



(Do not write above this line.)

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

Counsel For The State Bar  <b>Robert Allen Henderson Jr.</b> <b>State Bar of California</b> <b>180 Howard St.</b> <b>San Francisco, CA 94105</b> <b>(415) 538-2385</b>  Bar # <b>173205</b>	Case Number (s) <b>06-O-12721</b>          Submitted to: <b>Settlement Judge</b>	(for Court's use)   <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b> <i>PM</i></p> <p align="center">MAY 1 0 2007</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
Counsel For Respondent  <b>Jerome Fishkin</b> <b>Fishkin &amp; Slatter, LLP</b> <b>1111 Civic Dr., Suite 215</b> <b>Walnut Creek, CA 94596</b>  Bar # <b>47798</b>	In the Matter Of: <b>Daniel J. Mulligan</b>   Bar # <b>103129</b>  A Member of the State Bar of California (Respondent)	
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING   <b>PUBLIC REPROVAL</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **June 10, 1982**.
- (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 **9** 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."

(Do not write above this line.)

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
  - case ineligible for costs (private reproof)
  - costs to be paid in equal amounts for the following membership years:  
(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
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **Respondent's inattention to the Deutsch matter resulted in the statute of limitations running on at least one claim.**
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (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. **See attached letters.**
- (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)  **Private reproof (check applicable conditions, if any, below)**
  - (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
  - (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2)  During the condition period attached to the reproof, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproof.
- (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)  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 within one year of the effective date of the reproof.
- No MPRE recommended. Reason: \_\_\_\_\_
- (11)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

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

Attachment language (if any):

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

IN THE MATTER OF: Daniel J. Mulligan

CASE NUMBER(S): 06-O-12721

**FACTS.**

In February 2004 respondent and David Deutsch (“Deutsch”) met regarding a possible class action against Dell Corporation. In March 2004 Deutsch returned a fully executed document titled Duties of Class Representative to respondent. In April 2004 Deutsch returned a fully executed representation agreement for the Dell litigation to respondent.

Between April 2004 and January 26, 2006 respondent made the following representations to Deutsch regarding the Dell litigation:

- June 16, 2004 Should have a draft complaint for you to review soon.
- September 15, 2004 Sorry for the delay – we’re finishing our research now.
- August 24, 2005 Yes, will not be a problem. Will finalize [the complaint] before you go.
- August 29, 2005 There is no need to come in and verify as we never do this anymore, for a variety of reasons. You can check the facts by email but no need to further compress your schedule.
- August 30, 2005 [The complaint] Should be available for review before you leave. Will only have to check factual allegations.

Between April 2004 and January 26, 2006 Deutsch made the following attempts to communicate with respondent regarding the Dell litigation, which received no response:

- April 3, 2004 E-mail requesting a timely roadmap of procedural and calendar milestones in the process, and a close involvement in the strategizing that goes along with it as that process unfolds.
- October 25, 2004 E-mail requesting a status update on the Dell litigation and when the matter would be filed.
- February 17, 2005 E-mail notifying respondent of pending legislation which might impact the Dell litigation and whether or not they should initiate any litigation before Congress passed a bill.
- June 22, 2005 Scheduled telephone conversation which did not take place.
- July 2, 2005 E-mail regarding the scheduled telephone conversation, which did not take place, regarding the Dell litigation.
- January 21, 2006 E-mail regarding the Dell litigation, the filing of the complaint and if the complaint had been filed when.

On January 26, 2006, Deutsch terminated the services of respondent for the Dell litigation and noted that the two-year statute of limitations on one of the claims had passed.

On April 13, 2006, respondent informed the State Bar of the following regarding Deutsch and the Dell litigation:

- We proceeded to research the potential claim, including attempts to find other instances;
- We were unable to find any other similar conduct by the proposed defendant, leading us to conclude that the claims were not financially viable;
- Mr. Deutsch re-contacted us and we revisited the issue. Again, we concluded the practice complained of was not widespread enough and/or lacked damages to make the claim viable; as a consequence, we decided it could not be pursued.

Although respondent made multiple representations to Deutsch that work on the Dell litigation was progressing, in fact respondent had not performed any research or done any work on the Dell matter between April 2004 and January 26, 2006.

### **CONCLUSIONS OF LAW.**

Respondent by not preparing and filing the complaint for Deutsch against Dell Corporation from April 2004 through January 26, 2006, and by allowing the statute of limitations to pass on one of the claims without filing the complaint, intentionally, recklessly and repeatedly failed to perform legal services with competence thereby violating Rules of Professional Conduct, rule 3-110(A).

Respondent by not preparing the complaint for Deutsch in the Dell litigation and by deciding the matter would not be pursued, constructively terminated his services without giving notice to Deutsch of his termination and without taking reasonable steps to avoid reasonably foreseeable prejudice to Deutsch thereby violating Rules of Professional Conduct, rule 3-700(A)(2).

Respondent by not informing Deutsch that he would not be preparing and filing a complaint for the Dell litigation, by not informing Deutsch that the claim was not financially viable, by not informing Deutsch the matter would not be pursued and by failing to respond to Deutsch's efforts to communicate regarding the Dell litigation on April 3, 2004; October 25, 2004; February 17, 2005; June 22, 2005; July 2, 2005; and January 21, 2006, failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services and failed to respond to Deutsch's reasonable status inquiries regarding the employment thereby violating Business and Professions Code section 6068(m).

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was April 11, 2007.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 11, 2007, the costs in this matter are \$1,983. 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.**

Standard 2.4(b) – Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

*Van Slotten v. State Bar* (1989) 48 Cal.3d 921 – Van Slotten received six-month stayed suspension and one-year probation for a one-client abandonment.

**MITIGATING CIRCUMSTANCES.**

**FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

Letter of support from Legal Assistance to the Elderly, Inc.  
Letter of support from Pamela Simmons of Simmons & Purdy  
Letter of support from Bay Area Legal Aid  
Letter of support from National Consumer Law Center  
Resume detailing pro-bono activities and awards.

**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.

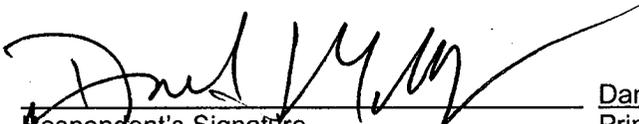
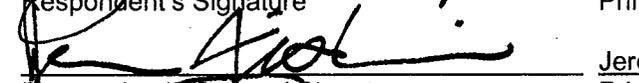
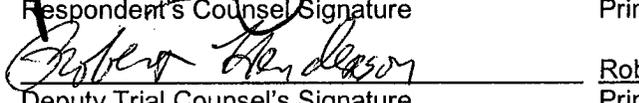
Respondent admits that the above facts are true and that he is culpable of violations of the specified statute and Rules of Professional Conduct.

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In the Matter of Daniel J. Mulligan	Case number(s): 06-O-12721
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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>4/18/07</u> Date	 Respondent's Signature	<u>Daniel Mulligan</u> Print Name
<u>4/18/07</u> Date	 Respondent's Counsel Signature	<u>Jerome Fishkin</u> Print Name
<u>4/20/07</u> Date	 Deputy Trial Counsel's Signature	<u>Robert Henderson</u> Print Name

(Do not write above this line.)

In the Matter Of <b>Daniel J. Mulligan</b>	Case Number(s): <b>06-O-12721</b>
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**ORDER**

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

May 10, 2007  
Date

Pat McElroy  
Judge of the State Bar Court

**LAE**

Legal Assistance to the Elderly, Inc.  
995 Market Street, Suite 1400  
San Francisco, CA 94103

April 5, 2007

Re: Daniel J. Mulligan

To Whom it May Concern:

I am a staff attorney with Legal Assistance to the Elderly (LAE), specializing in elder abuse, and have held this position for 17 years. I am writing you at the request of Daniel Mulligan, whom I have known for about 12 years. I have been advised that this proceeding is a result of Mr. Mulligan's failure to timely respond and proceed on behalf of a potential client.

Daniel Mulligan has considerable expertise in lending practices of mortgage companies, and I have found him to be one of the few private attorneys in San Francisco who is readily accessible to assist legal services attorneys representing clients facing foreclosures and predatory lending practices. I first became acquainted with Mr. Mulligan in the early 1990's when he was working with the VLSP to help create a program that would help seniors avoid taking out predatory loans. As part of that effort, Mr. Mulligan, together with his partner, conducted an extensive training for attorneys. At that time, LAE was seeing an increase in cases involving predatory and other mortgage loan problems, and I found this training, as well as later trainings he conducted, invaluable in understanding foreclosures and remedies for victims of predatory lending. Mr. Mulligan also spoke to various senior groups in San Francisco about loans, and conducted a training for social workers and other professionals serving seniors to educate them about how to identify and avoid predatory loans.

Since that time, I have regularly consulted with Mr. Mulligan when LAE has clients with mortgage loan problems, and have referred both clients and other attorneys to him for assistance. Mr. Mulligan is an attorney we trust to represent vulnerable seniors and to provide accurate information to attorneys. He has been extremely generous with his time and expertise, both in representing, on a pro bono basis, clients we have referred and in providing free consultation to attorneys with respect to lending issues. He is committed to helping legal services attorneys and programs, and has even arranged for a cy pres award to be granted to LAE.

I have an immense respect for Mr. Mulligan as an attorney. A leading attorney in his field, Mr. Mulligan has extensive experience, comprehensive knowledge, and deep compassion for the unwary consumer. Whether through class action lawsuits, or pro bono representation of individual clients, Mr. Mulligan has repeatedly shown his commitment to challenging lending practices that victimize those whose voices are not often heard. Through his representation, seniors' homes have been saved and redress obtained, and his trainings and consultation have enabled others to help their clients avoid predatory loans and foreclosures.

Very truly yours,



Judy L. Hitchcock  
Staff Attorney

Pamela D. Simmons  
William J. Purdy, III

Law Office Of  
**Simmons & Purdy**

Phone: 831.464.6884  
Fax: 831.464.6886  
pamela@pamelaw.com  
bill@pamelaw.com

April 5, 2007

Re: Daniel J. Mulligan

To whom it may concern:

I am a partner in the law firm of Simmons & Purdy. I, my firm, and its predecessor have been engaged in consumer work, particularly related to assisting homeowners with mortgage loan issues for approximately 12 years. I am also a member of the State Bar Fee Arbitration Panel. My state bar number is 160523.

I have been asked to write this letter by Mr. Mulligan, whom I have known for approximately ten years and who I greatly respect. I have been advised that this proceeding results from Mr. Mulligan's failure to timely respond and proceed on behalf of a potential client.

I met and became familiar with Mr. Mulligan in the late 1990's. At that time, he was engaged in numerous consumer class litigations, especially with respect to home mortgage loan issues. We first met at a seminar conducted by the National Consumer Law Center, located in Boston, Massachusetts. Mr. Mulligan was speaking on mortgage loan issues and related litigation, as it relates to consumers. At that time I had been representing borrowers on lending issues for many years and I was impressed with Mr. Mulligan's knowledge and understanding of the various legal issues. However, I was more impressed with what appeared to be his deep and passionate concern for the homeowners subject to predatory lending practices.

Since that time, I have worked closely with Mr. Mulligan on various class and individual cases. I routinely consult with him on legal issues presented in my own cases. In addition, I have arranged for him to speak with me at various bar sponsored seminars. In particular, we have conducted programs on the Truth In Lending Act under the auspices of the American Bar Association. I personally am aware that he has donated substantial amounts of time and money to pro bono services and has assisted in fund raising for consumer groups.

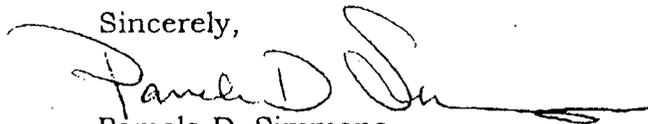
Page 2  
April 7, 2007  
Re: Daniel Mulligan

I know that Mr. Mulligan is recognized as one of the leading plaintiffs' attorneys on home mortgage loan issues. He is one of a precious few attorneys in California who handle such issues for consumers. My opinion is that Mr. Mulligan is an excellent and knowledgeable attorney. He is someone I trust to train other attorneys in his field and to whom I do not hesitate to refer clients.

While I do not profess to know all of the facts relating to this State Bar complaint, I do know that Mr. Mulligan's passion and dedication to his clients and craft is such that I absolutely believe every possible doubt should be resolved in his favor. I believe this best serves the State Bar's important interest in maintaining high quality legal services, while at the same time it best serves the needs of consumers throughout this state and nationwide.

If I can be of further assistance to you or if you have additional questions please feel free to contact me at my office or at home: (831) 338-2988.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela D. Simmons", with a long, sweeping flourish extending to the right.

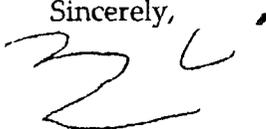
Pamela D. Simmons  
Attorney at Law



In addition to his pro bono efforts, Mr. Mulligan has directed cy pres funds to Bay Area Legal Aid and other local legal aid programs and has encouraged other consumer lawyers to do the same. He personally contributes to Bay Area Legal Aid and is a staunch supporter of the Bay Area's finest legal aid and pro bono programs. For all of his fine work over the years, BayLegal presented its 2006 Partners In Justice award to Mr. Mulligan and his partner.

In my opinion, Mr. Mulligan is an excellent lawyer and a tribute to our profession. I would recommend him, without reservation, to my closest friends and family.

Sincerely,



Ramon Arias  
Executive Director

*Serving the Counties of*

Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara

NATIONAL  
CONSUMER LAW  
CENTER

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77 Summer Street, 10th Fl.  
Boston, MA 02110-1006  
Phone: 617 542-8010  
Fax: 617 542-8028  
consumerlaw@nclc.org  
www.consumerlaw.org

April 5, 2007

RE: Daniel J. Mulligan

To whom it may concern:

I am currently the Executive Director of the National Consumer Law Center ("NCLC"). I have also held positions in the Executive Office of the President and at the Legislative Reference Service of the United States Congress, and served as Chair of the Federal Reserve Board's statutory Consumer Advisory Council and as Deputy Commissioner of Banks in Massachusetts. I have been asked to write this letter by Mr. Mulligan. I have been advised that this proceeding results from Mr. Mulligan's failure to timely respond and proceed on behalf of a potential client.

The National Consumer Law Center is a highly respected non-profit organization dedicated to serving the needs of low income consumers and to providing support to attorneys across the country representing consumers, especially low income and elderly consumers. The Center has been called the nation's consumer law experts.

Mr. Mulligan came to my attention first by reputation as someone actively concerned with obtaining a measure of justice for consumers mistreated in the marketplace and as someone whose work was obviously appreciated by others in the field. Also I was aware of his selfless activities on behalf of the National Association of Consumer Advocates, then a new organization of like-minded attorneys from around the country seeking to expand the availability and quality of legal representation available to consumers. I first met Mr. Mulligan perhaps ten years ago and have known him to be a highly principled and caring and generous consumer lawyer.

Among our activities, the National Consumer Law Center sponsors the annual National Consumer Rights Litigation Conference, the most important conference of its kind for any consumer lawyer. The conference provides highly praised continuing legal education sessions on a wide range of consumer law topics presented by the nation's top experts drawn from every part of the country. Presenters are chosen by the Center and by other leading attorneys whom we ask to organize various events. Mr. Mulligan has been a frequent presenter at this annual conference and has trained and lectured to hundreds of lawyers on the practice of consumer law, particularly with respect to lending practices. He is widely regarded as one of the country's leading lawyers in this area and his presentations are always well received. In addition, outside of the conference, Mr. Mulligan has provided advice and assistance to other lawyer's seeking to develop a consumer law practice serving the public interest.

Washington Office: 1001 Connecticut Avenue, NW, Suite 510, Washington, DC 20036-5528 Phone 202 452-6252 Fax 202-463-9462

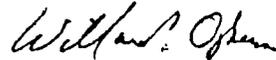
RE: Daniel J. Mulligan  
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Mr. Mulligan has lent his support to these activities without any compensation at all. He has served as an example to others by showing that part of being a good lawyer is taking the time to help other attorneys often struggling to make a living representing victims of marketplace abuses. Also, Mr. Mulligan has generously contributed to the Center to help us meet the challenge of representing the interests of low income consumers. In addition to contributing his own funds, he has also helped arrange for cy pres funds to be directed to the Center.

I can not address and have no knowledge about the circumstances in which Mr. Mulligan failed to timely respond to a potential client, but I do hope that it will be weighed in the context of a legal practice and a national reputation that demonstrates superior lawyering, great caring for individual clients and disadvantaged consumers in general, and generous support of fellow practitioners and public service organizations.

Please feel free to contact me directly at any time.

Sincerely,



Willard P. Ogburn  
Executive Director

RODDY KLEIN & RYAN

Attorneys at Law

727 Atlantic Avenue, 2nd Floor  
Boston, Massachusetts 02111

John Roddy

Tel. (617) 357-5500 x 16

Fax (617) 357-5030

[roddy@roddykleinryan.com](mailto:roddy@roddykleinryan.com)

[www.rododykleinryan.com](http://www.rododykleinryan.com)

April 4, 2007

*Re: Daniel J. Mulligan*

To whom it may concern:

I am a partner in the law firm of Roddy, Klein & Ryan, and have been engaged in consumer and class litigation for twenty-seven years, first as an assistant attorney general in Massachusetts and since 1988 in private practice. I have been asked to write this letter by Mr. Mulligan, whom I have known for over fifteen years. I have been advised that this proceeding results from Mr. Mulligan's failure to timely respond and proceed on behalf of a potential client.

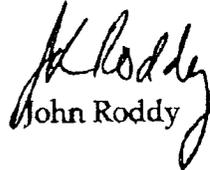
I met Mr. Mulligan in the early 1990's. At that time, he was engaged in various consumer class actions, especially with respect to lending issues. I have worked with Mr. Mulligan on various class cases over the last ten years and have found him to be an excellent attorney and advocate for consumers. I know that he has also donated substantial time and money to pro bono services and has assisted in fund raising for consumer groups.

In addition to these efforts, Mr. Mulligan has become recognized as one of the leading plaintiffs' attorneys on lending issues. For the past ten years I have been a co-chair of the Practising Law Institute's Annual Institute on Consumer Financial Services Litigation, held annually in New York, Chicago, and San Francisco. This program covers all aspects of class action litigation in the consumer financial services industry, and each year attracts about five hundred of the top litigators, in-house counsel and lawyers for government enforcement agencies. I have regularly asked Mr. Mulligan to speak at this conference, and he has always agreed to provide his time and expertise, without compensation.

Re: Dantel Mulligan  
4/5/07  
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My opinion is that Mr. Mulligan is an excellent attorney, someone I trust to train other attorneys in his field, and is fully committed to pro bono services and furthering consumer issues.

Sincerely,

  
John Roddy

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 10, 2007, I deposited a true copy of the following document(s):

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

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

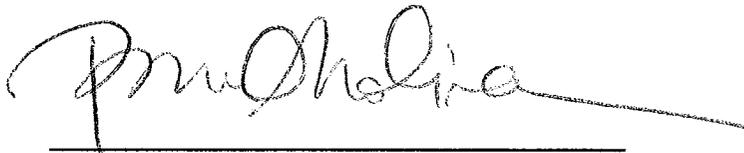
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JEROME FISHKIN  
FISHKIN & SLATTER LLP  
1111 CIVIC DR STE 215  
WALNUT CREEK, CA 94596**

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

**ROBERT HENDERSON, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **May 10, 2007**.



---

**Bernadette C. O. Molina**  
Case Administrator  
State Bar Court