

(Do not write above this line.)

**State Bar Court of California
Hearing Department
Los Angeles**

<p>Counsel For The State Bar</p> <p>Diane J. Meyers 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1496</p> <p>Bar # 146643</p>	<p>Case Number (s) 06-O-10591</p>	<p>(for Court's use)</p> <p align="center">PUBLIC MATTER</p> <p align="center">FILED</p> <p align="center">SEP 24 2008</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Edward O. Lear 5200 W. Century Blvd., #345 Los Angeles, CA 90045 (310) 642-6900</p> <p>Bar # 132699</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: Khushwant Singh</p> <p>Bar # 102890</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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 **June 10, 1982**.
- (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 **15** 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: **2009, 2010, 2011 & 2012**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case **99-O-13355**
 - (b) Date prior discipline effective **January 10, 2002**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rule 4-100(B)(4) of the Rules of Professional Conduct.**
 - (d) Degree of prior discipline **A one-year stayed suspension, a two-year probation and a two month actual suspension**
 - (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. **Dr. Rakower incurred expenses in defending the malpractice action.**
- (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.
- (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

At the time of Respondent's misconduct, he was involved in his marital dissolution which was completed on June 15, 2002. Respondent's residence was sold and he was required to vacate the

residence and find a new residence by June 30, 2002. Also, Respondent was suffering from chest paid and had open heart surgery on July 9, 2002.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **two 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 **two 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 **75 days**.

- 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:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation 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: _____

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- (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 shall make restitution of the \$10,477 in economic damages incurred by Stephen Rakower, M.D. as set forth at p. 13.**

Attachment language begins here (if any):

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

1. In or about July 2001, Respondent's paralegal, Laura Wilhelm ("Wilhelm"), consulted with and was examined by Stephen Rakower, M.D. ("Dr. Rakower") regarding the removal of her gallbladder. At the time of Dr. Rakower's examination, Wilhelm was complaining of severe upper abdominal pain radiating to the right side.
2. On January 14, 2002, Wilhelm sent a notice of her intention to file a "legal (sic) malpractice action" against Dr. Rakower. In the notice, Wilhelm alleged that during Dr. Rakower's examination, he did not ask her about her diabetes or other health problems; did not examine her abdomen; did not ask proper questions; made her undress in front of him; and performed an inappropriate and unneeded breast examination. Further in the notice, Wilhelm directed Dr. Rakower to contact Respondent if he had any questions.
3. In 2001, Wilhelm filed a complaint against Dr. Rakower with the Medical Board of California ("MBOC") regarding his consultation and examination. On January 23, 2002, MBOC sent a letter to Dr. Rakower. In the letter, MBOC stated that it had concluded its investigation regarding his treatment of Wilhelm and determined that no violation had occurred.
4. On January 24, 2002, Respondent filed a complaint for professional negligence and intentional infliction of emotional distress in the Orange County Superior Court entitled, *Laura Wilhelm v. Stephen R. Rakower, M.D.*, case number 02CC01985. In the lawsuit, Respondent alleged that Dr. Rakower negligently performed his consultation and examination of Wilhelm; negligently failed to ask Wilhelm the proper questions concerning her health and health conditions and concerning her gallbladder problems; failed to perform any examination whatsoever concerning Wilhelm's gallbladder; and performed an unnecessary and unrequested breast examination on Wilhelm that had nothing to do with her gallbladder. In the lawsuit, Respondent further alleged that Dr. Rakower's nurse was not present during his examination of Wilhelm or was standing in a position so that Wilhelm could not see her.
5. Prior to filing the lawsuit, Respondent had not reviewed Dr. Rakower's medical records regarding his consultation and examination of Wilhelm; did not ascertain the applicable standard of care for handling Wilhelm's condition; and did not obtain an expert opinion on the applicable standard of care for handling Wilhelm's condition. Also, Respondent had not complied with Code of Civil Procedure section 364(a), as Dr. Rakower had not be given at least 90 days' prior notice of Wilhelm's intention to commence a medical malpractice lawsuit against him.
6. Between February and March 8, 2002, Dr. Rakower's personal attorney, Margaret Holm ("Holm"), left messages for Respondent in which she asked that Respondent return her call to discuss Wilhelm's case. Respondent did not respond to Holm's messages.
7. On March 8, 2002, Holm sent a letter to Respondent. In Holm's letter, she explained why Wilhelm's case had no merit and asked that Respondent dismiss the case. With Holm's letter, she enclosed a copy of Dr. Rakower's report of his examination of Wilhelm. In Dr. Rakower's report, under the heading

“PHYSICAL EXAMINATION,” he stated, “I do not feel an abdominal hernia. Chest is clear. Breasts are free of masses. Cardiac examination is normal. There is mild tenderness in the right upper abdomen. Peripheral pulses are normal.” Dr. Rakower’s report further stated:

“The patient is a 43-year-old female who complains of severe upper abdominal pain radiating to the right side. She has had an ultrasound of the abdomen that shows gallstones and a 7mm non-obstructing stone in the left kidney. The patient says the pain is constant. It is not related to any specific food. She said any food will make the pain worse. She has not been jaundiced. She says she is on disability for work, however, she rides horseback. She says she has gained 50 pounds in the past several months. She does not have an explanation for this.”

8. Respondent did not respond to Holm’s letter.
9. On March 22, 2002, Dr. Rakower’s counsel served form interrogatories, special interrogatories and a request to produce documents propounded to Wilhelm on Respondent. No responses to the discovery were served and no requests for an extension to respond to the discovery were made on Wilhelm’s behalf.
10. On March 26, 2002, Dr. Rakower’s counsel filed a motion to strike the prayer for punitive damages from Wilhelm’s complaint. No opposition was filed in response to the motion to strike.
11. On April 17, 2002, the court held a hearing on Dr. Rakower’s motion to strike. No appearances were made on behalf of Wilhelm. The court granted the motion.
12. On May 10, 2002, Dr. Rakower’s attorney for Wilhelm’s case, Stephen A. Rosa (“Rosa”), sent a letter to Respondent in which he mentioned the overdue discovery responses from Wilhelm. In Rosa’s letter, he also pointed to the following:
 - a. that Dr. Rakower’s records showed that Wilhelm did not refuse the breast examination and it was part of Dr. Rakower’s overall history and physical for Wilhelm’s anticipated surgery;
 - b. that a breast examination as part of a history and physical is neither unusual nor in any way below the standard of care;
 - c. that the surgeon who ultimately performed the cholecystectomy on Wilhelm also performed a breast examination on Wilhelm; and,
 - d. that Dr. Rakower’s nurse was in the room during his examination of Wilhelm.
13. Respondent did not respond to Rosa’s letter and never spoke with Dr. Rakower’s counsel regarding Wilhelm’s case.
14. On May 30, 2002, Dr. Rakower’s counsel filed motions to compel Wilhelm’s responses to form interrogatories, special interrogatories and a request for production of documents. Respondent did not oppose the motions.

15. On June 25, 2002, Respondent filed a request for dismissal, with prejudice, of Wilhelm's case.
16. On January 15, 2003, Dr. Rakower filed a malicious prosecution complaint against Wilhelm and Respondent in the Orange County Superior Court entitled, *Stephen R. Rakower, M.D. v. Laura Wilhelm, Khushwant Sean Singh*, case number 03CC01693.
17. On March 25, 2003, Respondent filed a demurrer to Dr. Rakower's complaint. In the demurrer, Respondent argued that Wilhelm ultimately agreed to dismiss the lawsuit due to her poor health and medical condition, that the dismissal was not due to a lack of a meritorious case, and that the voluntary dismissal of Wilhelm's lawsuit did not constitute a favorable termination of that case.
18. On May 8, 2003, the court overruled Respondent's demurrer. The court concluded that factual questions remained for the jury on whether the dismissal amounted to a concession that the malpractice claim had no merit.
19. During the trial in the malicious prosecution case, Dr. Rakower testified that he performed the breast examination because Wilhelm presented risk factors for breast cancer, including her age, and because the standard of care for the contemplated gallbladder surgery in her torso required verification that he could not identify any significant pathology in that area on her pre-operative examination.
20. On February 1, 2005, a jury returned a special verdict in favor of Dr. Rakower after trial. The jury found the following:
 - a. that Respondent was actively involved in bringing or continuing the malpractice lawsuit against Dr. Rakower;
 - b. that the malpractice lawsuit ended in Dr. Rakower's favor;
 - c. that a reasonable person in Respondent's circumstances would not have believed that Dr. Rakower performed an inappropriate and unnecessary breast examination on Wilhelm that constituted professional negligence;
 - d. that Respondent acted primarily for a purpose other than succeeding on the merits of the malpractice claim;
 - e. that Respondent's conduct was a substantial factor in causing harm to Dr. Rakower; and,
 - f. that Dr. Rakower proved by clear and convincing evidence that Respondent acted with malice, oppression or fraud in the conduct upon which the jury based their finding of liability and damages.
21. The jury awarded \$10,477 as damages for past economic loss; \$31,321 as damages for past non-economic loss; and \$10,000 as punitive damages.

22. On March 8, 2005, the court entered judgment in favor of Dr. Rakower and against Respondent for \$51,798, plus costs.
23. On February 14, 2005, Respondent filed a motion for judgment notwithstanding the verdict.
24. On February 23, 2005, Respondent filed a motion for a new trial.
25. On June 10, 2005, the court denied Respondent's motions for judgment notwithstanding the verdict and for a new trial.
26. On July 14, 2005, Respondent filed an appeal of the judgment in the Court of Appeal, Fourth Appellate District, Division 3, case number G035778.
27. On January 31, 2007, the Court of Appeal affirmed the judgment.
28. On April 6, 2007, the judgment became final.
29. Respondent filed Wilhelm's lawsuit against Dr. Rakower without probable cause as he filed the lawsuit without reviewing Dr. Rakower's records on Wilhelm and without obtaining an expert opinion on the applicable standard of care for handling Wilhelm's condition.
30. Respondent filed and continued Wilhelm's lawsuit against Dr. Rakower when a reasonable person in Respondent's circumstances would not have believed that Dr. Rakower performed an inappropriate and unnecessary breast examination on Wilhelm that constituted professional negligence; and when Respondent acted primarily for a purpose other than succeeding on the merits of the malpractice claim.
31. Respondent acted with gross negligence in filing and continuing the malpractice lawsuit against Dr. Rakower.

CONCLUSIONS OF LAW

1. By not ascertaining the applicable standard of care before filing Wilhelm's lawsuit against Dr. Rakower; by filing Wilhelm's lawsuit against Dr. Rakower without probable cause; and by filing and continuing the malpractice lawsuit against Dr. Rakower when a reasonable person in Respondent's circumstances would not have believed that Dr. Rakower performed an inappropriate and unnecessary breast examination on Wilhelm that constituted professional negligence, and when Respondent acted primarily for a purpose other than succeeding on the merits of the malpractice claim, Respondent failed to counsel or maintain such action, proceedings, or defenses only as appear to him legal or just in wilful violation of section 6068(c) of the Business and Professions Code.
2. By acting with gross negligence in filing and continuing the malpractice lawsuit against Dr. Rakower, Respondent committed an act involving moral turpitude in wilful violation of section 6106 of the Business and Professions Code.

3. By not reviewing Dr. Rakower's medical records regarding his consultation and examination of Wilhelm; by not ascertaining the applicable standard of care for handling Wilhelm's condition; by not obtaining an expert opinion on the applicable standard of care for handling Wilhelm's condition; and by not complying with Code of Civil Procedure section 364(a) prior to filing Wilhelm's lawsuit against Dr. Rakower, Respondent recklessly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

In the Matter of
Khushwant Singh

Case number(s):
06-O-10591

A Member of the State Bar

Law Office Management Conditions

- a. Within 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/ months/**one year** 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 (6)** 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.

In the Matter of
Khushwant Singh

Case number(s):
06-O-10591

A Member of the State Bar

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, ~~plus interest of 10% per annum~~) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Stephen Rakower, M.D.	\$10,477	Not applicable.

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

b. Installment Restitution Payments

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

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Stephen Rakower, M.D.	\$500	Monthly, commencing
		30 days after expira-
		tion of Respondent's
		actual suspension.

c. Client Funds Certificate

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

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

d. Client Trust Accounting School


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

(Do not write above this line.)

In the Matter of Khushwant Singh	Case number(s): 06-O-10591
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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.



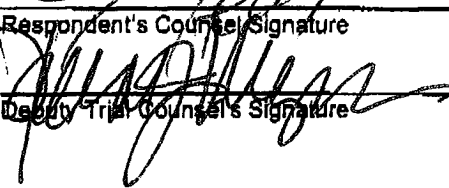
<u>9/8/08</u> Date	 Respondent's Signature	<u>K. Sean Singh</u> Print Name
_____ Date	_____ Respondent's Counsel Signature	<u>Edward O. Lear</u> Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	<u>Diane J. Meyers</u> Print Name

(Do not write above this line.)

In the Matter of Khushwant Singh	Case number(s): 06-O-10591
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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.

Date <u>9/8/08</u>		<u>K. Sean Singh</u> Print Name
Date <u>9/10/08</u>		<u>Edward O. Lear</u> Print Name
Date <u>9/15/08</u>		<u>Diane J. Meyers</u> Print Name

(Do not write above this line.)

In the Matter Of Khushwant Singh	Case Number(s): 06-O-10591
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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.)**

9/22/08
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 September 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:

EDWARD O. LEAR, ESQ.
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES CA 90045

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 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:

DIANE MEYERS, ESQ., Enforcement, Los Angeles

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



Rose Luthi
Case Administrator
State Bar Court