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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Brandon K. Tady 1149 South Hill Street Los Angeles, California 90015 (213) 765-1397 Bar # 83045		Case Number (s) 06-O-10494-RAP	(for Court's use)
Counsel For Respondent James B. Kamanski James B. Kamanski, Attorney at Law 10940 Wilshire Blvd. Ste. 600 Los Angeles, CA 90024 (424) 901-8011 Bar # 174237		Submitted to: Settlement Judge	<p>FILED</p> <p>JUL 24 2008 <i>YBC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
In the Matter Of: Lisa R. Geraurd P.O. Box 428 Yorba Linda, CA 92885-0428 (714) 965-0069 Bar # 164111 A Member of the State Bar of California (Respondent)			

PUBLIC MATTER

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

ACTUAL SUSPENSION

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:

- Respondent is a member of the State Bar of California, admitted **May 5, 1993**.
- 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.
- 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.
- A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



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- (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
 - (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. **Respondent filed a Complaint for bodily injuries on behalf of Esther Rodriguez. Respondent failed to serve Rodriguez's Complaint for bodily injuries ("Complaint") and failed to attend two court hearings which caused the Court to dismiss the Complaint. Respondent did not file a motion for relief from the Court's order of dismissal.**
- (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. **Respondent engaged in multiple acts of misconduct by failing to serve the Complaint, by failing to attend two court hearings, by failing to file a motion to set aside the court's order of dismissal, by failing to inform Esther Rodriguez of the dismissal, and by intentionally fabricating a letter and giving it to the State Bar.**
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

none

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. **Although the present misconduct is serious, Respondent was admitted to practice on May 5, 1993 and she does not have a record of prior State Bar discipline.**
- (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.
- (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

Respondent voluntarily gave Esther Rodriguez \$1000 and voluntarily paid Ms. Rodriguez's medical lien before the State Bar filed the Notice of Disciplinary Charges.

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 **four 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 **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:

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.

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- (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

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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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 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 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 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:** Respondent must complete twelve (12) hours of in-person instruction in Legal Ethics from an authorized provider of MCLE courses. This requirement of 12 hours of in-person instruction in Legal Ethics is in addition to the requirements that Respondent attend Ethics School, pass the examination given at the end of Ethics School, and that she pass the MPRE. Respondent may attend Ethics School, take the MPRE, take an additional twelve (12) hours of Legal Ethics, and take a course in Law Office Management before the date of the Supreme Court's order imposing discipline on Respondent.

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Attachment language begins here (if any):

In the Matter of
Lisa R. Geraurd

Case number(s):
06-O-10494-RAP

A Member of the State Bar

Law Office Management Conditions

- a. Within **120** days/ months/ 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/**12** 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 **12** 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 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.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Lisa R. Geraurd (Bar # 164111)

CASE NUMBER(S): 06-O-10494-RAP

FACTS AND CONCLUSIONS OF LAW.

Respondent admits the following facts are true and she is culpable of the violations of the specified statutes.

Case number 06-O-10494-RAP

FACTS

1. In February, 2003, Esther Rodriguez ("Rodriguez") hired Respondent to represent her in a bodily injury claim against Stanley Taraski ("Taraski") arising out of a two vehicle accident. Rodriguez was a passenger in an automobile driven by Kelley Cronn ("Cronn"). Cronn also claimed bodily injuries caused by the accident with Taraski and he also hired Respondent to represent him.
2. The interests of Cronn, as the driver, and Rodriguez, as the passenger, were potentially in conflict. Respondent did not obtain the informed written consent of Rodriguez and Cronn to represent both of them.
3. On February 20, 2003, Respondent sent letters of representation on behalf of Rodriguez and Cronn to State Farm Insurance Company. State Farm provided automobile liability insurance to Taraski. Respondent did not send any other letters to State Farm after the letters of representation.
4. On February 24, 2003, July 6, 2004, and August 26, 2004, State Farm claim representatives mailed letters to Respondent requesting information and documents related to Rodriguez's and Cronn's bodily injury claims. Respondent received these letters but did not respond to them.
5. On February 14, 2005, Respondent filed a complaint for bodily injuries on behalf of Rodriguez and Cronn against Taraski in the Orange County Superior Court ("Court") bearing case number 05CL00956 ("Complaint").

6. Respondent did not serve the Complaint on Taraski.
7. On February 14, 2005, the Court mailed Respondent a "Notice of Case Management Conference" ("Notice") scheduled for June 28, 2005. This Notice was served on Respondent at her correct law office address.
8. On June 28, 2005, Respondent did not attend the Case Management Conference ("CMC"). The Court continued the CMC to July 20, 2005 and also scheduled an Order To Show Cause ("OSC") why the Complaint should not be dismissed for Respondent's failure to attend the CMC. On July 5, 2005 the Court served Notice of the continued CMC and OSC on Respondent at her correct law office address.
9. On July 20, 2005, Respondent did not attend the continued CMC and OSC and the Court dismissed the Complaint with prejudice.
10. On August 3, 2005, the Court served the Notice of Dismissal on Respondent at her correct law office address. Respondent received the Notice of Dismissal.
11. Respondent did not tell Rodriguez that the Court dismissed the Complaint.
12. Respondent did not file a motion for relief from the Courts's order of dismissal.
13. On October 10, 2005, Rodriguez filed a complaint with the State Bar against Respondent. The State Bar opened an investigation of Rodriguez's complaint.
14. On June 6, 2006, representatives of the State Bar met with Respondent to discuss Rodriguez's State Bar complaint. Respondent gave the State Bar a copy of Rodriguez's legal file which included a letter dated April 13, 2004 addressed to State Farm and signed by Respondent. This letter referred to Rodriguez's bodily injury claim against Taraski and purported to enclose Rodriguez medical reports and bills related to her injuries. In the letter, Respondent also stated that she was making a "policy limits demand" on behalf of Rodriguez.
15. Respondent did not write the letter on or about April 13, 2004 and she never sent the letter to State Farm. Respondent wrote the letter sometime between May 6, 2006 and June 5, 2006, within 30 days of her meeting with representatives of the State Bar, and she intentionally back-dated the letter to April 13, 2004. Respondent intentionally fabricated the letter dated April 13, 2004.

CONCLUSIONS OF LAW

16. By not serving the Complaint on Taraski, by not attending the hearings of the CMC and OSC, and by not filing a motion for relief from the Court's order of dismissal, Respondent

intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of California Rules of Professional Conduct ("RPC"), rule 3-110 (A).

17. By failing to inform Rodriguez of the Court's order dismissing the Complaint, Respondent wilfully failed to inform Rodriguez about a significant development in her case in violation of California Business and Professions Code ("B&P Code"), section 6068 (m).

18. By intentionally fabricating the letter dated April 13, 2004, and providing it to representatives of the State Bar, Respondent committed an act involving moral turpitude, dishonesty, or corruption in wilful violation of B&P Code, section 6106.

19. By failing to obtain Rodriguez's and Cronn's informed written consent acknowledging Respondent's potential conflict of interest in representing both of them, Respondent wilfully violated RPC, rule 3-310 (C) (1).

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 January 25, 2008 and the facts and conclusions contained in this Stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

PENDING PROCEEDINGS

None. The disclosure date referred to on page one, paragraph A. (7) was June 24, 2008.

DISMISSALS

The Parties respectfully request the Court to dismiss the following alleged violations in furtherance of justice:

06-O-10494-RAP	Count 2	B&P Code, section 6106
06-O-10494-RAP	Count 4	B&P Code, section 6068 (m)

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of Chief Trial Counsel informed her that the costs, as of June 24, 2008, are \$3804. 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 costs of further proceedings.

AGGRAVATING CIRCUMSTANCES

Respondent's current misconduct evidences multiple acts of wrongdoing and is an aggravating circumstance under Standards For Attorney Sanctions For Professional Misconduct ("Standards"), Standard 1.2 (b) (ii).

Respondent's misconduct significantly harmed Rodriguez and is an aggravating circumstance under Standard 1.2 (b) (iv).

MITIGATING CIRCUMSTANCES

Respondent was admitted to the State Bar on May 5, 1993 and she does not have a record of prior State Bar discipline. Respondent's misconduct is serious; but, the State Bar acknowledges that in *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, the Review Department held that Standard 1.2 (e)(i) has been applied repeatedly by the Supreme Court in cases involving serious misconduct.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 2.3 applies to offenses involving moral turpitude, fraud dishonesty, or concealment. The range of discipline in Standard 2.3 is actual suspension or disbarment "... depending upon the extent to which the victim of the misconduct is harmed or misled and depending on the act of the magnitude of misconduct and the degree to which it relates to the member's acts within the practice of law."

Standard 2.4 (a) applies to Respondent's failure to perform services in an individual matter not demonstrating a pattern of misconduct and to Respondent's wilful failure to communicate with a client. The range of discipline required by Standard 2.4 is reproof or suspension.

In *In re Silvertan* (2005) 36 Cal. 4th 81, 92, 29 Cal. Rptr. 3d 766, the California Supreme Court affirmed that the Standards are entitled to great weight and should be applied unless Respondent demonstrates the existence of extraordinary circumstances justifying a lesser sanction than that required by the Standards.

In *In re Morse*, the California Supreme Court identified the proper analysis for determining the appropriate level of discipline. The Court stated:

"In deciding appropriate discipline, we consider the underlying misconduct and

aggravating and mitigating circumstances.... To determine the appropriate level of discipline after these facts are established , we, like the review department, must look to the standards for guidance. 'These guidelines are not binding on us, but they promote the consistent and uniform application of disciplinary measures. Hence we have said that "we will not reject a recommendation arising from the application of the Standards unless we have grave doubts as to the propriety of the recommended discipline (citations omitted)."' (*In re Morse*, supra, 11 Cal 4th 184, 206).

"The primary purposes of disciplinary proceedings conducted by the State Bar of California and the sanctions imposed ... 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; see also *Garlow vs. State Bar* (1982) 30 Cal. 3d 912, 916, 180 Cal. Rptr. 831, 640 P 2d. 1106)." (*In re Morse*, supra, 11 Cal. 4th 184, 205, 206).

In *In the Matter of Gillis* (review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 387, the Review Department held that a deliberate attempt to mislead a State Bar investigator constitutes moral turpitude in violation of Business and Professions Code, section 6106. The Review Department ordered Respondent suspended for three years stayed, three years probation, and six months actual suspension.

In *Cain vs. State Bar* (1979) 25 Cal. 3d. 956, 961, 160 Cal. Rptr. 362, the Supreme Court held that "... fraudulent and contrived misrepresentations to the State Bar may perhaps constitute a greater offense than misappropriation." In *Cain vs. State Bar*, supra, the Supreme Court ordered respondent Cain disbarred for two instances of misappropriation of client funds and for testifying falsely before a State Bar hearing panel.




In *Worth vs. State Bar* (1978) 22 Cal. 3d. 707, 711, 150 Cal. Rptr. 273, the Supreme Court ordered respondent Worth disbarred for misappropriation of client funds noting that "...perhaps petitioner's [Worth] greater offense is his fraudulent and contrived misrepresentations to the State Bar..." In *Worth vs. State Bar*, supra, the Court noted that respondent Worth continued to make misrepresentations to the Supreme Court.

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In the Matter of Lisa R. Garard	Case number(s): 08-O-10494-RAP
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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.

<u>7-1-08</u>		<u>Lisa Garard</u>
Date	Respondent's Signature	Print Name
<u>7/3/08</u>		<u>James B. Kaminski</u>
Date	Respondent's Counsel Signature	Print Name
<u>7/7/08</u>		<u>Brandon K. Tady</u>
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter Of Lisa R. Geraurd	Case Number(s): 06-O-10494-RAP
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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 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.)**

July 14, 2008
Date



Judge of the State Bar Court
DONALD F. MILES

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 July 24, 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:

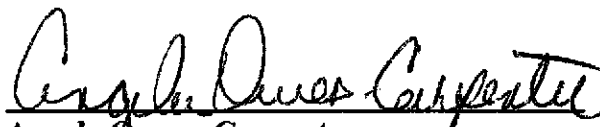
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAMES B KAMANSKI
JAMES B KAMANSKI ATTY AT LAW
10940 WILSHIRE BLVD STE 600
LOS ANGELES CA 90024**

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

BRANDON TADY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 24, 2008**.



Angela Owens-Carpenter
Case Administrator
State Bar Court