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**State Bar Court of California
Hearing Department
Los Angeles**

Counsel For The State Bar Hugh G. Radigan 1149 S. Hill St. Los Angeles, Ca. 90015 213-765-1206 Bar # 94251	Case Number (s) 06-O-12655 07-O-10598 07-O-10845 07-O-13678	(for Court's use) <p align="center">FILED</p> <p align="center">AUG 05 2009 <i>YOC</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
In Pro Per Respondent Bruce Lewis Briggs 18852 Center Street #9 Orange, Ca. 92869 714-788-9108 Bar # 196750	<p align="center">PUBLIC MATTER</p>	
In the Matter Of: Bruce Lewis Briggs Bar # 196750 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **November 12, 1998**.
- (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 **35** 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."



- (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: **2010 and 2011** (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 **04-O-14938, 04-O-15507, 05-O-00082 and 05-O-00604**
 - (b) Date prior discipline effective **August 17, 2006**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Three counts of failure to perform under rule 3-100(A), one count of failure to promptly return file materials under rule 3-700(D)(1), two counts of failure to render an appropriate accounting under rule 4-100(B)(3), two counts of failure to refund unearned fees under rule 3-700(D)(2), and two counts of failure to respond to reasonable client inquiries under Business and Professions Code section 6068(m).**
 - (d) Degree of prior discipline **Stayed suspension**
 - (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. **The Respondent's conduct associated with the abandonment of his clients, evidenced by his failure to communicate with them which was aggravated by the disconnection of phone services and closure of his office without notice to his clients, merits this finding. Respondent additionally failed to render an appropriate accounting and return unearned fees.**
- (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. **Respondent totally ignored his responsibilities to comply with the terms and conditions of the earlier issued California Supreme Court disciplinary order number S143354.**

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Respondent's conduct within these pending matters exhibits the same pattern of indifference to responsibilities exhibited in the underlying matters which resulted in his prior discipline order number S143354.**
- (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 **three years**.
- 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 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 **two years**.
- 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 checked="" 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 954-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2) **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, 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 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, 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:**

(Do not write above this line.)

Attachment language begins here (if any):

In the Matter of
Bruce Lewis Briggs

A Member of the State Bar

Case number(s):
06-O-12655, 07-O-10598, 07-O-10845 and 07-O-13678

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
Alba Pena	\$6,000.	March 2004
Victoria Tearjen	\$1,640.	October 4, 2004
Mary Lynch	\$4,000.	September 9, 2003
Gregory Gillman	\$3,000.	June 2003

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **within one year of the effective date of discipline imposed in this matter.**

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

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";

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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
Jane Yoshisato	\$10,500.	June 2006
Christine Haggstrom	\$1,800.	March 2006

- 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 reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

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:
- 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.

In the Matter of
Bruce Lewis Briggs

Case number(s):
06-O-12655, 07-O-10598, 07-O-10845 and 07-O-13678

Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least **two** meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

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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/**six** 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 **six** 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 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.

7. Respondent failed to contact Haggstrom to discuss the upcoming arraignment with her and prepare her for the arraignment in the criminal matter.

8. On or about April 5, 2006, Respondent telephoned attorney William Kopeny ("Kopeny") and requested Kopeny to appear on behalf of Haggstrom at the April 6, 2006 arraignment in the criminal matter and obtain a continuance. Kopeny told Respondent that he would not be able to make the appearance but that he would request a friend of his to make the appearance. Kopeny subsequently contacted attorney Michael Guisti ("Guisti"), who agreed to make the appearance as a favor to Kopeny. Guisti did not know Respondent and never spoke with Respondent.

9. At no time did Respondent notify Haggstrom that he would not be appearing on her behalf at the April 6, 2006 arraignment in the criminal matter. Nor did Respondent notify Haggstrom that another attorney would appear on her behalf.

10. Respondent failed to appear on behalf of Haggstrom at the arraignment in the criminal matter on or about April 6, 2006. Haggstrom appeared at the arraignment and for the first time learned that Respondent would not be appearing on her behalf and that Gusti would be representing her at the arraignment. Haggstrom had never met nor spoken to Gusti prior to the arraignment. Gusti represented Haggstrom at the arraignment. At the arraignment, the Deputy District Attorney made a settlement offer, which Gusti discussed with Haggstrom. Ultimately, the case did not settle, and Guisti obtained a continuance of the arraignment to May 4, 2006.

11. Respondent did not contact Haggstrom at any time after the arraignment.

12. At no time did Respondent provide any legal services of value to Haggstrom with respect to the criminal matter.

13. Respondent never paid Gusti any fees for appearing on behalf of Haggstrom at the April 6, 2006 arraignment. Gusti made the appearance as a favor to Kopeny.

14. On or about April 18, 2006, Haggstrom hired new counsel, Thomas B. Connor ("Connor"), to represent her in the criminal matter.

15. At no time did Respondent notify Haggstrom that his cell phone number that he had provided to her would be changed or that it had changed. Nor did Respondent ever notify Haggstrom that he would be moving his office or that he had moved his office. At no time did Respondent notify

Haggstrom of a current address and telephone number where she could reach him when his cell phone number that he had provided to her was no longer in service and when he was no longer at the office address that he had provided to Haggstrom.

16. On or about April 28, 2006, Haggstrom's new attorney, Connor, sent a letter to Respondent in which he informed Respondent that Haggstrom had hired Connor to represent her in the criminal matter and that Haggstrom no longer desired Respondent's services. In the letter, Connor requested Respondent to refund all unearned fees to Haggstrom within 10 days and forward any documents regarding Haggstrom's case to Connor forthwith. Connor's April 28, 2006 letter was placed in an envelope properly addressed to Respondent at his State Bar membership records address: 1401 N. Tustin Ave., Suite 240, Santa Ana, CA 92705-8644. The envelope was sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the United States Postal Service ("U.S.P.S.") in the ordinary course of business. The letter was not returned to Connor as undeliverable or for any other reason by the U.S.P.S.

Respondent received the letter.

17. To date, Respondent has failed to refund to Haggstrom any portion of the \$1,800 in advanced fees paid for the criminal matter.

Conclusion of law:

18. By failing to contact Haggstrom prior to the arraignment to discuss the upcoming arraignment with her and prepare her for the arraignment, by failing to notify Haggstrom that he would not be appearing on her behalf at the arraignment on April 6, 2006, by failing to notify Haggstrom that another attorney would be appearing on her behalf at the arraignment, by failing to appear at the April 6, 2006 arraignment, and by failing to perform any legal services of value to Haggstrom, Respondent wilfully failed to perform legal service with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

19. By failing to refund to Haggstrom any of the \$1,800 advanced fee, Respondent wilfully failed to refund promptly any part of a fee paid in advance that had not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

20. By failing to notify Haggstrom of a current address and telephone number where she could reach him when his cell phone number that he had provided to her was no longer in service and when he was no longer at the office address that he had provided to her, by failing to notify Haggstrom that he would not be appearing on her behalf at the April 6, 2006 arraignment, and by failing to notify Haggstrom that another attorney would be appearing on her behalf at the April 6, 2006 arraignment, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

Case No. 07-O-10598:

Facts:

21. On or about May 6, 2001, Eloy Gonzalez ("Gonzalez") employed Respondent to handle a criminal appeal.

22. In or about August 2001, Respondent received court transcripts related to Gonzalez's criminal case (the "transcripts").

23. On or about August 14, 2002, Respondent filed an opening brief on Gonzalez's behalf in the criminal appeal.

24. On or about January 10, 2003, a response to the opening brief was filed in Gonzalez's criminal appeal.

25. On or about January 17, 2003, Respondent sent a letter to Gonzalez's sister, Cinthia Gonzalez Duran ("Cinthia"), in which he asked whether Gonzalez wanted to file a reply brief and stated that he was owed more fees.

26. On or about February 14, 2003, Respondent sent a letter to Gonzalez in which he stated that he chose not to file a reply brief and stated that he was owed more fees. Respondent further stated that he would continue to represent Gonzalez through the oral-argument stage of the criminal appeal.

27. On or about March 22, 2004, the court of appeal issued its opinion affirming the judgment in Gonzalez's criminal matter. Respondent received timely notice of the opinion affirming the judgment in Gonzalez's criminal matter. However, Respondent failed to notify Gonzalez that the judgment had been affirmed on appeal.

28. On or about June 15, 2004, the criminal appeal was completed.

29. On or about December 30, 2004, Gonzalez sent a letter to Respondent inquiring as to the status of the criminal appeal and requesting Respondent to return the transcripts if his representation had terminated. Respondent did not respond to Gonzalez's December 30, 2004 letter.

30. On or about January 24, 2005, Gonzalez sent a letter to Respondent in which he inquired as to whether Respondent was still pursuing the appeal on his behalf. In the letter, Gonzalez also requested his transcripts be returned if Respondent was no longer representing him and asked Respondent to advise him of any court deadlines relevant to his appeal. The January 24, 2005 letter was mailed via the U.S.P.S., first class postage prepaid, in an envelope addressed to Respondent at his State Bar membership records address at the time: 16485 Laguna Canyon Road, Suite 230, Irvine, California 92618 (the "Irvine address"). The letter was not returned by the U.S.P.S. as undeliverable or for any other reason. Respondent received Gonzalez's January 24, 2005 letter but did not respond.

31. On or about March 24, 2006, Cinthia called Respondent and left a message on behalf of Gonzalez in which she requested the transcripts. On or about March 24, 2006, Respondent informed Cinthia that he had the transcripts in storage and she could contact him on March 27, 2006.

32. On or about March 27, 2006, Cinthia called Respondent, who informed her that the transcripts were not yet in his office, but that she could pick them up on March 28, 2006.

33. On or about March 28, 2006, Cinthia called Respondent and left a message on behalf of Gonzalez in which she asked if the transcripts were available. On or about March 28, 2006, Respondent contacted Cinthia and informed her that the transcripts had not arrived and that she should try again the next day.

34. On or about March 29, 2006, Cinthia called Respondent, who informed her that the transcripts were in the trunk of his car, but that his car was at a repair shop. Respondent told Cinthia that he would deliver the transcripts to her home.

35. On or about March 30, 2006, Cinthia called Respondent, who told her not to go to his office and that he would call her after 1:00 p.m. Respondent did not call Cinthia. Accordingly, on or about March 30, 2006, Cinthia went to the address that Respondent had previously identified as his office

address and discovered that the address was for the office of another attorney, Frederick McBride ("McBride").

36. On or about March 31, 2006, Cinthia attempted to contact Respondent at his cell phone number that he had previously provided, but she received a message that the number was an incorrect number.

37. On or about April 11, 2006, Cinthia contacted McBride, who gave her another cell phone number for Respondent.

38. On or about April 18, 2006, Respondent called Cinthia and told her that the transcripts had been left at McBride's office. He then stated that the transcripts were back in storage. Respondent told Cinthia that he would bring the transcripts to Cinthia that week. Respondent told Cinthia to contact him after the morning of April 20, 2006.

39. On or about April 20, 2006, Cinthia called Respondent, who informed her that the transcripts were in the trunk of his car, but that the car was at the repair shop again. Respondent told Cinthia that he would call the repair shop to let them know that she would be stopping by to pick something up from the trunk of his car. On or about April 20, 2006, Cinthia obtained two file folders relating to Gonzalez's matter from Respondent's car while it was at the repair shop. The file folders did not include the transcripts that she and Gonzalez had requested. Accordingly, on or about April 20, 2006, Cinthia left a message for Respondent that the transcripts were not in the file folders that she had picked up from his car. Respondent received Cinthia's message but did not return her call.

40. On or about May 16, 2006, Gonzalez sent a letter to Respondent in which he requested his entire file, including the transcripts. The May 16, 2006 letter was mailed via the U.S.P.S., first class postage prepaid, in an envelope addressed to Respondent at the Irvine address. The letter was not returned by the U.S.P.S. as undeliverable or for any other reason. Respondent received Gonzalez's May 16, 2006 letter but did not respond.

41. To date, Respondent has failed to return the transcripts to Gonzalez.

Conclusion of law:

42. By failing to return the transcripts to Gonzalez, Respondent wilfully failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

43. By failing to respond to Gonzalez's January 24, 2005 letter, Respondent wilfully failed to respond promptly to a reasonable status inquiry of a client in willful violation of Business and Professions Code section 6068(m).

44. By failing to inform Gonzalez that the judgment in his criminal matter had been affirmed on appeal, Respondent wilfully failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

Case No. 07-O-10845:

Facts:

45. In or about February 2000, Jane Yoshisato ("Jane") hired Respondent to pursue post-conviction remedies for her son, Wayne Yoshisato ("Yoshisato"). On or about March 2, 2000, Jane paid Respondent advanced fees in the amount of \$7,500 on behalf of her son.

46. On or about May 9, 2000, Respondent became the attorney of record for Yoshisato for Yoshisato's writ for petition of habeas corpus in the matter entitled, *Wayne I. Yoshisato v. C.A. Terhune, et al.*, United States District Court case no. SACV 99-01346-AHS (MAN) (the "petition".)

47. On or about October 30, 2000, the District Court dismissed the petition with prejudice, finding the petition to be untimely, and judgment was entered in favor of C.A. Terhune on November 1, 2000.

48. On or about November 9, 2000, Respondent filed a notice of appeal and request for certificate of appealability on behalf of Yoshisato.

49. On or about November 27, 2000, the District Court granted the issuance of a certificate of appealability in Yoshisato's petition matter.

50. On or about December 7, 2000, a certificate of record on appeal was filed with the United States Court of Appeal, Ninth Circuit, docket no. 00-57030.

51. On or about May 16, 2003, the Court of Appeal reversed the District Court's October 30, 2000 dismissal, finding the petition was timely, and remanded the matter.

52. On or about September 16, 2003, the District Court ordered that a traverse be filed within 60 days, or by November 16, 2003. Respondent received timely notice of the order.

53. On or about November 19, 2003, Respondent applied for an extension of time to file the traverse.

54. On or about November 19, 2003, the District Court granted an extension to file the traverse to December 17, 2003. Respondent received timely notice of the new deadline.

55. On or about December 19, 2003, Respondent applied for another extension of time to January 6, 2004 to file the traverse.

56. On or about December 19, 2003, the District Court granted an extension to file the traverse to January 6, 2004. Respondent received timely notice of the new deadline.

57. Respondent did not file the traverse by January 6, 2004 or at any time and did not request any further extensions of time to file the traverse.

58. Respondent failed to perform any additional legal services and failed to take any further action on behalf of Yoshisato after December 19, 2003.

59. On or about September 2, 2005, the Magistrate Judge filed his report and recommendation denying Yoshisato's petition. On or about September 2, 2005, notice of the report and recommendation was properly served on Respondent at his address of record. The notice specifically informed Respondent that any objections to the report and recommendation were due no later than September 27, 2005. Respondent failed to take any action on behalf of Yoshisato in response to the Magistrate Judge's report and recommendation denying the petition.

60. On or about October 26, 2005, the District Court denied Yoshisato's petition, and judgment was entered dismissing the petition with prejudice.

61. In or about late 2005 or early 2006, Respondent informed Yoshisato's wife, Elizabeth, that he would pursue further remedies on behalf of Yoshisato in federal court and ultimately in the Supreme Court if his pursuit was unsuccessful.

62. In or about May 2006, Respondent contacted Jane and said that he had prepared documents for Yoshisato and that his fee was \$7,500.

63. On or about May 5, 2006, pursuant to Respondent's request, Jane issued a check in the amount of \$7,500 to Respondent as advanced fees on Yoshisato's behalf. Respondent cashed the check on or about May 8, 2006.

64. On or about June 3, 2006, pursuant to Respondent's request, Jane issued a check in the amount of \$3,000 to Respondent as advance fees on Yoshisato's behalf. Respondent cashed the check on or about June 5, 2006. When Jane provided the \$3,000 check to Respondent, he told her that the deadline for filing an appeal was June 30, 2006.

65. At no time did Respondent file an appeal on behalf of Yoshisato. At no time did Respondent pursue any additional remedies on behalf of Yoshisato.

66. On or after June 30, 2006, Elizabeth attempted to contact Respondent by telephone at the number that Respondent had previously provided, but she discovered that the number was no longer in service.

67. At no time did Respondent notify Yoshisato, Jane or Elizabeth or anyone else on Yoshisato's behalf that he would not perform any additional legal services or take any additional action on behalf of Yoshisato after December 19, 2003 or that Yoshisato should hire new counsel.

68. At no time has Respondent returned the \$10,500 to Jane, Yoshisato or anyone one acting on his behalf.

Conclusion of law:

69. By failing to perform any legal services on behalf of Yoshisato after on or about December 19, 2003, Respondent effectively withdrew from representation of Yoshisato without taking any steps to avoid reasonably foreseeable prejudice to Yoshisato in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

70. By failing to perform any legal services on behalf of Yoshisato after on or about December 19, 2003, thereby effectively withdrawing from representation of Yoshisato, and by failing to notify Yoshisato or anyone on his behalf that Respondent would not be performing any legal services or taking any action on behalf of Yoshisato after on or about December 19, 2003, Respondent failed, upon

termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

71. By failing to file an appeal, pursue any additional remedies, or perform any legal services at all on behalf of Yoshisato after December 19, 2003, Respondent did not earn any portion of the \$10,500 advanced to him by Jane on or about May 5 and June 3, 2006 and by failing to refund to Jane or Yoshisato the advanced fees in the amount of \$10,500, Respondent wilfully failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

72. By failing to file the traverse on behalf of Yoshisato by the January 6, 2004 deadline or at any time, by failing to respond in any way to the September 2, 2005 report and recommendation by the Magistrate Judge, by allowing Yoshisato's petition to be dismissed, by failing to take any action to reinstate the petition, by failing to pursue an appeal or any additional remedies on behalf of Yoshisato, and by failing to perform any legal services on behalf of Yoshisato after on or about December 19, 2003, Respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 07-O-13678:

Facts:

73. On or about February 27, 2006, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("stipulation") with the State Bar of California in State Bar Court case numbers 04-O-14938, 04-O-15507, 05-O-00082 and 05-O-00604.

74. On or about March 13, 2006, the Hearing Department of the State Bar Court ("Hearing Department") filed an order approving the stipulation and recommending the disposition set forth in the stipulation to the California Supreme Court.

75. On or about March 13, 2006, the Hearing Department properly served on Respondent's counsel of record at the time the order approving the stipulation (as well as the stipulation itself).

76. On or about March 21, 2006, the Hearing Department filed, and properly served on Respondent's counsel of record, a modification order regarding the restitution conditions contained in the stipulation

77. On or about July 18, 2006, the California Supreme Court filed an Order number S143354 (State Bar Court case numbers 04-O-14938, 04-O-15507, 05-O-00082 and 05-O-00604) that Respondent be suspended from the practice of law for two years and until he provided proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and until he made restitution to Alba Pena ("Pena") in the amount of \$6,000 plus 10% interest per annum from March 2, 2004; and until he made restitution to Victoria Tearjen ("Tearjen") in the amount of \$1,640 plus 10% interest per annum from October 4, 2004; and until he made restitution to Mary Lynch ("Lynch") in the amount of \$4,000 plus 10% interest per annum from September 9, 2003; and until he made restitution to Gregory Gillman ("Gillman") in the amount of \$3,000 plus 10% interest per annum from June 4, 2003, (or to the Client Security Fund ("CSF") to the extent of any payment from the fund to Pena, Tearjen, Lynch and Gillman, respectively, plus interest and costs in accordance with Business and Professions Code section 6140.5), and furnished satisfactory proof thereof to the State Bar's Office of Probation; that execution of the suspension be stayed; and that Respondent be placed on probation for three years subject to the conditions of probation, including restitution, recommended by the Hearing Department in its order approving the stipulation filed on March 13, 2006 and as modified by its order filed on March 21, 2006.

78. Notice of the July 18, 2006 Supreme Court order was duly and properly served upon Respondent in the manner prescribed by rule 29.4, subdivision (a), of the California Rules of Court.

79. The July 18, 2006 Supreme Court order became effective on August 17, 2006.

80. Pursuant to the July 18, 2006 Supreme Court order, Respondent was ordered to comply with the following terms and conditions of probation, among others:

- a. to comply with the State Bar Act and Rules of Professional Conduct;
- b. to report within ten (10) days to the Membership Records Office of the State Bar and to the 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;

c. within 30 days from the effective date of discipline, to contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of probation. To meet with the probation deputy either in person or by telephone as directed by the Office of Probation. During the period of probation to promptly meet with the probation deputy as directed and upon request;

d. to submit written quarterly reports to the Office of Probation each January 10, April 10, July 10 and October 10 of the period of probation, certifying under penalty of perjury whether he has complied with the State Bar Act, Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter and whether there are any proceedings pending against him in State Bar Court, and if so, the case number and current status of that proceeding. To file a final report containing the same information no earlier than twenty days prior to the expiration of the probation period and no later than the last day of said period;

e. to attend State Bar Ethics School, pass the test given at the end, and provide satisfactory proof of same to the Office of Probation within one (1) year of the effective date of the disciplinary order;

f. within six (6) months of the effective date of the disciplinary order, to submit to the Office of Probation satisfactory evidence of completion of no less than six (6) hours of Minimum Continuing Legal Education ("MCLE") approved courses in law office management, attorney client relations, and/or general legal ethics;

g. within one (1) year of the effective date of the disciplinary order, to pay restitution to Pena in the amount of \$6,000 plus interest at 10% per annum from March 2, 2004, and if the Client Security Fund ("CSF") has paid, then to also pay restitution to the CSF for all amounts paid, plus applicable interest and costs and to provide satisfactory proof of payment to the Office of Probation;

h. within one (1) year of the effective date of the disciplinary order, to pay restitution to Tearjen in the amount of \$1,640 plus interest at 10% per annum from October 4, 2004, and if the CSF has paid, then to also pay restitution to the CSF for all amounts paid, plus applicable interest and costs and to provide satisfactory proof of payment to the Office of Probation;

i. within one (1) year of the effective date of the disciplinary order, to pay restitution to Lynch in the amount of \$4,000 plus interest at 10% per annum from September 9, 2003, and if the CSF has paid, then to also pay restitution to the CSF for all amounts paid, plus applicable interest and costs and to provide satisfactory proof of payment to the Office of Probation;

j. within one (1) year of the effective date of the disciplinary order, to pay restitution to Gillman in the amount of \$3,000 plus interest at 10% per annum from June 4, 2003, and if the CSF has paid, then to also pay restitution to the CSF for all amounts paid, plus applicable interest and costs and to provide satisfactory proof of payment to the Office of Probation;

k. within thirty (30) days of the effective date of the disciplinary order, if he has not done so already, to submit to a specified medical examination by a doctor certified by the American Society of Addiction Medicine ("ASAM"), said doctor to be mutually agreed upon by Respondent and the Office of Probation;

l. for the duration of the probationary period, to comply with all treatment conditions recommended by the doctor, either as originally set forth or as may be modified thereafter;

m. to report his compliance with the substance abuse conditions with a statement under penalty of perjury in each written quarterly report submitted to the Office of Probation and to provide such satisfactory proof of his compliance as the Office of Probation may request;

n. within thirty (30) days of the effective date of the disciplinary order, to provide a copy of the stipulation to all treatment providers who provide the services described in the substance abuse conditions of the stipulation, to deliver a copy of the stipulation to the doctor who performs the initial evaluation in advance of the initial evaluation, and to provide proof to the Office of Probation that he has provided a copy of this stipulation to all treatment providers when Respondent provides his first quarterly report to the Office of Probation; and

o. to provide all waivers of confidentiality as necessary to monitor compliance with the substance abuse conditions and allow the Office of Probation, State Bar Court and the Office of the Chief Trial Counsel access to relevant medical information concerning treatment conditions, progress and compliance.

81. Respondent did not contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of probation within 30 days from the effective date of discipline or by September 16, 2006. To date, Respondent has failed to contact the Office of Probation to schedule a meeting and has failed to meet with his assigned probation deputy.

82. On or about September 27, 2006, a probation deputy of the Office of Probation sent a letter to Respondent in which he reminded Respondent of the terms and conditions of his suspension and probation imposed pursuant to the July 18, 2006 Supreme Court Order. In the September 27, 2006 letter, the probation deputy specifically advised Respondent that pursuant to the terms and conditions of his probation, Respondent was required to: submit quarterly reports commencing October 10, 2006; submit quarterly substance abuse treatment reports commencing October 10, 2006; submit a substance abuse treatment evaluation report by September 16, 2006; submit proof of six (6) hours of MCLE courses by February 17, 2007; submit proof of restitution by August 17, 2007; submit proof of completion of State Bar Ethics School by August 17, 2007; and report within ten (10) days to the Membership Records Office of the State Bar and to the Office of Probation all changes of information including current office or other address for State Bar purposes as prescribed by Business and Professions Code section 6002.1. Enclosed with the September 27, 2006 letter to Respondent were, among other things, copies of the July 18, 2006 Supreme Court Order, the relevant portions of the stipulation setting forth the conditions of Respondent's probation, the modification order, a Quarterly Report Instructions sheet, a Quarterly Report form specially tailored for Respondent to use in submitting his quarterly reports and substance abuse treatment reports, a form regarding proof of payment of restitution, and information and an enrollment form for State Bar Ethics School.

83. The September 27, 2006 letter to Respondent was placed in an envelope properly addressed to Respondent at his official State Bar membership records address of 1401 North Tustin Ave., Suite 204, Santa Ana, CA 92705. The envelope was then sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business. The September 27, 2006 letter was returned by attorney Frederick McBride ("McBride") with his letter stating that Respondent had not been at the office "of some considerable months" and that he had previously provided the only forwarding address he had for Respondent to the State Bar.

84. On or about October 13, 2006, the probation deputy sent a letter to Respondent in which he notified Respondent that correspondence he sent to Respondent at his Membership Records address had been returned as undeliverable and that Respondent's Membership Records telephone number of (714) 420-7008 also was not current. The probation deputy enclosed a copy of the September 27, 2006 letter to Respondent as well as a Membership Records address change form with his letter. The October 13, 2006 letter and enclosures were placed in an envelope properly addressed to Respondent at the forwarding address provided by McBride of 1111 N. Main St., #200, Santa Ana, CA 92701. The envelope was then sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business. On or about March 2, 2007, the October 13, 2006 correspondence was returned stamped, "Returned to Sender," "Attempted - Unknown," and "Addressee No Longer At This Address."

85. Respondent failed to report within ten days to the Membership Records Office of the State Bar and to the 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.

86. Respondent failed to file with the Office of Probation his first quarterly report that was due by October 10, 2006. To date, Respondent has failed to file the report.

87. Respondent failed to file with the Office of Probation his second quarterly report that was due by January 10, 2007. To date, Respondent has failed to file the report.

88. Respondent failed to file with the Office of Probation his third quarterly report that was due by April 10, 2007. To date, Respondent has failed to file the report.

89. Respondent failed to file with the Office of Probation his fourth quarterly report that was due by July 10, 2007. To date, Respondent has failed to file the report.

90. Respondent failed to file with the Office of Probation his fifth quarterly report that was due by October 10, 2007. To date, Respondent has failed to file the report.

91. Respondent failed to file with the Office of Probation his sixth quarterly report that was due by January 10, 2008. To date, Respondent has failed to file the report.

92. To date, Respondent has failed to provide proof to the Office of Probation that he submitted to a medical evaluation within 30 days of the effective date of discipline or at any time by a doctor certified by the ASAM. To date, the Office of Probation has not received an evaluation report regarding Respondent.

93. Respondent failed to report his compliance with the substance abuse conditions, under penalty of perjury, in any written quarterly report and failed to provide satisfactory proof of compliance with the substance abuse conditions to the Office of Probation.

94. To date, Respondent has failed to provide proof to the Office of Probation that he provided a copy of the stipulation to all treatment providers related to the substance abuse conditions. To date, Respondent has failed to provide proof to the Office of Probation that he provided a copy of the stipulation to the doctor who was to perform the initial medical evaluation of Respondent in advance of the medical evaluation.

95. To date, Respondent has failed to provide to the Office of Probation a waiver of confidentiality to allow access to relevant medical information concerning compliance with his substance abuse conditions.

96. Respondent failed to submit to the Office of Probation, within six months of the effective date of the disciplinary order or by February 17, 2007, any evidence of completion of no less than six hours of MCLE approved courses in law office management, attorney client relations and/or general legal ethics. To date, Respondent has failed to submit to the Office of Probation any proof of completion of required MCLE courses.

97. Respondent failed to provide to the Office of Probation, within one year of the effective date of the disciplinary order or by August 17, 2007, proof of his attendance at a session of State Bar Ethics School and passage of the test given at the end of that session. To date, Respondent has failed to submit to the Office of Probation proof of completion of State Bar Ethics School.

98. On or about November 29, 2006, the CSF paid Pena \$6,000 in connection with Pena's CSF application for reimbursement related to State Bar Court case number 04-O-14938.

99. Respondent failed to pay restitution to Pena and failed to reimburse to the CSF the money it paid to Pena within one year of the effective date of the disciplinary order or by August 17, 2007. To

date, Respondent has failed to provide to the Office of Probation any proof of payment of restitution to Pena or reimbursement to the CSF of the money it paid to Pena.

100. On or about November 20, 2006, the CSF paid Tearjen \$1,640 in connection with Tearjen's CSF application for reimbursement related to State Bar Court case number 04-O-15507.

101. Respondent failed to pay restitution to Tearjen and failed to reimburse to the CSF the money it paid to Tearjen within one year of the effective date of the disciplinary order or by August 17, 2007. To date, Respondent has failed to provide to the Office of Probation any proof of payment of restitution to Tearjen or reimbursement to the CSF of the money it paid to Tearjen.

102. On or about November 20, 2006, the CSF paid Lynch \$4,000 in connection with Lynch's CSF application for reimbursement related to State Bar Court case number 05-O-00082.

103. Respondent failed to pay restitution to Lynch and failed to reimburse to the CSF the money it paid to Lynch within one year of the effective date of the disciplinary order or by August 17, 2007. To date, Respondent has failed to provide to the Office of Probation any proof of payment of restitution to Lynch or reimbursement to the CSF of the money it paid to Lynch.

104. On or about July 31, 2007, the CSF paid Gillman \$3,000 in connection with Gillman's CSF application for reimbursement related to State Bar Court case number 05-O-00604.

105. Respondent failed to pay restitution to Gillman and failed to reimburse to the CSF the money it paid to Gillman within one year of the effective date of the disciplinary order or by August 17, 2007. To date, Respondent has failed to provide to the Office of Probation any proof of payment of restitution to Gillman or reimbursement to the CSF of the money it paid to Gillman.

106. To date, Respondent has failed to comply with any of the conditions of probation imposed by the July 18, 2006 Supreme Court order.

The Haggstrom complaint

107. On or about May 23, 2006, the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") opened an investigation, case number 06-O-12655, regarding Haggstrom's complaint against Respondent related to his representation of Haggstrom.

108. On or about August 16, 2006, a State Bar investigator sent a letter to Respondent requesting that Respondent respond in writing by August 30, 2006 to specified allegations of misconduct being investigated by the State Bar regarding Haggstrom's complaint. The letter was placed in an envelope properly addressed to Respondent at his State Bar of California membership records address of 1401 N. Tustin Ave., Suite 240, Santa Ana, CA 92705 ("membership address"). The envelope was sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason.

109. On or about August 25, 2006, attorney McBride, who had shared an office suite with Respondent, wrote a letter to the State Bar indicating that he was in receipt of the letters that had been sent to Respondent. McBride stated that Respondent had not had an office at his membership address for some time. McBride further stated that he had been unable to reach Respondent by phone and had taken the liberty of forwarding the letters to the only address that he was aware of for Respondent: P.O. Box 200, 1111 N. Main Street, Santa Ana, California 92701 (the "Main Street address").

110. Respondent did not respond to the investigator's August 16, 2006 letter or otherwise cooperate or participate in the State Bar's investigation of Haggstrom's complaint.

111. On or about September 6, 2006, a State Bar investigator sent another letter to Respondent regarding Haggstrom's complaint and requested that Respondent respond in writing by September 20, 2006 to specified allegations of misconduct being investigated by the State Bar regarding Haggstrom's complaint. The investigator enclosed with the September 6, 2006 letter a copy of her August 16, 2006 letter. The letters were placed in envelopes properly addressed to Respondent at his membership address and to the Main Street address. The envelopes were sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business.

112. On or about November 13, 2006, the investigator's September 6, 2006 correspondence that was sent to the membership address was returned to the State Bar by attorney McBride who again informed the State Bar that Respondent was no longer at that address.

113. On or about March 2, 2007, the investigator's September 6, 2006 correspondence that was sent to the Main Street address was returned to the State Bar stamped "Return to Sender," "Attempted Not Known," "Unable to Forward," and "Addressee No Longer At This Address."

The Gonzalez complaint

114. On or about February 8, 2007, the State Bar opened an investigation, case number 07-O-10598, regarding Gonzalez's complaint against Respondent related to his representation of Gonzalez.

115. On or about March 7, 2007, a State Bar investigator sent a letter to Respondent regarding Gonzalez's complaint and requested that Respondent respond in writing by March 21, 2007 to specified allegations of misconduct being investigated by the State Bar regarding Gonzalez's complaint. The letter was placed in an envelope properly addressed to Respondent at his membership address. The envelope was sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business. The letter was not returned to the State Bar by the U.S.P.S. as undeliverable or for any other reason.

116. Respondent did not respond to the investigator's March 7, 2007 letter or otherwise cooperate or participate in the State Bar's investigation of Gonzalez's complaint.

117. Accordingly, on or about March 22, 2007, a State Bar investigator sent another letter to Respondent regarding Gonzalez's complaint and enclosed a copy of her March 7, 2007 letter. The letter and enclosure were placed in envelopes properly addressed to Respondent at his membership address as well as to 8118 E. Peacock Lane, Orange, CA 92868 (the "Peacock Lane address"), where the investigator had information that Respondent may have been residing at the time. The envelopes were sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business.

118. On or about April 4, 2007, the March 22, 2007 correspondence that was mailed to the Peacock Lane address was returned to the State Bar by the U.S.P.S. with the notations, "Attempted Not Known" and "Unable to Forward." The March 22, 2007 correspondence that was mailed to

Respondent's membership address was not returned to the State Bar by the U.S.P.S. as undeliverable or for any other reason.

The Yoshisato complaint

119. On or about February 26, 2007, the State Bar opened an investigation, case number 07-O-10845, regarding Jane's complaint against Respondent related to his representation of Yoshisato.

120. On or about March 22, 2007, a State Bar investigator sent a letter to Respondent regarding Jane's complaint and requested that Respondent respond in writing by April 4, 2007 to specified allegations of misconduct being investigated by the State Bar regarding Jane's complaint. The letter was placed in envelopes properly addressed to Respondent at his membership address as well as to the Peacock Lane address. The envelopes were sealed and mailed to Respondent by first class mail, postage prepaid, by depositing for collection by the U.S.P.S. in the ordinary course of business.

121. On or about April 4, 2007, the March 22, 2007 correspondence that was mailed to the Peacock Lane address was returned to the State Bar by the U.S.P.S. with the notations, "Attempted Not Known" and "Unable to Forward." The March 22, 2007 correspondence that was mailed to Respondent's membership address was not returned to the State Bar by the U.S.P.S. as undeliverable or for any other reason.

122. Since February 18, 2005, Respondent's State Bar of California membership records address has remained: 1401 North Tustin Ave., Suite 240, Santa Ana, California 92705-8644. At no time since February 18, 2005 has Respondent updated his address for State Bar purposes with the State Bar of California's Membership Records office ("Membership Records"). However, Respondent has not practiced law from his membership address since at least April 2006.

123. In early April 2006, Haggstrom visited Respondent's membership address and discovered that he was not there. She was told that Respondent no longer practiced law from that address and that he hadn't been there for months except to pick up mail.

124. On or about August 25, 2006, attorney McBride notified the State Bar that he was in receipt of the letters that had been sent to Respondent at his membership address, that Respondent had not had an office at his membership address for some time, and that he had taken the liberty of forwarding the letters to the Main Street address..

125. The probation deputy's October 27, 2006 letter to Respondent that was sent to Respondent at his membership address was returned to the State Bar by attorney McBride, who stated that Respondent had not been at his membership address for some considerable months.

126. The investigator's September 6, 2006 letter to Respondent regarding the Haggstrom complaint that was sent to Respondent at his membership address was returned to the State Bar on or about November 13, 2006 by attorney McBride, who again notified the State Bar that Respondent was no longer at his membership address.

Conclusion of Law:

127. By failing to comply with any of the conditions of probation imposed by the July 18, 2006 Supreme Court order, Respondent wilfully failed to comply with all conditions attached to a disciplinary probation in willful violation of Business and Professions Code section 6068(k).

128. By failing to update his address for State Bar purposes with Membership Records, Respondent wilfully failed to comply with the requirements of section 6002.1, which requires a member of the State Bar to maintain on the official membership records of the State Bar, the member's current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes or purposes of the agency charged with attorney discipline in willful violation of Business and Professions Code section 6068(j).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was July 13, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 13, 2009, the prosecution costs in this matter are \$7,419.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

In *Rossman v. State Bar* (1985) 39 Cal 3rd 539, discipline of three years actual and two years stayed suspension was assessed against Respondent for a failure to perform and failure to promptly return unearned fees where he had one prior discipline also involving a failure to perform.

In *Natali v. State Bar* (1988) 45 Cal 3rd 456, involving two matters wherein Respondent failed to perform, abandoned his clients, and withdrew without taking reasonable steps to avoid foreseeable prejudice to his clients, three years actual and five years stayed suspension and probation were assessed as discipline.

See *Barnum v. State Bar* (1990) 52 Cal 3rd 104, wherein the Court considered Respondent's failure to comply with the probationary terms of an earlier discipline order, as one factor relied upon in ordering Respondent's disbarment. Respondent's inability to comply with the earlier probationary terms suggested to the Court that an additional probationary order would likely lead to the same result.

STATE BAR ETHICS SCHOOL.

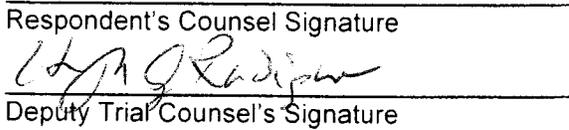
Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of Bruce Lewis Briggs	Case number(s): 06-O-12655, 07-O-10598, 07-O-10845 and 07-O-13678
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

<u>7-15-09</u> Date	 Respondent's Signature	<u>Bruce Lewis Briggs</u> Print Name
<u>July 17 '08</u> Date	 Deputy Trial Counsel's Signature	<u>Hugh G. Radigan</u> Print Name

(Do not write above this line.)

In the Matter Of
Bruce Lewis Briggs

Case Number(s):
06-O-12655, 07-O-10598, 07-O-10845 and 07-O-13678

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.

*PAGE 4 - INSERT "X" IN BOX D(2).
 PAGE 4 - DELETE "X" IN BOX E (1).
 PAGE 9 - FINANCIAL CONDITION - INSERT THE FOLLOWING TEXT
 AT END OF PART (A) RESTITUTION: "WITHIN ONE YEAR
 AFTER THE EFFECTIVE DATE OF THE DISCIPLINE
 IMPOSED IN THIS MATTER"*

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.)**

09-03-09

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 August 5, 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 Los Angeles, California, addressed as follows:

BRUCE LEWIS BRIGGS
1900 EAST LA PALMA #101
ANAHEIM CA 92805

BRUCE LEWIS BRIGGS
18852 CENTER STREET #9
ORANGE CA 92869

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:

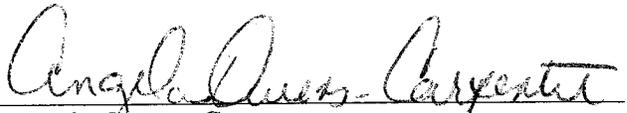
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

HUGH RADIGAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 5, 2009.


Angela Owens-Carpenter
Case Administrator
State Bar Court