STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

PUBLIC MATTER

In the Matter of	**Case No. 06-O-11815-DFM**
MARTIN HOWARD PRITIKIN,	
Member No. 210845,	**DECISION**
A Member of the State Bar.	

I. Introduction

This contested disciplinary matter illustrates the importance of every member complying with the duty to maintain a current address with the State Bar, as required by Business and Professions Code Section 6002.1(a),[1] and the consequences, if the member fails to do so.

Respondent **Martin Howard Pritikin** is charged with three counts of professional misconduct, including failing to maintain an official address with the State Bar, engaging in the unauthorized practice of law and committing an act of moral turpitude.

Respondent admitted to culpability as to two of the three counts. The court so finds, by clear and convincing evidence.

In light of respondent's culpability in this proceeding, and after considering any and all aggravating and mitigating circumstances surrounding respondent's misconduct, the court recommends, among others, that respondent be suspended from the practice of law for one year, that execution of said suspension be stayed, and that he be placed on probation for one year, on condition that he be actually suspended from the practice of law for 30 days.

[1] All references to section(s) are to the Business and Professions Code unless otherwise indicated.

II. Pertinent Procedural History

On March 23, 2007, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC). Respondent filed a response to the NDC on April 12, 2007.

Deputy Trial Counsel Miho Murai represented the State Bar. Respondent was represented by attorney Brian Procel. On August 17, 2007, the parties entered into a stipulation of undisputed facts. On September 5, 2007, they filed a stipulation as to admission of documents.

Trial was conducted on October 1, 2007, followed by a period of post-trial briefing by the parties. This matter was submitted for decision on November 5, 2007.

III. Findings of Fact and Conclusions of Law

The following findings of fact are based on the stipulation and on the documentary and testimonial evidence admitted at trial.

A. Jurisdiction

Respondent was admitted to the practice of law in California on December 5, 2000, and has been a member of the State Bar of California at all times since.

B. Respondent's Official Address

On December 5, 2000, respondent began practicing law at the firm of Quinn Emanuel Urquhart Oliver & Hedges LLP (Quinn Emanuel), located at 865 South Figueroa Street, 10th floor, Los Angeles, CA 90017. This Los Angeles address was his official membership records address effective December 5, 2000.

On August 10, 2004, respondent left Quinn Emanuel and entered academia full time as a professor at Whittier Law School, located at 3333 Harbor Boulevard, Costa Mesa, CA 92626 (the Costa Mesa address).

However, respondent did not inform the State Bar that he had moved from his official membership records address or notify the State Bar of an alternative address to be used for State Bar purposes between August 10, 2004, and January 12, 2006.

C. Suspension from the Practice of Law

In February 2005, the State Bar sent respondent notices at his Los Angeles address, advising

him of his non-compliance with the Minimum Continuing Legal Education (MCLE) requirements and his failure to pay State Bar membership fees. The notices were not returned to the State Bar as undeliverable.

However, beginning in April 2005, the State Bar's notices sent to respondent at the Los Angeles address (on April 15, May 20, July 14, August 5, August 26, and September 23, 2005) were returned as undeliverable. The notices advised him that non-compliance would result in suspension from the practice of law effective September 16, 2005.

But the State Bar's notices mailed to respondent at an alternative address at 7928 Blackburn Ave., Los Angeles, CA 90048 (on May 26, July 27, August 18, and October 13, 2005) were not returned as undeliverable or for any other reason.

Despite the multiple notices sent to respondent between February and October 2005, respondent did not pay his annual State Bar membership fees or submit proof of his MCLE compliance.

Effective September 16, 2005, respondent was suspended from the practice of law for non-payment of his membership fees and, therefore, was not eligible to practice law. He was enrolled on non-eligible status for failure to comply with MCLE requirements, also making him not entitled to practice law.

D. Unauthorized Practice of Law – The Nord Matter

On December 13, 2005, as a result of respondent's administrative suspension, Chief United States District Judge Alicemarie H. Stotler issued an order to show cause (OSC) in *In the Discipinary Matter of Suspension for Nonpayment of the State Bar of California Membership Fee*, regarding respondent's entitlement to practice law in the United States District Court for the Central District of California. The OSC stated:

> "This Court has received notice that the Supreme Court of California has suspended for nonpayment of State Bar membership fees, effective September 16, 2005, the attorneys that are listed in Attachment 'A' to this Order to Show Cause. Therefore, each attorney listed in Attachment 'A' is hereby ordered to show cause, in writing within 30 days of the date of this order, why he or she should not be suspended from the practice of law before this Court, pursuant to Rule 83-3.1.9 of the Local Rules for the Central District of California."

Respondent's name and bar number were included in Attachment A.

On December 14, 2005, this OSC was mailed to respondent at his Los Angeles address.

During his suspension, respondent continued to hold himself out as entitled to practice law and continued to practice law by continuing to act as co-counsel for plaintiff in *Ryan W. Nord v. All American Moving & Storage, Inc.*, Los Angeles County Superior Court, case No. BC 329892 (the *Nord* action). Respondent's name appeared on pleadings filed with the court and on numerous responses to discovery. The evidence is not clear and convincing, however, that respondent was aware of his suspended status until December 22, 2005. On that date, respondent received and read the OSC, which was forwarded to him by his former employer. Respondent thereafter appeared and conducted a deposition of the defendant in the *Nord* action on December 27, 2005, when he was not entitled to do so. Respondent did not inform his co-counsel, Brian Procel, who was at the deposition, that he was not entitled to practice law.

In fact, at no time prior to or during the period of his suspension or during his enrollment on non-eligible status from September 16, 2005 through December 28, 2005, did respondent inform the client, his co-counsel, opposing counsel, or the court in the *Nord* action of his suspension from the practice of law or that he was not eligible to practice law.

On the day after the deposition, December 28, 2005, respondent paid his outstanding State Bar fees and penalties and his MCLE reinstatement and non-compliance fees. He also provided evidence of his MCLE compliance.

Respondent was reinstated to active status as of December 28, 2005.

On December 28, 2005, the State Bar advised him that he still had not changed his membership records address. Respondent finally did so on January 13, 2006.

Count 1: Failure to Update Membership Address (Bus. & Prof. Code, § 6068, Subdivision (j))

Section 6068, subdivision (j), states that a member must comply with the requirements of section 6002.1, which provides that respondent must maintain on the official membership records of the State Bar a current address and telephone number to be used for State Bar purposes.

Respondent admitted, and the court so finds, that he wilfully violated section 6068, subdivision (j), when he failed to maintain a current official membership records address. As a result, at least six State Bar letters sent after April 2005 to his official address were returned as

undeliverable.

Count 2: Unauthorized Practice of Law (Bus. & Prof. Code, §§ 6068, Subd. (a), 6125, and 6126)

Section 6068, subdivision(a), provides that an attorney has a duty to support the laws of the United States and of this state. Section 6125 prohibits the practice of law by anyone other than an active attorney, and section 6126 prohibits holding oneself out as entitled to practice law by anyone other than an active attorney.

Respondent admitted, and the court so finds, that he wilfully violated sections 6068, subdivision (a), 6125 and 6126. While he was on administrative suspension for failing to comply with the MCLE requirements and for failing to pay State Bar membership dues, respondent knew or should have known that he was not entitled to practice law effective September 16, 2005. Yet, he held himself out as entitled to practice law and practiced law by conducting the deposition on December 27, 2005, during his suspension.

Count 3: Moral Turpitude (Bus. & Prof. Code, § 6106)

Section 6106 prohibits an attorney from engaging in conduct involving moral turpitude, dishonesty or corruption.

The State Bar alleges that respondent committed an act of moral turpitude by misrepresenting his status with the State Bar to the client, his co-counsel, opposing counsel, and the court and by appearing and conducting a deposition once he had actual knowledge of his suspension or in the absence of gross negligence, should have had actual knowledge of his suspension.

Respondent argues that although he conducted a deposition during his suspension under the mistaken belief that he was entitled to practice law, he never acted with actual knowledge of his suspension or with gross negligence. He further contends that his oversight was mere negligence and not so egregious as to constitute moral turpitude.

Respondent testified that although he received and read the OSC, he did not understand it to mean that he was already suspended from the practice of law in the California courts. Instead, he testified that the order was ambiguous and that he read it to mean that he still had 30 days until he would be suspended from appearing in the state courts.

The court finds his mistaken belief to be honest but unreasonable. The United States District

Court for the Central District of California does not decide who may practice in the courts of the State of California. The California Supreme Court does. The OSC was explicit in stating that respondent had been suspended by the Supreme Court of California on September 16, 2005. It was also clear in stating that the OSC from the district court related to whether respondent should be suspended from "this Court," i.e., the United States District Court for the Central District of California.

Moral turpitude has been defined as "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." (*In re Fahey* (1973) 8 Cal. 3d 842, 849, citing *In re Craig* (1938) 12 Cal.2d 93, 97; *Yakov v. Board of Medical Examiners* (1968) 68 Cal.2d 67, 73; *In re Boyd* (1957) 48 Cal.2d 69, 70.) The concept of moral turpitude depends upon the state of public morals, and may vary according to the community or the times as well as on the degree of public harm produced by the act in question. (*Id.*; citing *In re Hatch* (1937) 10 Cal.2d 147, 151; and *In re Higbie* (1972) 6 Cal.3d 562, 569-570.) The paramount purpose of the "moral turpitude" standard is not to punish practitioners but to protect the public, the courts and the profession against unsuitable practitioners. (See *Hallinan v. Committee of Bar Examiners* (1966) 65 Cal.2d 447, 471-472; *In re Rothrock* (1940) 16 Cal.2d 449, 454.) "To hold that an act of a practitioner constitutes moral turpitude is to characterize him as unsuitable to practice law." (*In re Higbie*, supra, 6 Cal.3d 562, 570.)

This court declines to find that the evidence regarding respondent's conduct provides clear and convincing evidence that he committed acts involving moral turpitude. The unauthorized practice of law is not necessarily an act of moral turpitude. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 905; *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 239.) In this situation, the very short duration between the time that respondent read the OSC on or about December 22, just a few business days before the scheduled deposition, and his prompt correction of his non-entitled status the day after the deposition provide strong evidence that his knowing unauthorized appearance at the deposition was not the reflection of some moral failure, ill will or act of dishonesty falling within the prohibitions of section 6106.

With regard to the allegation that respondent misrepresented his status to others, the only evidence supporting such a contention was that he appeared at the deposition. There was no evidence of any communication between respondent and the client between December 22 and December 28, 2005; nor was there any evidence of any affirmative misrepresentation by respondent during this same time that he was in fact authorized to practice. While his appearance at the deposition may be viewed as an implied misrepresentation or a misrepresentation by concealment, such conduct in this instance does not rise to an act of moral turpitude. (See *In the Matter of Trousil, supra,* 1 Cal. State Bar Ct. Rptr. at 239.)

The Supreme Court in *Sternlieb v. State Bar* (1990) 52 Cal.3d 317, 321 and 332, and the Review Department in *In the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, 11, concluded that the attorney did not commit acts involving moral turpitude, dishonesty or corruption within the meaning of section 6106 because the attorney's "belief in the justifiability of his actions was not only mistaken, but unreasonable; however, it was honestly held."

Similarly, because respondent honestly, though mistakenly, believed that he had the right to practice law, this state of mind may absolve him of moral turpitude but not of the unauthorized practice of law violation itself.

Therefore, although respondent erroneously believed that he was entitled to practice law at the deposition, such a mistake, albeit unreasonable, is not clear and convincing evidence that respondent wilfully committed acts of moral turpitude, dishonesty or corruption in violation of section 6106.

IV. Mitigating and Aggravating Circumstances

A. Mitigation

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. There are several mitigating factors. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(e).)[2]

However, respondent's lack of a prior record of discipline in five years of practice at the time

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[2]All further references to standards are to this source.

of his misconduct in 2005 is far too short to constitute mitigation. (Standard 1.2(e)(i); *Smith v. State* Bar (1985) 38 Cal.3d 525, 540 [lack of a prior record for six years is not persuasive as a mitigating factor].) Respondent argues that "[c]ases have considered the absence of a prior record as a mitigating factor where the attorney had been practicing for as little as four years." His reliance on the dissenting opinion in *Snyder v. State Bar* (1990) 49 Cal.3d 1302 is misplaced. There, the court's majority opinion clearly found that the attorney's lack of a prior record in less than four years as a mitigating factor was unpersuasive. "A 'blemish-free record of . . . relatively short duration is entitled to little weight in mitigation. [Citations.]" (*Id.* at p. 1309.)

Respondent's argument that the lack of harm to the client was a mitigating circumstance is also rejected. Although there was no demonstrated harm to the client in his unauthorized practice of law, his misconduct harmed the administration of justice. (Std. 1.2(e)(iii); *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, 642.)

Respondent was candid and cooperative in his agreement to the stipulation. (Std. 1.2(e)(v).) Moreover, as soon as he learned of his suspension, respondent took spontaneous steps and immediately paid his membership dues.

Respondent presented two character witnesses at trial and submitted four favorable reference letters. (Std. 1.2(e)(vi).) Four of whom are attorneys, including his former employer (Christopher Tayback, John T. Anthony III, Ryan K. Schneider and Professor Susan G. Poehls) and two witnesses are rabbis (Rabbi Yitz Jacobs and Rabbi Shlomo Seidenfeld). They laudably praised respondent's integrity, dedication and honesty. The witnesses also attested to his high moral character, to his dedication to his community work, to his excellent lawyering skills, and to his love of teaching. Respondent's character evidence is an extraordinary demonstration of good character by a wide range of references in the legal and general communities and who are aware of the full extent of the charges against respondent. Because attorneys and judges have a "strong interest in maintaining the honest administration of justice" (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319), "[t]estimony of members of the bar . . . is entitled to great consideration." (*Tardiff v. State Bar* (1980) 27 Cal.3d 395, 403.) Furthermore, respondent's pro bono work at Bet Tzedek Legal Services as a volunteer attorney and at Loyola Law School as an adjunct coach for its mock

trial team also merit significant weight. The witnesses believe that respondent's unauthorized practice of law was aberrational and totally out of his character.

Respondent was extremely remorseful for his conduct. He acknowledged at trial the wrongfulness of his conduct and accepted responsibility for what he had done. His misconduct is unlikely to be repeated. (Std. 1.2(e)(vii).)

B. Aggravation

There are two aggravating factors. (Std. 1.2(b).)

Respondent committed multiple acts of wrongdoing, including engaging in unauthorized practice of law and failing to update his official membership address. (Std. 1.2(b)(ii).)

Although inherent in respondent's unauthorized practice of law is harm to the public and the administration of justice, the weight given to this factor is minimum since there is no clear and convincing evidence that the harm was significant. (Std. 1.2(b)(iv); *In the Matter of Trousil, supra,* 1 Cal. State Bar Ct. Rptr. 229, 240.)

V. Discussion

The purpose of disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.3.)

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) But the standards "do not mandate a specific discipline." (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) It has been long-held that the court "is not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, we are permitted to temper the letter of the law with considerations peculiar to the offense and the offender." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) While the standards are entitled to great weight (*In re Silverton* (2005) 36 Cal.4th 81, 92), they do not provide for mandatory disciplinary outcomes. Although the standards were established as guidelines, "ultimately, the proper recommendation of discipline rest[s] on a

balanced consideration of the unique factors in each case." (*In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

Here, the gravamen of respondent's misconduct is his failure to update his membership records address and his unauthorized practice of law at a deposition during his suspension.

The standards provide a range of sanctions ranging from actual suspension to disbarment, depending upon the gravity of the offenses and the harm to the client. (Stds. 1.6 and 2.6.)

Standard 2.6 provides that culpability of unauthorized practice of law will result in suspension or disbarment, depending on the gravity of the offense or the harm to the client.

Respondent urges the court to deviate from the standards, arguing that a private reproval would suffice in light of his compelling mitigating evidence and minor unauthorized practice of law violation, citing *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862 and *In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, in support of his arguments. He asserts that his misconduct was aberrational in nature and that it is highly unlikely that he will ever make such a mistake again.

Although the attorneys in these cases were privately reproved for their misconduct, none of them involved the unauthorized practice of law and thus, the cases are inapplicable in this matter. In *Respondent X*, an attorney who was found culpable of violating a court's confidentiality order regarding a settlement agreement was privately reproved. He had no prior record of discipline in his 18 years of practice.

In *Respondent Y*, an attorney violated a court order by failing to pay a judicial sanctions order of $1,000 and failed to report the sanctions order to the State Bar. The Review Department disciplined the attorney with a private reproval with conditions in light of his lack of prior discipline and narrow violations.

The State Bar, on the other hand, recommends an actual suspension of 30 days, with a one-year stayed suspension and a two-year probation, citing several cases in support of its recommendation, including *In the Matter of Trousil, supra,* 1 Cal. State Bar Ct. Rptr. 229; *In the Matter of Mason, supra,* 3 Cal. State Bar Ct. Rptr. 639; and *Farnham v. State Bar* (1976) 17 Cal.3d 605. The level of discipline in these cases ranges from 30 days' to six months' actual suspension.

In *Trousil*, the attorney was actually suspended for 30 days with a two years' stayed suspension and two years' probation for accepting employment from a client and appearing in a bankruptcy court while suspended for nonpayment of State Bar dues. Moral turpitude was not found. He had three prior records but had compelling mitigation, including mental impairment.

In *Mason*, the attorney made a court appearance and signed and served a trial brief while suspended by the Supreme Court for misconduct in a prior discipline. He did not inform either the court or opposing counsel that he was suspended from the practice of law. He was found culpable of moral turpitude in practicing law while suspended. As a result, he was actually suspended for 90 days with a three-year stayed suspension and a three-year probation.

Finally, in *Farnham*, the attorney not only engaged in the unauthorized practice of law while under actual suspension but also abandoned two clients. The Supreme Court found that the attorney's actions "evidence a serious pattern of misconduct whereby he wilfully deceived his clients, avoided their efforts to communicate with him and eventually abandoned their causes." (*Farnham v. State Bar, supra,* 17 Cal.3d at p. 612.) He also had a prior record of discipline for abandonment of clients' interests in four separate matters and lacked insight into the impropriety of his actions. As a result, he was actually suspended for six months with a stayed suspension of two years upon conditions of probation.

In recommending discipline, the "paramount concern is protection of the public, the courts and the integrity of the legal profession." (*Snyder v. State Bar* (1990) 49 Cal.3d 1302.) Respondent's failure to update his membership records address, failure to carefully read the OSC and unauthorized practice of law reflect a blatant disregard of professional and ethical responsibilities. A departure from the standards would not be justified.

In view of respondent's misconduct, the case law, the aggravating evidence and the compelling mitigating factors, the court concludes that, like *Trousil,* placing respondent on an actual suspension for 30 days and on probation for one year would be appropriate to protect the public and to preserve public confidence in the profession.

VI. Recommended Discipline

Accordingly, the court hereby recommends that respondent **Martin Howard Pritikin** be suspended from the practice of law for one year, that said suspension be stayed, and that respondent be placed on probation for one year on the following conditions:

1. Respondent must be actually suspended from the practice of law during the first 30 days of probation.

2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all the conditions of this probation.

3. Respondent must maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation, his current office address and telephone number or, *if no office is maintained,* an address to be used for State Bar purposes. (Bus. & Prof. Code, § 6002.1, subd. (a).) Respondent must also maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation, his current home address and telephone number. (See Bus. & Prof. Code, § 6002.1, subd. (a)(5).) Respondent's home address and telephone number will *not* be made available to the general public. (Bus. & Prof. Code, § 6002.1, subd. (d).) Respondent must notify the Membership Records Office and the Office of Probation of any change in any of this information no later than 10 days after the change.

4. Respondent must report, in writing, to the State Bar's Office of Probation no later than January 10, April 10, July 10 and October 10 of each year or part thereof in which respondent is on probation (reporting dates). However, if respondent's probation begins less than 30 days before a reporting date, respondent may submit the first report no later than the second reporting date after the beginning of his probation. In each report, respondent must state that it covers the preceding calendar quarter or applicable portion thereof and certify by affidavit or under penalty of perjury under the laws of the State of California as follows:

   (a) in the first report, whether respondent has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct, and all other conditions of probation since the beginning of probation; and

   (b) in each subsequent report, whether respondent has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct, and all other conditions of probation during that period.

   During the last 20 days of this probation, respondent must submit a final report covering any

period of probation remaining after and not covered by the last quarterly report required under this probation condition. In this final report, respondent must certify to the matters set forth in subparagraph (b) of this probation condition by affidavit or under penalty of perjury under the laws of the State of California.

5. Subject to the proper or good faith assertion of any applicable privilege, respondent must fully, promptly, and truthfully answer any inquiries of the State Bar's Office of Probation that are directed to respondent, whether orally or in writing, relating to whether respondent is complying or has complied with the conditions of this probation.

6. Within one year after the effective date of the Supreme Court order in this matter, respondent must attend and satisfactorily complete the State Bar's Ethics School and provide satisfactory proof of such completion to the State Bar's Office of Probation in Los Angeles. This condition of probation is separate and apart from respondent's California Minimum Continuing Legal Education (MCLE) requirements; accordingly, respondent is ordered not to claim any MCLE credit for attending and completing this course. (Rules Proc. of State Bar, rule 3201.)

7. Respondent's probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. And, at the end of the probationary term, if respondent has complied with the conditions of probation, the Supreme Court order suspending respondent from the practice of law for one year will be satisfied, and the suspension will be terminated.

It is further recommended that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.)

VII. Costs

It is further recommended that costs be awarded to the State Bar in accordance with Business

and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: March 5, 2008

DONALD F. MILES
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 Los Angeles, on March 5, 2008, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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

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

BRIAN A. PROCEL
MILLER BARONDESS, LLP
1999 AVE OF THE STARS STE 1000
LOS ANGELES, CA 90067

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

MIHO MURAI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **March 5, 2008**.

Tammy R. Cleaver
Case Administrator
State Bar Court