-0-13715, 07-0-11259 & 08-0-14786</i>
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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.

4-15-09
Date

Joseph E. Rowland
Respondent's Signature

Joseph E. Rowland
Print Name

4/15/2009
Date

Jean Cha
Respondent's Counsel Signature
Jean Cha
Deputy Trial Counsel's Signature

Jean Cha
Print Name

(Do not write above this line.)

In the Matter Of Joseph Edward Rowland	Case Number(s): 06-O-10447, 06-O-11302, 06-O-13676, 06-O-13715, 07-O-11259 & 08-O-14786
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, *APR 16 2009*
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.)**

04-15-09
Date

[Signature]
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 8, 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 Los Angeles, California, addressed as follows:

JOSEPH E. ROWLAND
THE LAW OFFICE OF JOSEPH E. ROWLAND
17592 IRVINE BLVD STE 204
TUSTIN, CA 92780 - 3126

- ☐ 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:

Jean Hee Cha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 8, 2009.


Cristina Potter
Case Administrator
State Bar Court