


State Bar Court of California

Hearing Department  
Los Angeles

**PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p><b>Ashod Mooradian</b> Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004</p> <p>Bar # <b>194283</b></p>	<p>Case Number (s) <b>06-O-12753-RAH</b></p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p><b>OCT 22 2009</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>kwiktag® 035 130 204</p> 
<p>In Pro Per Respondent</p> <p><b>James M. Fowler, Esq.</b> FOWLER LAW GROUP 10635 Santa Monica Blvd., Suite 305 Los Angeles, CA 90025</p> <p>Bar # <b>159605</b></p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: <b>JAMES MICHAEL FOWLER</b></p> <p>Bar # <b>159605</b></p> <p>A Member of the State Bar of California (Respondent)</p>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **July 14, 1992**.
- (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 **13** 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."

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

(Do not write above this line.)

- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None.

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. **At the time this misconduct began Respondent had practiced law for approximately sixteen (16) years without a record of discipline.**
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. **Respondent's misconduct did not harm any client or person who was the object of the misconduct. As to the 4-100(A) violation, the affected check was able to clear without delay or loss to any client or person. As to the B&P 6068(I) violation, Respondent's misconduct once again did not involve any clients. Once Respondent was made aware of his failure to comply with the ALD, he immediately enrolled in the next available Client Trust Accounting School course.**
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.**
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **Respondent was remorseful for both charges herein and has candidly expressed such remorse to the State Bar. Further, Respondent recognizes his wrongdoing and has taken steps to atone for the consequences of his 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. **Respondent has provided the State Bar with "good character" letters from an attorney and a client who both state that they are aware of the charges and facts alleged in the NDC, have known Respondent for a significant time, have worked professionally with Respondent, have a high opinion of Respondent's character and believe that Respondent will not commit misconduct in the future.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

None.

**D. Discipline:**

- (1)  **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 (1) 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 reprobation. 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 reprobation 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 reprobation.
- (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 reprobation.

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:

**(A) 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**

(Do not write above this line.)

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of the State Bar Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

**(B) NO MCLE CREDIT:** Respondent will not receive Minimum Continuing Legal Education (MCLE) credit for attending the State Bar Ethics School as required pursuant to paragraph E.(8) above or for attending Client Trust Accounting School as required pursuant to paragraph F.(5)(A) above. These requirements are 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 of California.)

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

**IN THE MATTER OF:** JAMES MICHAEL FOWLER, Bar #159605

**CASE NUMBER(S):** 06-O-12753-RAH

**A. WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:**

The parties waive any variance between the Notice of Disciplinary Charges (“NDC”) filed on July 20, 2009, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**B. FACTS AND CONCLUSIONS OF LAW.**

JAMES MICHAEL FOWLER (“Respondent”) admits that the following facts are true and that he is culpable of violations of the specified statutes and/or *Rules of Professional Conduct*.

Facts:

1. Respondent maintained a client trust account at HSBC Bank USA, account number 167713582 (“CTA”). At all times relevant herein, Respondent relied on his wife to assist him with bookkeeping and accounting issues.

2. On December 12, 2005, Respondent issued CTA check number 5533, in the amount of \$13,608.10, to Duane Dyer for settlement of a claim that Mr. Dyer had against one of Respondent’s clients.

3. On December 16, 2005, Respondent issued CTA check number 5537, in the amount of \$12,760.47, to cash. Respondent’s wife directed the use of these funds to pay for deposition services – both past services and future services (i.e., advanced payments). At that time, Respondent did not have the necessary funds to cover these deposition costs as several recently deposited checks had not yet cleared.

4. On December 19, 2005, Respondent’s CTA check number 5533, in the amount of \$13,608.10 was presented for payment to HSBC Bank USA. At that time, the balance in Respondent’s CTA was \$7,945.66. Consequently, HSBC Bank USA returned check number 5533 due to insufficient funds.

5. However, the affected check was able to clear without delay or loss to Dryer. Respondent reviewed his CTA records and cooperated with the State Bar in its investigation of the matter, displaying both candor and cooperation.

6. On or about May 12, 2008, Respondent and the State Bar of California ("State Bar") entered into an Agreement in Lieu of Discipline ("ALD") in case no. 06-O-12753. The ALD became effective on May 12, 2008, and was to remain in effect for a period of one (1) year to on or about May 12, 2009.

7. Pursuant to the ALD, Respondent was required to comply with certain terms and conditions attached to the ALD through and including May 12, 2009, including:

- a. submitting quarterly reports to the Office of Probation commencing on July 10, 2008 and continuing on October 10, January 10, and April 10 of each year of probation;
- b. submitting a final report due no earlier than twenty (20) days before the last day of the probation and no later than the last day of the probation;
- c. Attending State Bar Client Trust Account School and passing the test given at the end of the session within one (1) year of the date of the execution of the ALD (executed May 12, 2008).

8. Respondent did not submit any quarterly reports on July 10, 2008, October 10, 2008, January 10, 2009 and April 10, 2009.

9. Respondent did not submit a final quarterly report which was due no later than May 12, 2009.

10. Respondent failed to attend State Bar Client Trust Account School within one (1) year of the execution of the ALD or May 12, 2008.

11. Thus, Respondent wilfully failed to keep all agreements made in lieu of discipline with the State Bar, the agency charged with attorney discipline in California.

12. Respondent, pursuant to the ALD, also agreed that the facts stipulated to as the underlying misconduct (paragraphs one through five above) are binding upon Respondent and while confidential, may be admitted as evidence without further foundation in any disciplinary proceeding held in conjunction with Respondent's failure to comply with the conditions of the ALD.

13. Respondent, pursuant to the ALD, also acknowledged that by the facts stipulated to as the underlying misconduct (paragraphs one through five above) he violated rule 4-100(A) of the *Rules of Professional Conduct*.



Conclusions of Law:

14. By failing to submit to the Office of Probation the quarterly reports due no later than July 10, 2008, October 10, 2008, January 10, 2009 and April 10, 2009, by failing to submit to the Office of Probation a final quarterly report which was due no later than May 12, 2009 and by failing to attend State Bar Client Trust Account School within one (1) year of the execution of the ALD, Respondent wilfully failed to keep all agreements made in lieu of discipline with the agency charged with attorney discipline in willful violation of *Business and Professions Code* section 6068(l).

15. By not maintaining a balance in his CTA of at least \$13,608.10, from December 12, 2005 through December 19, 2005, to pay CTA check number 5533, Respondent failed to maintain funds received for a client's benefit and deposited in a bank account labeled "Trust Account" or "Client's Funds Account" in willful violation of *Rules of Professional Conduct*, rule 4-100(A).

**D. AUTHORITIES SUPPORTING DISCIPLINE.**

Applicable Standards:

In *In re Silvertan*<sup>1</sup>, the California Supreme Court held that the *Standards For Attorney Sanctions For Professional Misconduct* ("Standard" or "Standards") are entitled to "great weight" and the Court will "not reject a recommendation arising from the *Standards* unless [it has] grave doubts as to the propriety of the recommended discipline." The *Standards* are not binding but "they promote the consistent and uniform application of disciplinary measures."<sup>2</sup> The "presumptively appropriate level of discipline" for any misconduct is as set forth in the standards.<sup>3</sup>

Further, the primary purposes of disciplinary proceedings are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession.<sup>4</sup> Pursuant to the *Standards*, Respondent's misconduct warrants discipline.

*Standard 2.2(b)* states that culpability "...of a member of commingling of entrusted funds...or the commission of another violation of rule 4-100, *Rules of Professional Conduct*, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances."

*Standard 2.6(a)* provides that culpability of a member for "...violation of any of the following provisions of the *Business and Professions Code* shall result in disbarment or

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<sup>1</sup> (2005) 36 Cal. 4th 81, 92.

<sup>2</sup> *Id.*

<sup>3</sup> See *Morgan v. State Bar* (1990) 51 Cal.3d 598, 607.

<sup>4</sup> See *Standard 1.3*.

suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3:

- (a) Sections 6067 and 6068;
- (b) Sections 6103 through 6105..."

Aggravating Circumstances:

*Standard 1.2(b)* provides for a greater degree of sanction than set forth in the *Standards* where aggravating circumstances exist. No aggravating circumstances exist in this matter.

Mitigating Circumstances:

*Standard 1.2(e)* provides for a more lenient degree of sanction than set forth in the *Standards* where mitigating circumstances exist. In this case, there are five mitigating circumstances.

First, pursuant to *Standard 1.2(e)(i)*, there is an absence of any prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. At the time this misconduct began Respondent had practiced law for approximately sixteen (16) years without a record of discipline.

Second, pursuant to *Standard 1.2(e)(iii)*, Respondent's misconduct did not harm any client or person who was the object of the misconduct. As to the 4-100(A) violation, the affected check was able to clear without delay or loss to any client or person. As to the B&P section 6068(l) violation, Respondent's misconduct once again did not involve any clients. Once Respondent was made aware of his failure to comply with the ALD, he immediately enrolled in the next available Client Trust Accounting School course.

Third, pursuant to *Standard 1.2(e)(v)*, Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.

Fourth, pursuant to *Standard 1.2(e)(vii)*, Respondent was remorseful for both charges herein and has candidly expressed such remorse to the State Bar. Further, Respondent recognizes his wrongdoing and has taken steps to atone for the consequences of his misconduct.

Fifth, pursuant to *Standard 1.2(e)(vi)*, Respondent has provided the State Bar with "good character" letters from an attorney and a client who both state that they are aware of the charges and facts alleged in the NDC, have known Respondent for a significant time, have worked professionally with Respondent, have a high opinion of Respondent's character and believe that Respondent will not commit misconduct in the future.

Given the nature and scope of Respondent's misconduct, the lack of aggravating circumstances and considering evidence of five mitigating circumstances, the strict application of *Standard 2.2(b)* is not warranted and the appropriate level of discipline under the *Standards* is a public reproof.

Caselaw:

In fashioning the appropriate level of discipline, the *Standards* are the starting point. Consideration must also be given to whether the recommended discipline is consistent with or disproportional to prior decisions of the California Supreme Court and the Review Department of the State Bar Court.

In *Matter of McKiernan*,<sup>5</sup> the court concluded that the attorney violated section 6106 by issuing the two checks knowing that there were insufficient funds to cover them; by failing to make timely restitution; and by his gross neglect in failing to maintain and supervise his client trust account.<sup>6</sup> The court also found that the attorney violated rule 4-100(A) by retaining personal funds in his client trust account, and by failing to supervise and properly maintain his client trust account in that he allowed a client to place funds in the client trust account and use it as his personal business account. Finally, the court found that there were three aggravating circumstances and five mitigating circumstances, including no prior record of discipline. The attorney was suspended for two years, stayed, and placed on two years probation on conditions, including actual suspension for a period of three months.<sup>7</sup>

Comparison:

Respondent's misconduct is much less serious than that found in *Matter of McKiernan*. Further, in this matter, the aggravating and mitigating circumstances differ significantly than those found in *Matter of McKiernan*.

First, Respondent's misconduct in this matter, as discussed above, involved a "low-level" violation of rule 4-100(A) and more serious violation of B&P section 6068(l) where Respondent had failed to comply with any of the terms and conditions of the ALD. Second, in this matter there were no aggravating factors unlike for the attorney involved in *Matter of McKiernan*.

Second and more significantly, and as discussed above, there are five factors in mitigation, such as no prior record of discipline, no harm, candor and cooperation, remorse and good character, all of which operate to lessen the level of discipline otherwise appropriate in this proceeding.

Therefore, with no aggravation and five factors in mitigation, a Respondent's level of discipline in this matter must be significantly less than the discipline found in the *Matter of McKiernan*.

Therefore, for the misconduct described herein, Respondent's public reproof is the level of discipline consistent with the applicable standards and caselaw.

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<sup>5</sup> (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 420.

<sup>6</sup> *Id.* at 423-424.

<sup>7</sup> *Id.* at 429.

**E. PENDING PROCEEDINGS.**

Respondent was notified in writing of any pending investigations not included in this stipulation, pursuant to *Rules of Procedure of the State Bar of California*, rule 133(12), on October 5, 2009.

**F. COSTS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of October 5, 2009, the estimated prosecution costs in this matter are approximately \$ 1992.57. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.


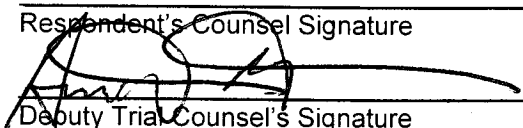
If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6068.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in *Business and Professions Code*,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

(Do not write above this line.)

In the Matter of <b>JAMES MICHAEL FOWLER</b>	Case number(s): <b>06-O-12753-RAH</b>
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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>10/13/09</u> Date	 Respondent's Signature	<u>James Michael Fowler</u> Print Name
<u>                    </u> Date	<u>                    </u> Respondent's Counsel Signature	<u>                    </u> Print Name
<u>10/15/2009</u> Date	 Deputy Trial Counsel's Signature	<u>Ashod Mooradian</u> Print Name

(Do not write above this line.)

In the Matter Of <b>JAMES MICHAEL FOWLER</b>	Case Number(s): <b>06-O-12753-RAH</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 <sup>135(b)</sup>~~125(b)~~, Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.** JRM

**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.**

10/20/09  
Date

Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 22, 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:

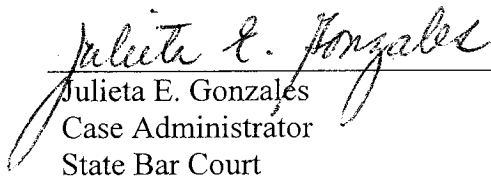
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES M FOWLER ESQ  
FOWLER LAW GROUP  
10635 SANTA MONICA BLVD #305  
LOS ANGELES, CA 90025

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

Ashod Mooradian, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 22, 2009.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court