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<b>State Bar Court of California</b>		<b>PUBLIC MATTER</b>
<b>Hearing Department</b>		
<b>Los Angeles</b>		
<p>Counsel For The State Bar</p> <p><b>Kimberly G. Anderson</b>  <b>Acting Supervising Trial Counsel</b>                      Bar # 150359  <b>Ashod Mooradian</b>  <b>Deputy Trial Counsel</b>                      Bar # 194283                      1149 S. Hill Street                      Los Angeles, CA 90015                      (213) 765-1004</p> <p>Bar # 194283</p>	<p>Case Number (s)</p> <p><b>06-O-11624</b></p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 2em;"><b>FILED</b></p> <p style="text-align: center;">JUN 13 2008 <i>ll</i></p> <p style="text-align: center;">STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Clay E. Presley</b>                      5560 Mission Boulevard                      Riverside, CA 92509-4517                      (909) 856-6085</p> <p>Bar # 174277</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND                      DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of:</p> <p><b>CLAY E. PRESLEY</b></p> <p>Bar # 174277</p> <p>A Member of the State Bar of California                      (Respondent)</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 **December 13, 1994**.
- (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 **14** 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".



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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: **two 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 **03-O-01470**
  - (b)  Date prior discipline effective **April 8, 2004**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **RPC, Rule 1-400(D), Standard 5; RPC, Rule 3-110(A)**
  - (d)  Degree of prior discipline **Private Reproval**
  - (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's misconduct resulted in the dismissal of client's complaint.**
- (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.

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- (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:**

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.
- (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. **Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.**
- (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**

None.

**D. Discipline:**

(1)  **Stayed Suspension:**

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

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **three(3) 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 **30 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:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" 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 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:**

**ATTACHMENT TO**

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

**IN THE MATTER OF:**     CLAY E. PRESLEY

**CASE NUMBER(S):**     06-O-11624

**A.     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 9, 2008, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**B.     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/or Rules of Professional Conduct.

Facts:

1.     On September 7, 2004, Marcos Alvarez ("Alvarez") hired Respondent to represent him in a matter concerning an alleged breach of a Residential Purchase Agreement ("Purchase Contract") for the sale and purchase of real property. The Purchase Contract provided that any dispute arising thereunder was to be resolved by mediation or by binding arbitration, excluding certain specifically enumerated disputes. Among the disputes excluded from operation of the mandatory arbitration provision was "the filing or enforcement of a mechanic's lien." Among other issues in that real estate dispute, Alvarez sought compensation for funds he had advanced to improve and repair the subject real property during the escrow period.

2.     On September 7, 2004, Alvarez signed an employment/fee agreement ("Agreement") prepared by Respondent. Respondent agreed to represent Alvarez for a "flat fee" of \$2,500, which is also described in the Agreement as "non-refundable." Respondent's Agreement stated that Respondent would "file a lis pendens and a complaint" for Alvarez, and would represent Alvarez "at trial or arbitration."

3.     On December 8, 2004, Respondent filed a civil complaint and lis pendens on Alvarez's behalf. Concurrent with the filing of the complaint, Respondent was given notice that a Case Management Conference in the Alvarez matter was calendared for

April 8, 2005, at 1:30 p.m. in Dept. F of the Los Angeles Superior Court, Southeast District (Norwalk).

4. Respondent failed to appear at the Case Management Conference on April 8, 2005. The court calendared a hearing on Order to Show Cause Regarding Dismissal for Counsel's Failure to Appear for June 13, 2005. Respondent was properly served with and received the Order to Show Cause.

5. On June 13, 2005, the court discharged the Order to Show Cause based on Respondent's representation that his previous failure to appear had been due to a calendaring error. The court then calendared a hearing for August 19, 2005 on an Order to Show Cause Regarding Entry of Default/Answer/Responsive Pleading/ Trial Setting Conference and directed Respondent to give notice to defendant.

6. Respondent failed to appear at the August 19, 2005, hearing, upon which the court dismissed Alvarez's case for Respondent's failure to diligently prosecute the case. The court gave notice to Respondent of the minute order by mail. Respondent received the minute order, but did not notify Alvarez of the dismissal.

7. On January 18, 2006, Alvarez met with Respondent in Respondent's office to discuss his case. Alvarez complained to Respondent that he had made numerous telephone calls to Respondent's office that had gone unanswered, that Alvarez was generally unhappy with the level of communication from Respondent, and that he wanted a refund of the fees he had advanced. At that meeting, Respondent still failed to inform Alvarez of the dismissal of his case.

8. On January 18, 2006, following their meeting, Respondent sent Alvarez a letter in which Respondent reminded Alvarez that their Agreement purported that the fees paid were non-refundable, but offered a refund of \$400. Respondent also stated that the Purchase Contract called for "all disputes to be resolved by non judicial means," despite the Purchase Contract's provision excluding mechanic's lien disputes. Respondent's January 18, 2006 letter also did not mention the dismissal of Alvarez's case.

9. At no time following the August 19, 2005, dismissal of Alvarez's case did Respondent file any motion seeking to set aside the dismissal, or otherwise inform Alvarez that his case had been dismissed.

#### Conclusions of Law:

By twice failing to appear in Alvarez's matter and by failing to seek to set aside the dismissal that resulted from his failures to appear, Respondent intentionally, recklessly, or repeatedly failed perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).



By not informing Alvarez that the court had dismissed his case, Respondent failed to inform his client of significant developments, in willful violation of Business and Professions Code section 6068(m).

### C. AUTHORITIES SUPPORTING DISCIPLINE.

#### Standards:

*Standard 2.4(b)* states that 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* states that culpability "...of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension 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: (a) Sections 6067 and 6068..."

#### Caselaw:

In *Matter of Aulakh* (1997) 3 Cal. State Bar Ct. Rptr. 690, the Review Department of the State Bar Court upheld the Hearing Department judge's decision to suspend a respondent from the practice of law for one year, stay the execution of the suspension, and place the respondent on probation for three years on terms and conditions including the payment of restitution and 45 days of actual suspension. In *Aulakh*, the respondent failed to perform legal services competently in a single client matter, improperly withdrew from employment while his client was incarcerated, failed to return unearned fees, and failed to render an accounting to the client.

In *Wren v. State Bar* (1983) 34 Cal.3d 81, an attorney was suspended for two years, stayed, with two years of probation and 45 days actual suspension. The attorney, who had been in practice for 22 years, had no prior record of discipline. He represented a client in a dispute over a mobile home. He was supposed to file suit for repossession. Over a twenty-two month period, the attorney had two meetings with the client, misrepresented the status of the case to the client leading the client to believe suit had been filed when it had not, and did nothing to prepare the case. The attorney blamed the client for vacillating on the decision to go to trial. The Court concluded the attorney failed to adequately communicate with his client, misrepresented the status of the matter to his client, failed to prosecute his client's claim and submitted misleading testimony to the hearing panel.

Comparison:

The present matter did not involve improper withdrawal or failure to return unearned fees or to render an accounting as in *Aulakh*. Further, the present matter did not involve the submitting of misleading testimony to the State Bar hearing panel as in *Wren*. Here, Respondent's misconduct significantly harmed his client because his failure to appear as ordered on two occasions, caused the dismissal of the case. Further, Respondent has one prior record of discipline for which he was privately reprimanded. In that matter he stipulated to violating Rule 1-400(D), Standard 5 and 3-110(A). However, Respondent was not charged with a failure to return unearned fees or failure to render accounts or submit misleading testimony to the State Bar. In addition, Respondent cooperated with the State Bar to the extent that he stipulated to facts, conclusions of law and level of discipline. Therefore, Respondent's discipline is consistent with the applicable standards and caselaw.

**D. PENDING PROCEEDINGS.**

The disclosure date referred to on page one, paragraph A. (7) was May 14, 2008.

**E. COSTS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of May 9, 2008, the estimated prosecution costs in this matter are approximately \$2,296.00. Respondent acknowledges that this figure is an estimate only. 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6068.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

In the Matter of  
**CLAY E. PRESLEY**

Case number(s):  
**06-O-11624**

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
Marcos Alvarez	\$2,800.00	September 7, 2004

- 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 reproval), 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
Marcos Alvarez	\$280.00	monthly

**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:
- 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.

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CLAY E. PRESLEY

Case number(s):  
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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/        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        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 3 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.

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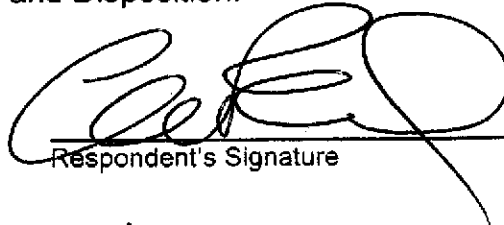
In the Matter of  
CLAY E. PRESLEY

Case number(s):  
06-O-11624

### 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.

5-22-08  
Date



Respondent's Signature

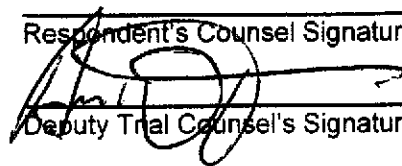
Clay E. Presley  
Print Name

Date

Respondent's Counsel Signature

Print Name

06-05-08  
Date



Deputy Trial Counsel's Signature

Ashod Mooradian  
Print Name

(Do not write above this line.)

In the Matter Of <b>CLAY E. PRESLEY</b>	Case Number(s): <b>06-O-11624</b>
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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.)**

JUNE 9, 2008  
Date

  
Judge of the State Bar Court

**RICHARD A. PLATEL**

**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 June 13, 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:

**CLAY E. PRESLEY ESQ**  
**5560 MISSION BLVD**  
**RIVERSIDE, CA 92509 - 4517**

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

**Ashod Mooradian, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 13, 2008**.

  
\_\_\_\_\_  
**Cristina Potter**  
Case Administrator  
State Bar Court