



**PUBLIC MATTER
FILED**

JUN 12 2008

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of)	Case No.: 06-O-11469-LMA
)	
JOHN WILLIAM FINDLEY,)	MODIFICATION ORDER
)	
Member No. 154516,)	
)	
<u>A Member of the State Bar.</u>)	

The court sua sponte MODIFIES the parties' stipulation as to facts, conclusions of law, and disposition and this court's order approving that stipulation which were filed on May 1, 2008, as follows:

1. In paragraph B(1)(d) on page 2 of the stipulation, the last sentence beginning "In addition, respondent" is deleted, and the following text is inserted in its place.

In addition, respondent was ordered to comply with the other probation conditions set forth in the hearing judge's decision and to take and pass the MPRE within one year.

2. On page 4 of the stipulation, the "X" in box D(3)(a)(i) is deleted to remove the requirement that respondent's actual disciplinary suspension continue until he complies with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.¹

¹ Ordinarily, a requirement that an attorney's actual disciplinary suspension continue until he has complied with standard 1.4(c)(ii) is appropriate only when the recommended period of actual *disciplinary* suspension will continue for two or more years. In the present proceeding, respondent's actual *disciplinary* suspension can terminate in 90 days if he promptly pays the sanctions imposed on him in superior court case number FCS026146. Accordingly, it is

3. On page 5 of the stipulation, the "X" in box F(1) is deleted to remove the condition that respondent take and pass the MPRE. And, on page 6 of the stipulation, an "X" is inserted in the box in front of "No MPRE recommended. Reason." In addition, the following text is inserted after "Reason."

No MPRE is recommended in this proceeding because respondent was ordered to take and pass the MPRE in case number S136732 (State Bar Court case number 02-O-12058), and he has not yet passed the examination.

4. In the first paragraph on page 7 of the stipulation, the last sentence, which begins "Respondent was placed" is deleted, and the following text is inserted in its place.

Accordingly, respondent's 30-day actual suspension began on December 16, 2005. Respondent has been on actual suspension continuously from that time because he has not paid his costs (Bus. & Prof. Code, § 6140.7).²

Any objection to these modifications must be filed within 15 days after the date of service of this order. If either party timely files an objection, the stipulation will be deemed rejected on the date the objection is filed without the necessity of further court order. If no timely objection is filed, the stipulation remains approved as modified herein, and the State Bar Court's staff is directed to transmit the record in this matter to the Supreme Court at that time without further delay.

Dated: June 10, 2008.



LUCY ARMENDARIZ
Judge of the State Bar Court

appropriate to include only the *conditional* standard 1.4(c)(ii) requirement as the parties did in paragraph E(1) on page 4 of the stipulation.

² In addition, effective March 28, 2007, respondent was placed on actual suspension for failing to pass the MPRE within the time period ordered by the Supreme Court. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.)

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 San Francisco, on June 12, 2008, I deposited a true copy of the following document(s):

MODIFICATION ORDER

in a sealed envelope for collection and mailing on that date as follows:

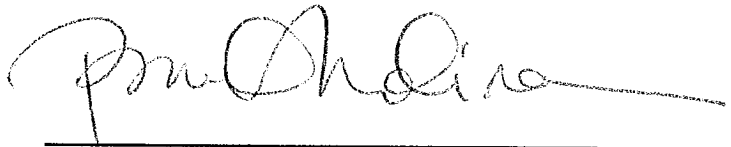
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JOHN W. FINDLEY
5160 COLUMBUS PL
OXNARD, CA 93033

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

TAMMY ALBERTSEN-MURRAY, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **June 12, 2008.**



Bernadette C. O. Molina
Case Administrator
State Bar Court