

ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Joseph R. Carlucci 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1053 Bar # 172309	Case Number (s) 06-O-10595-RAP 07-O-10251 (invest.) 07-O-11126 (invest.)	(for Court's use) <div style="text-align: center;"> FILED JUL 12 2007 <i>WOC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Jeffrey S. Mintz 43225 Whittier Ave. Hemet, CA 92544-6551 (951) 927-4227 Bar # 113467	<div style="text-align: center;"> PUBLIC MATTER </div>	
In the Matter Of: JEFFREY S. MINTZ Bar # 113467 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 13, 1984**.
- (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 **19** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ costs added to membership fee for calendar year following effective date of discipline.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years: **two (2) billing cycles following the effective date of the Supreme Court order.**
(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 or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ 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

See Attachment.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **six (6) 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

(1) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

(4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

(5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" 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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☐ **Other Conditions:**

(Do not write above this line.)

Attachment language (if any):

SEE ATTACHMENT

In the Matter of
JEFFREY S. MINTZ (No. 113467)

A Member of the State Bar

Case number(s):
**06-O-10595-RAP, 07-O-10251 (invest.),
07-O-11126 (invest.)**

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
Noel Scott	\$10,000.00	Not Applicable - See Stip. Attachment, Page 9 "Other Factors for Consideration"

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **the due dates set forth below in section "b"**.

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
Noel Scott	\$2,500	within 30 days of the effective date of the Supreme Court's order herein.
Noel Scott	\$1,000	Five monthly payments beginning 60 days after the effective date of the Supreme Court order herein for a total of \$5,000

c. Client Funds Certificate

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

- ☐ 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:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JEFFREY S. MINTZ (No. 113467)

CASE NUMBERS: 06-O-10595-RAP, 07-O-10251 (invest.), 07-O-11126 (invest.)

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 06-O-10595-RAP

Facts

On March 14, 2005, Noel Scott ("Scott"), who is incarcerated, employed Respondent to file a federal petition for habeas corpus seeking a certificate of appealability of Scott's criminal conviction ("petition"). Respondent and Scott entered into an employment agreement that provided for a minimum fee of \$10,000 to Respondent and a maximum fee of \$15,000.

On March 24, 2005, Scott's prior attorney, Marc Rosenberg ("Rosenberg"), on behalf of Scott, sent to Respondent a check from Scott for \$10,000 to Respondent. Respondent received and negotiated the \$10,000 check.

On July 12, 2005, Respondent sent a letter to Scott in which Respondent advised Scott that he would have a first draft of the Petition prepared for Scott's review in a week.

On August 9, 2005, Scott and Scott's mother both left messages for Respondent on Respondent's voice message system requesting that Respondent call Scott's mother and arrange a telephone conference with Scott to provide Scott with a status report on his case, in part because Respondent had

not sent Scott the draft petition as Respondent had promised. Respondent received the messages.

On August 10, 2005, Scott mailed a letter to Respondent in which Scott again requested a telephone conference with Respondent regarding the status of the petition. Respondent received Scott's letter.

Respondent did not respond in any manner to Scott's and Scott's mother's August 9, 2005 messages or Scott's August 10, 2005 letter.

On September 1, 2005, Scott mailed Respondent a letter to Respondent in which Scott complained that Respondent had not filed the petition or responded to his requests for the status of the petition. In his letter, Scott also informed Respondent that he had lost confidence in Respondent's ability to honor his promise to file the petition. In his letter, Scott demanded that Respondent either send Scott the petition or refund any unearned advanced fees to him. Respondent received Scott's letter.

Respondent did not respond to the September 1, 2005 letter or otherwise communicate with Scott.

On September 27, 2005, Scott mailed a letter to Respondent that terminated Respondent's representation of Scott; requested a refund of unearned advanced fees; and requested that Respondent send Scott's file to Scott. Respondent received the letter.

Respondent did not respond to the August 10, 2005 letter, refund any unearned advanced fees, return Scott's file to him, or otherwise communicate with Scott.

On October 28, 2005, Scott filed a complaint against Respondent with the State Bar (the "Scott matter").

On January 20, 2006, a State Bar complaint analyst ("complaint analyst") wrote a letter to Respondent regarding the Scott matter. The letter requested that Respondent respond in writing

to specified allegations of misconduct being investigated by the State Bar in the Scott matter.

Respondent received the letter.

On February 6, 2006, Respondent responded in writing to the complaint analyst's letter. In his letter, Respondent acknowledged that he failed to release Scott's file to Scott. In his letter, Respondent also acknowledged that \$6,500 of the fees paid to him by Scott had not been earned. Respondent acknowledged that he had not refunded \$6,500 or any other amount to Scott.

On April 27, 2006, Scott received his file from Respondent.

Conclusions of Law

By failing to respond to Scott's August 9, 2005 telephone message or Scott's letters dated August 10, 2005, September 1, 2005, September 27, 2005, and October 28, 2005, Respondent wilfully failed to respond promptly to reasonable status inquiries of a client in wilful violation of Business and Professions Code, section 6068(m).

By failing to return Scott's file to him until April 27, 2006, approximately 8 months after Scott requested it, Respondent wilfully failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in wilful violation of rule 3-700(D)(1), Rules of Professional Conduct.

By failing to refund the \$6,500 in undisputed unearned advanced fees to Scott, Respondent wilfully failed to refund promptly any part of a fee paid in advance that has not been earned in wilful violation of rule 3-700(D)(2), Rules of Professional Conduct.

Case No. 07-O-10251 (Investigation)

Facts

At all times stated herein, Respondent was attorney of record for Michael Max Darrow

("Darrow") in the matter entitled *Michael Max Darrow v. Robert Hernandez, Warden*, United States District Court, Central District, case no. EDCV 03-1470-ABC (RNB) ("the *Darrow* matter").

On November 7, 2006, Robert N. Block, Magistrate Judge for the United States District Court ("Judge Block") issued an order granting Darrow's motion for continuance of an evidentiary hearing. As part of his order, Judge Block also ordered that Respondent, as counsel for Darrow, ascertain the availability of the opposing counsel and arrange for a telephone conference within 10 days between Judge Block and the parties for the purpose of re-scheduling the evidentiary hearing, and set deadlines for the service and filing of pre-trial documents and exhibits.

Respondent received a copy of Judge Block's November 7, 2006 order. Respondent did not comply with Judge Block's November 7, 2006 order.

As a result of Respondent's failure to comply with his November 7, 2006 order, on November 27, 2006 Judge Block issued an order that all counsel in the *Darrow* matter appear in court for a status conference on December 21, 2006 at 9:30 a.m. Respondent received a copy of Judge Block's November 27, 2006 order.

On December 21, 2006, the status conference in the *Darrow* matter was held before Judge Block at the scheduled time. Respondent failed to appear at the status conference.

As a result of Respondent's failure to appear at the status conference, on December 21, 2006 Judge Block issued an that Respondent appear in court on January 9, 2007 at 9:30 a.m. for an order to show cause regarding the imposition of sanctions against Respondent for his violation of the court's prior orders and/or reporting Respondent to the State Bar of California. Respondent received a copy of Judge Block's December 21, 2006 order.

On January 9, 2007, the order to show cause regarding Respondent's failure to comply with the

court's prior orders was held before Judge Block in the *Darrow* matter. Respondent failed to appear for the order to show cause hearing.

As a result of Respondent's failure to appear for the order to show cause hearing, on January 9, 2007, Judge Block issued an order that Respondent pay sanctions of \$1,500 to the Central District of California, Southern Division, Library fund within 10 days. Judge Block's order also stated that the court would be reporting Respondent to the State Bar of California. Respondent received a copy of Judge Block's January 9, 2007 order.

Respondent did not report the imposition of \$1,500 in sanctions against him to the State Bar of California.

Conclusions of Law

By failing to comply with the court's November 7, 2006; November 27, 2006; and December 21, 2006 orders in the *Darrow* matter, Respondent failed to obey orders of the court, in wilful violation of Business and Professions Code, section 6103.

By not reporting the court's January 9, 2007 order imposing \$1,500 in sanctions against him in the *Darrow* matter to the State Bar of California, Respondent failed to report the imposition of judicial sanctions upon him in writing, within 30 days, in wilful violation of Business and Professions Code, section 6068(o)(3).

Case No. 07-O-11126 (Investigation)

Facts

On August 30, 2006, David Meissner ("Meissner") employed Respondent to represent him in an administrative code enforcement hearing that had been brought against Meissner by the County of Riverside for alleged zoning violations. Respondent agreed to represent Meissner in the hearing for a

flat fee of \$1,500. On August 30, 2006, Meissner paid Respondent \$1,500.

Meissner's administrative hearing was held on September 9, 2006. Respondent appeared at and represented Meissner at the hearing. On September 9, 2006, the hearing examiner issued a written decision that was adverse to Meissner. The hearing examiner's decision contained a notice that Meissner had the right to appeal the decision to the Riverside County Superior Court within 20 days of the entry of the decision.

On September 29, 2006, Respondent timely filed a notice of appeal of the hearing examiner's decision in Riverside County Superior Court on behalf of Meissner ("the Meissner appeal"). On October 4, 2006, Respondent notified Meissner that a court hearing on Meissner's appeal had been scheduled for November 13, 2006 at 8:30 a.m. At that time, Respondent also told Meissner that he would require an additional \$1,000 for his preparation for and attendance at the November 13, 2006 hearing. On October 10, 2006, Meissner paid Respondent \$1,000.

On October 19, 2006, the County of Riverside filed a cross-complaint for injunctive relief, civil penalties and damages against Meissner. The County of Riverside served the cross-complaint upon Respondent. Respondent received the cross-complaint.

At no time did Respondent inform Meissner that the County of Riverside had filed a cross-complaint against him or that Respondent had been served with the cross-complaint.

On November 13, 2006, the scheduled court hearing was held in the Meissner appeal. Meissner appeared at the hearing. Respondent did not appear at the hearing and Meissner was forced to represent himself. At the request of Meissner, the court removed Respondent as Meissner's attorney of record in the Meissner appeal.

On November 15, 2006, Meissner sent a letter to Respondent in which Meissner terminated

Respondent and requested a refund of any unearned fees. Respondent received Meissner's letter.

Respondent did not earn any portion of the \$1,000 Meissner paid him on October 10, 2006.

Respondent did not refund any unearned fees to Meissner or otherwise respond to Meissner's November 15, 2006 letter.

Conclusions of Law

By failing to notify Meissner that the County of Riverside filed a cross-complaint against Meissner, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

By failing to appear at the November 13, 2006 court hearing in the Meissner appeal, Respondent intentionally or recklessly failed to perform legal services with competence in wilful violation of rule 3-110(A), Rules of Professional Conduct.

By not refunding \$1,000, or any portion thereof, to Meissner, Respondent failed to refund unearned fees, in wilful violation of rule 3-700(D)(2), Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was June 26, 2007.

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-10595-RAP	One	Rule 3-110(A), Rules of Professional Conduct

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 25, 2007, the costs in this matter are \$4,892.00. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

The recommended discipline in this matter is supported by the standards.

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

Standard 1.6(a) - If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.4(b) - Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6 - Culpability of a member of a wilful violation of *Business and Professions Code*, section 6068 shall result in suspension or disbarment depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Standard 2.10 - Culpability of a member of a violation of any provision of the Business and

Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

MITIGATING CIRCUMSTANCES.

No Prior Discipline

Although Respondent's misconduct herein is serious in nature, Respondent is nonetheless entitled to mitigating credit for having no record of prior discipline since his admission to the State Bar on June 13, 1984.

Candor/Cooperation (Standard 1.2(e)(v))

Respondent was candid and cooperative with the State Bar during its investigation and prosecution of this matter.

OTHER FACTORS FOR CONSIDERATION

On June 20, 2007, Respondent refunded \$1,000 to David Meissner. (Case No. 07-O-11126).

Respondent contends that he earned at least \$3,500 of the \$10,000 Noel Scott paid to him (Case No. 06-O-10595-RAP). Scott disagrees and claims that he is entitled to a refund of the full \$10,000. To resolve this fee dispute without the need for a formal arbitration, Respondent has agreed to relinquish any claim to fees and refund the entirety of the \$10,000, without interest, to Scott in installments. On June 20, 2007, Respondent refunded \$2,500 to Scott. Respondent has agreed to refund the remaining balance of \$7,500 to Scott according to the schedule set forth in the attached "Financial Conditions."

(Do not write above this line.)

In the Matter of JEFFREY S. MINTZ (No. 113467)	Case number(s): 06-O-10595-RAP, 07-O-10251 (invest.), 07-O-11126 (invest.)
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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>6/30/07</u> Date	<u>Jeffrey S. Mintz</u> Respondent's Signature	<u>JEFFREY S. MINTZ</u> Print Name
<u>7/5/07</u> Date	<u>Joseph R. Carlucci</u> Respondent's Counsel Signature	<u>N/A</u> Print Name
	<u>Joseph R. Carlucci</u> Deputy Trial Counsel's Signature	<u>JOSEPH R. CARLUCCI</u> Print Name

(Do not write above this line.)

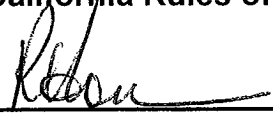
In the Matter Of JEFFREY S. MINTZ (No. 113467)	Case Number(s): 06-O-10595-RAP, 07-O-10251 (invest.), 07-O-11126 (invest.)
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ORDER

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.)**

<u>7/11/07</u> Date	 Judge of the State Bar Court
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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 12, 2007, 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:

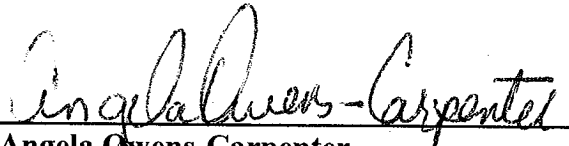
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JEFFREY S MINTZ
43225 WHITTIER AVE
HEMET CA 92544 6551**

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

JOSEPH CARLUCCI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 12, 2007.**


Angela Owens-Carpenter
Case Administrator
State Bar Court