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**State Bar Court of California  
Hearing Department  
San Francisco**

Counsel For The State Bar  Treva R. Stewart 180 Howard Street San Francisco, CA 94105  Bar # 239829	Case Number (s) 06-O-11681; 06-O-12854; 06-O-12943; 06-O-13154; 06-O-13283; 06-O-14930; 07-O-12514; 07-O-13181; 07-O-14558	(for Court's use)  <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b></p> <p align="center"><i>[Signature]</i></p> <p align="center"><b>OCT 26 2009</b></p> <p align="center"><b>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</b></p>
Counsel For Respondent  Jerome Fishkin 1111 Civic Drive, Suite 215 Walnut Creek, CA 94596  Bar # 47798	Submitted to: <b>Settlement Judge</b>	
In the Matter Of: Christopher R. Rector 25 Cadillac Drive, Ste. 300 Sacramento, CA 95825  Bar # 212244  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <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 January 10, 2001.
- (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 20 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."

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- (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: **each year following the effective date of the Supreme Court Order in this matter.**  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

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

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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. This case involves nine client matters
- (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**

**D. Discipline:**

(1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of 18 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:
- (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 90 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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: \_\_\_\_\_
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

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- (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:** See Stipulation Attachment



8. On January 24, 2005, March 10, 2005, April 12, 2005, July 16, 2005 and October 27, 2005, Griffiths wrote to Respondent requesting that Respondent provide him with a status update on his matter.

9. The October 27, 2005 letter informed Respondent that Respondent had failed to respond to Griffiths' previous letters, failed to complete Respondent's representation of Griffiths and refused to accept Griffiths' telephone calls.

10. Soon after January 24, 2005, March 10, 2005, April 12, 2005, July 16, 2005 and October 27, 2005, Respondent received Griffiths' letters.

11. Respondent failed to respond to Griffith's letters and failed to perform any services for Griffiths after sending the Rule 1-311 letter on September 1, 2004.

**CONCLUSION OF LAW:**

12. By failing to respond to Griffiths' letters, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in violation of Business and Professions ("B&") code section 6068(m).

**Wayne Swank 06-O-11681**

**FACTS:**

13. In 1994, prison inmate Wayne Swank filed a petition for writ of habeas corpus in the United States District Court.

14. On May 22, 1997, the district court denied Swank's petition and dismissed his matter with prejudice.

15. On April 23, 2002, Swank employed attorney Richard Dangler to file a habeas corpus petition with the California Supreme Court.

16. On November 23, 2003, Dangler filed a habeas corpus petition with the California Supreme Court on behalf of Swank.

17. On June 11, 2004, Dangler sent Swank a letter informing Swank that Dangler was resigning from the practice of law and Respondent was willing to take over Swank's matter for no additional charge.

18. On June 21, 2004, Respondent filed a substitution of attorney with the California Supreme Court. Respondent was provided with Swank's file, which filled two banker's boxes and included evidence of the 1994 federal habeas petition.

19. On July 14, 2004, the California Supreme Court denied Swank's petition.

20. On July 21, 2004, Respondent wrote Swank a letter informing Swank that the California Supreme Court denied Swank's petition. The letter also offered to represent Swank in a federal district court matter.

21. On July 27, 2004, Swank responded to Respondent's July 21, 2004 letter and indicated that he would be interested in filing a writ in federal district court.

22. On August 2, 2004, Respondent sent Swank a letter in which Respondent stated that he believed "federal courts may pay much stricter attention to [Swank's] constitutional issues and that [Swank] will have a greater chance of obtaining relief in the federal courts." Enclosed with the letter was a fee agreement that asked Swank to pay \$9,750 for representation in federal court.

23. Respondent failed to review Swank's file prior to writing the letters to Swank, to determine whether Swank had a basis for filing a second federal habeas petition.

24. Swank signed the fee agreement, however, he did not pay Respondent any money for the representation.

25. Thereafter, Swank engaged another attorney who reviewed his file and told Swank that he had no basis for filing a federal habeas corpus petition.

26. Respondent did not file any pleadings on behalf of Swank.

CONCLUSION OF LAW:

27. By failing to review Swank's file prior to offering to represent him in a federal habeas matter, Respondent recklessly failed to perform legal services with competence in willful violation of Rules of Professional Conduct ("rule"), rule 3-110(A).

**Carl Bibbs, Sr. 06-O-13283**

FACTS:

28. Prior to June 2004, brothers, Carl Bibbs, Jr. and Gregory Bibbs were California Department of Corrections inmates.

29. Prior to June 2004, their father, Carl Bibbs, Sr. ("Bibbs Sr.") employed Dangler to represent them in post conviction appeals, but terminated him due to dissatisfaction with his services.

30. Prior to Dangler's resignation with charges pending on September 3, 2004, Respondent shared office space with Dangler. Following the resignation, Respondent temporarily employed Dangler to assist on certain cases that Respondent took over from Dangler's law practice

31. On October 12, 2004, Bibbs Sr. travelled to California from Arkansas to employ Respondent to represent his sons regarding post conviction appeals. Bibbs Sr. recognized Respondent office as the same office space previously occupied by Dangler.

32. Prior to employing Respondent, Bibbs Sr. inquired regarding Respondent's professional relationship to Dangler.

33. Respondent provided Bibbs Sr. with an explanation, however Bibbs Sr. did not understand the extent of Respondent's relationship to Dangler and did not know that Danger had recently been in Respondent's employ.

34. Respondent charged and collected from Bibbs Sr. a total of \$17,500 to represent both Carl Bibbs Jr. and Gregory Bibbs.

35. Respondent did not provide Carl Bibbs Jr. or Gregory Bibbs with a disclosure regarding relevant circumstances and reasonably foreseeable consequences of accepting payment from Bibbs Sr.

36. Respondent did not obtain Carl Bibbs Jr. and Gregory Bibbs informed written consent prior to accepting compensation Bibbs Sr. for their representation.

CONCLUSION OF LAW:

37. By accepting compensation for representing a client from one other than the client without complying with the requirement(s) that Respondent obtain the client's informed written consent, Respondent wilfully violated rule 3-310(F).

**Michael Holsinger 06-O-12943**

FACTS

38. Prior to June 2004, Michael Holtsinger was a California Department of Corrections inmate.

39. On June 22, 2004, Respondent agreed to represent Michael Holtsinger in a habeas corpus matter for a flat fee of \$2,000. Holtsinger had previously been represented by Dangler.

40. On July 9, 2004, Respondent obtained the signature of Agnes Holtsinger, Michael Holtsinger's mother, on the attorney client fee agreement.

41. On July 16, 2004, Respondent accepted \$1,000 in fees from Agnes Holtsinger.

42. On August 11, 2004, Respondent accepted \$250 in fees from Agnes Holtsinger.

43. Respondent charged and collected from Agnes Holtsinger a total of \$1,250 to represent Michael Holtsinger.

44. Respondent never provided Michael Holtsinger with any disclosure regarding the relevant circumstances and the actual and reasonably foreseeable consequences of Respondent's acceptance of payment from Agnes Holtsinger.

45. Respondent accepted compensation from one other than the client for the representation of Michael Holtsinger without Michael Holtsinger's informed written consent.

CONCLUSION OF LAW:

46. By accepting compensation for representing a client from one other than the client without complying with the requirement(s) that Respondent obtained the client's informed written consent Respondent willfully violated rule 3-310(F).

**Jameel Coles 06-O-14930**

FACTS:

47. Prior to September 17, 2004, Jameel Coles was a California Department of Corrections inmate.

48. On September 27, 2004, Respondent agreed to represent Jameel Coles in a habeas corpus matter.

49. On August 24, 2004, September 16, 2004 and September 17, 2004 Jameel Coles, Joyce Coles (Jameel Coles' mother) and Respondent, respectively, executed an attorney client fee agreement

providing that Respondent would charge flat fee of \$9,750 to prepare and file a writ on Jameel Coles' behalf.

50. On September 17, 2004, Respondent accepted \$3,000 from Joyce Coles to represent Jameel Coles.

51. On September 21, 2004, Respondent accepted a \$3,000 payment from Joyce Coles to represent Jameel Coles.

52. Respondent accepted a total of \$6,000 in attorney fee payments from Joyce Coles.

53. Respondent never provided Jameel Coles with any disclosure regarding the relevant circumstances and the actual and reasonably foreseeable consequences of Respondent's acceptance of payment from Joyce Coles.

54. Respondent accepted compensation from one other than the client for the representation of Jameel Coles without Jameel Coles' informed written consent.

CONCLUSION OF LAW:

55. By accepting compensation for representing a client from one other than the client without complying with the requirement(s) that Respondent obtained the client's informed written consent Respondent willfully violated Rules of Professional Conduct, rule 3-310(F).

Gary Hughes 06-O-12954

FACTS:

56. Prior to November 16, 2004, Gary Hughes was a California Department of Corrections inmate.

57. On November 16, 2004, Respondent agreed to represent Gary Hughes in an on-going habeas corpus matter. Mr. Hughes was formerly represented by Dangler.

58. On November 16, 2004, Respondent and Gary Hughes executed an attorney client fee agreement providing that Respondent would charge Gary Hughes a flat fee of \$1,900 to complete work on Gary Hughes' habeas corpus matter.

59. In November and December 2004, Respondent accepted \$1,900 as payment of fees from Barbara Hughes, Gary Hughes' sister.

60. Respondent never provided Gary Hughes with any disclosure regarding the relevant circumstances and the actual and reasonably foreseeable consequences of Respondent's acceptance of payment from Barbara Hughes.

61. Respondent accepted compensation from one other than the client for the representation of Gary Hughes without Gary Hughes' informed written consent.

CONCLUSION OF LAW:

62. By accepting compensation for representing a client from one other than the client without complying with the requirement(s) that Respondent obtained the client's informed written consent Respondent willfully violated Rules of Professional Conduct, rule 3-310(F).

**Beverly DeMonte 07-O-12514**

FACTS:

63. On August 11, 2005, Beverly DeMonte employed Respondent to represent her in a Chapter 13 bankruptcy proceeding.

64. On August 15, 2005, Respondent filed for bankruptcy under Chapter 13 in the matter *In re: Beverly DeMonte*, United States Bankruptcy Court, Eastern District of California, Case Number 05-30055-D-13L.

65. Between May 2006 and July 2006, DeMonte telephoned Respondent several times to obtain a status update on her matter. Each time she telephoned, she left a message with Respondent's receptionist requesting that Respondent return her telephone call and provide her with a status update on her matter.

66. On May 6, 2006, DeMonte sent Respondent a letter inquiring about how to handle an IRS debt.

67. Between October 2006 and November 2006, DeMonte telephoned Respondent several times to obtain a status update on her matter. Each time she telephoned, she left a message with Respondent's receptionist requesting that Respondent return her telephone call and provide her with a status update on her matter.

68. On November 22, 2006, DeMonte sent Respondent a letter requesting that Respondent correct the amount of her monthly plan payments and update her bankruptcy plan.

69. On April 25, 2007, DeMonte sent Respondent's associate, Kristen Koo, a letter because DeMonte understood that her case had been reassigned to Koo. The letter requested that Respondent's office file a motion to modify DeMonte's plan payments.

70. On April 25, 2007, DeMonte sent Respondent a copy of the April 25, 2007 letter.

71. On May 11, 2007, DeMonte sent a letter to the bankruptcy court stating that she wanted to modify her plan payments, but had been unable to do so because Respondent had failed to return her voicemail messages or respond to her letters.

72. On May 11, 2007, DeMonte sent Respondent a copy of the May 11, 2007 letter.

73. On July 7, 2007, DeMonte requested that her bankruptcy matter be dismissed. In the request, DeMonte stated that Respondent failed to respond to her telephone calls and letters regarding her request to modify her plan.

74. Between May 2006 and May 2007, Respondent received DeMonte's messages and correspondence and failed to respond and failed to provide DeMonte with a status update on her matter.

#### CONCLUSION OF LAW:

75. Respondent wilfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client, in a matter in which Respondent had agreed to provide legal services.

#### **Charlotte Quarles 07-O-14558**

#### FACTS:

76. On June 13, 2006, Charlotte Quarles ("Quarles") filed a petition for bankruptcy in pro per under Chapter 13.

77. Prior to July 25, 2006, the bankruptcy court ordered Quarles to pay the statutory filing fee of \$274 in five monthly installments, beginning in July 2006.

78. On July 13, 2006, Quarles paid the first monthly installment payment of \$68.

79. On July 25, 2006, the United States trustee filed a motion to dismiss the petition due to Quarles' failure to file a Chapter 13 plan and required schedules.

80. On August 1, 2006, Quarles employed Respondent to represent her in her bankruptcy matter.

81. At the time that Quarles employed Respondent, she paid him \$750 as an advanced fee and \$206.00 in advanced costs to be applied to the remaining four monthly installment payments for the Chapter 13 filing fee ("filing fee").

82. Thereafter, Respondent failed to deposit and maintain the \$206 in an attorney client trust account.

83. On August 3, 2006, Respondent filed a substitution of attorney in the bankruptcy matter.

84. On August 14, 2006, Respondent was obligated to pay the second installment payment of \$68 for the filing fee.

85. On August 14, 2006, Respondent failed to pay the second installment payment for the filing fee.

86. On August 17, 2006, the Court issued an order to show cause ("OSC") regarding the failure to pay the second installment payment for the filing fee and set the hearing for September 12, 2006.

87. On September 11, 2006, Respondent was obligated to pay the third installment payment for the filing fee.

88. On September 11, 2006, Respondent failed to pay the third installment payment for the filing fee.

89. On September 12, 2006, Respondent paid the second installment payment for the filing fee that was due on August 14, 2006.

90. Thereafter, Respondent should have continued to maintain \$138 in an attorney client trust account for Quarles

91. Respondent failed to maintain \$138 in an attorney client trust account for Quarles.

92. On October 6, 2006, the bankruptcy trustee filed a motion to dismiss due to Quarles' failure to make the September 25, 2006 payment due under the Chapter 13 payment plan. The motion was set for October 25, 2006.

93. On October 17, 2006, the Court heard the OSC and dismissed Quarles' petition due to the failure to pay the third installment payment for the filing fee.

94. On November 2, 2006, Quarles employed Respondent to file a Chapter 7 bankruptcy.

95. On November 6, 2006, Quarles provided Respondent with a cashier's check in the amount of \$299.00 to be applied to the Chapter 7 petition filing fee.

96. Thereafter, Respondent failed to deposit and maintain the \$299 in an attorney client trust account.

97. Thereafter, Respondent failed to file a Chapter 7 bankruptcy petition and failed to perform any further services for Quarles.

98. In total, Respondent received \$437 from Quarles which he failed to deposit and maintain in a client trust account for the benefit of Quarles.

#### CONCLUSIONS OF LAW:

99. By failing to file a Chapter 7 petition on Quarles' behalf, Respondent recklessly failed to perform legal services with competence in willful violation of Rules of Professional Conduct ("rule"), rule 3-110(A).

100. By failing to deposit and maintain the balance of funds received for Quarles in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, Respondent willfully violated rule 4-100(A).

#### Enrique Alvarez 07-O-13181

#### FACTS:

101. On June 5, 2007, Enrique Alvarez consulted with Respondent's associate regarding whether he should file for bankruptcy.

102. On June 5, 2007, Alvarez paid Respondent \$300 for a credit report and credit counseling.

103. At the conclusion of the counseling session, Respondent's associate provided Alvarez with a fee agreement and quoted Alvarez a fee of \$1,500 to represent Alvarez in a bankruptcy matter.

104. Respondent also provided Alvarez with documentation Alvarez needed to complete to begin the bankruptcy process.

105. At the conclusion of the consultation, Alvarez believed that Respondent represented him.

106. On June 11, June 14, June 15, and July 10, 2007, Alvarez telephoned Respondent or sent Respondent a letter requesting that Respondent contact him because Alvarez needed assistance completing the documentation Respondent provided him.

107. Respondent received the telephone messages and letter(s), however he failed to contact Alvarez.

108. Thereafter, Respondent failed to inform Alvarez that he did not intend to represent Alvarez until Alvarez returned the signed fee agreement and paid the requested attorney fees.

109. Respondent knew or should have known that Alvarez believed that Respondent represented him regarding the bankruptcy.

#### CONCLUSION OF LAW:

110. By failing to respond to Alvarez' telephone calls and letter(s) and failing to inform Alvarez that Respondent did not intend to represent Alvarez until he returned the signed fee agreement and paid the requested attorney fees, Respondent failed to inform a client of significant matter in which client believed that Respondent represented him in violation of B&P code 6068(m).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(6), was October 6, 2009.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 3, 2009, the estimate prosecution costs in this matter are \$9,784.26. 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.**

Standards  
Std. 2.2(b)  
Std. 2.4(b)

Std. 2.6(a)  
Std. 2.10

Cases

*Wells v. State Bar* (1975) 15 Cal 3d 367  
*Aronin v. State Bar* (1990) 52 Cal. 3d 276  
*In the Matter of Burkhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343  
*Doyle v. State Bar* (1976) 15 Cal. 3d 973

**AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Misconduct.**  
Std. 1.2(b)(ii).

**MITIGATING CIRCUMSTANCES.**

None.

**STATE BAR ETHICS SCHOOL.**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

**RESTRICTIONS WHILE ON ACTUAL SUSPENSION.**

During the period of actual suspension, respondent shall not:

Render legal consultation or advice to a client;

Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;

Appear as a representative of a client at a deposition or other discovery matter;

Negotiate or transact any matter for or on behalf of a client with third parties;

Receive, disburse, or otherwise handle a client's funds; or

Engage in activities which constitute the practice of law.

Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the Office of Probation, pertaining to periods in which the respondent was actually suspended from the practice of law.

## **SUSPENSION NOTIFICATION REQUIREMENTS.**

1. Within the first thirty days following commencement of probation, respondent shall provide written notifications concerning the suspension by registered or certified mail, return receipt requested, to:
  - a. all clients being represented in pending matters;
  - b. any co-counsel;
  - c. any opposing counsel or unrepresented opposing parties; and
  - d. the court, agency or tribunal in which any active litigation is pending.
2. The notification shall state the following:
  - a. that the respondent has been suspended from the practice of law;
  - b. the effective date of the suspension;
  - c. the length of the suspension;
  - d. the respondent's consequent ineligibility to render legal services during the period of the suspension; and
  - e. in notifications to clients, any urgency in seeking the substitution of other legal counsel.
3. Within the first forty days following commencement of probation, respondent shall file an affidavit (or declaration in conformity with the requirements of California Code of Civil Procedure section 2015.5) with the Office of Probation showing that respondent has fully complied with these provisions.
4. Respondent shall maintain complete records of the notifications and the certified or registered mailings and shall provide such records upon the request of the Office of the Chief Trial Counsel.

(Do not write above this line.)

In the Matter of <b>CHRISTOPHER R. RECTOR</b>	Case number(s): 06-O-11681; 06-O-12854; 06-O-12943; 06-O-13154; 06-O-13283; 06-O-14930; 07-O-12514; 07-O-13181; 07-O-14558
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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.

10/1/09  
Date

10/2/09  
Date

10/6/09  
Date

	_____ Christopher R. Rector Print Name
	_____ Jerome Fishkin Print Name
	_____ Treva R. Stewart Print Name

(Do not write above this line.)

In the Matter Of <b>CHRISTOPHER R. RECTOR</b>	Case Number(s): <b>06-O-11681; 06-O-12854; 06-O-12943; 06-O-13154; 06-O-13283; 06-O-14930; 07-O-12514; 07-O-13181; 07-O-14558</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.

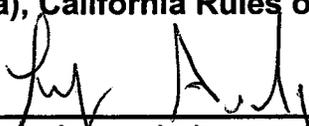
In paragraph A.(8) on page 2 of the stipulation, in the sub-paragraph that begins with the words, "costs to be paid in equal amounts prior to February 1 for the following membership years," the words, "**each year following the effective date of the Supreme Court Order in this matter**" are deleted, and the following text is inserted in its place.

**"2011, 2012, and 2013."**

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.)**

October 26, 2009

Date

  
\_\_\_\_\_  
Lucy Armendariz  
Judge of the State Bar Court

## 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 October 26, 2009, 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 San Francisco, California, addressed as follows:  
  
JEROME FISHKIN  
FISHKIN & SLATTER LLP  
1111 CIVIC DR STE 215  
WALNUT CREEK, CA 94596
  
- 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 fax transmission, at fax number      . No error was reported by the fax machine that I used.
  
- 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:

Treva R. Stewart, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 26, 2009.

  
George Hue  
Case Administrator  
State Bar Court