



(Do not write above this line.)

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

<p>Counsel For The State Bar</p> <p>Robin Brune Deputy Trial Counsel State Bar of California 180 Howard Street San Francisco, California 94105</p> <p>Bar # 149481</p>	<p>Case Number (s) 06-O-13305;07-O-10449</p>	<p>(for Court's use)</p> <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b> <i>[Signature]</i></p> <p align="center">JAN 05 2010</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Carol Langford, Esq. 100 Pringle Ave, Suite 570 Walnut Creek, California 94596</p> <p>Bar # 124812</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Kim Mallory</p> <p>Bar # 159870</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 October 2, 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):
- 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:  
(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 00-O-11487
  - (b)  Date prior discipline effective 1/23/03
  - (c)  Rules of Professional Conduct/ State Bar Act violations: 4-100(A).
  - (d)  Degree of prior discipline private reproof
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (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 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:
- (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 one year.
  - i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
  - ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
  - iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason:

- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

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- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
  
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
  
- (5)  **Other Conditions:**

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

IN THE MATTER OF:                      Kim Mallory  
CASE NUMBER(S): ET AL.            06-O-13305; 07-O-10449

**FACTS AND CONCLUSIONS OF LAW.**

Case no. 06-O-13305

At all times pertinent to these charges, respondent maintained an attorney-client trust account, account number 1791794XXX, at Washington Mutual Bank (hereinafter, CTA account). On May 2, 2006, respondent received the sum of \$1,500 from George Hills, Co. on behalf of her client, Horton. Respondent deposited these funds into her CTA account.

On May 3, 2006, respondent withdrew \$500.00 from her trust account as her fee in the Horton matter. After subtracting respondent's \$500 contingency fee from the Horton settlement funds, respondent was required to maintain in her trust account the sum of \$1000 on behalf of Horton. On May 5, 2006, the balance in respondent's trust account dropped to \$336.38. None of the expenditures made between May 3, and May 5, 2006, were made to Horton or on behalf of Horton.

On May 3, 2006 through May 6, 2006, respondent issued six checks from her trust account issued to payees including Washington Mutual Bank, AT&T, PG&E, Providian, and Capitol One. These expenditures totaled \$2,212,66 and were for respondent's own purposes, and not related to the client Horton or any other client matter.

On May 5, 2006, respondent deposited one check for \$1,000 from Pivotal Point Youth Services into her trust account. This check from Pivotal Point Youth Services was for an advanced or retainer fee for respondent's services. Thereafter, respondent issued three checks for personal expenses to Capitol One, Washington Mutual, and a credit card. The total amount of the three checks was \$1,828.00. Respondent issued an additional check to herself, check number 7748, dated 5/11/06, in the sum of \$300.00. Respondent states this amount was for earned fees.

The three checks respondent issued on May 5, 2006 and the check respondent issued on May 11, 2006 were returned by the bank due to insufficient funds.

At the time respondent issued the three checks on May 5, 2006, she was relying on the deposited one check for \$1,000 from Pivotal Point Youth Services, dated May 5, 2006, to cover the costs of the checks she issued. However, respondent did not wait for the Pivotal Point Youth Services check to clear the bank. In fact, the Pivotal Point Youth Services Check was dishonored due to insufficient funds.

Between March 14, 2006 and May 15, 2006, respondent issued an additional eight checks from her CTA account for personal expenses unrelated to client matters, from her trust account, for a total sum of \$1,155.00.

At the time she issued these checks, respondent did not have a separate business account, because of her bad credit history. She therefore used her trust account as a personal or business account. Respondent left personal funds in her trust account to cover her personal expenses.

#### Conclusions of Law

By failing to maintain at least \$1,000 received on behalf of Horton in her trust account, respondent wilfully failed to maintain client funds in a trust account, in violation of Rules of Professional Conduct, rule 4-100(A).

By misappropriating at least \$664.00 of Horton's settlement funds for her own purposes, respondent committed an act involving moral turpitude, dishonesty, or corruption, in wilful violation of Business and Professions Code, section 6106.

By paying personal expenses from her trust account, respondent commingled funds belonging to respondent with client funds in her client trust account, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

By relying on the Pivotal Point Youth Services check to cover to cover the checks she issued, before waiting for the Pivotal Point Youth Services check to clear; and by using her trust account as a business account due to her poor credit, respondent committed acts involving moral turpitude, dishonesty, or corruption, in wilful violation of Business and Professions Code, section 6106.

#### Case no. 07-O-10449

Commencing in or about 2003, Mr. Whitehurst was a member of an organization entitled Americans With Disabilities Advocates (AWDA), and agreed to be a plaintiff, on behalf of the AWDA, in several lawsuits alleging failure to comply with disability access. The AWDA hired respondent to bring several suits on their behalf. Whitehurst and was a named plaintiff in at least twenty-four suits that were brought in his name and on behalf of the AWDA. The AWDA was a plaintiff in at least eighty different suits. As to the twenty-four suits in which Whitehurst was a named plaintiff, respondent, at the very least, owed fiduciary duties to Whitehurst.

On December 4, 2006, Whitehurst made a complaint to the State Bar, requesting an accounting of all settlement monies acquired in the suits that were brought in his name. In response to the request for an accounting, respondent provided the State Bar with a list of twenty-four settled cases with an accounting of how much money was paid, in each case, to Whitehurst. However, respondent was unable to trace or identify these funds in her CTA account, nor was she able to verify and confirm all monies she states she paid to Whitehurst. Whitehurst acknowledges he received between \$60,000 and \$70,000 in settlement monies from the disability access lawsuits.

#### Conclusions of Law

By failing to provide a complete response to Whitehurst's request for an accounting, and by being unable to verify and confirm all monies she states she paid to Whitehurst, respondent failed to maintain complete records of all funds of Whitehurst coming into her possession, and failed to render appropriate accounts to the client regarding them, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(6), was December 8, 2009.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 8, 2009, the prosecution costs in this matter are \$2,602. 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.**

The Standards call for a one year suspension for violations of Rule 4-100(A) of the Rules of Professional Conduct, *irrespective of mitigating circumstances.* (Standard 2.2(b)).

Case law calls for significant suspension under these circumstances. *In re Mapps* (Review Dept. 1990) 1 Cal State Bar Ct. Rptr. 1; *In the Matter of Heiser* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 47; *Lawhorn v. State Bar* (1987) 43 Cal.3d. 1357; *Kelly v. State Bar* (1991) 53 Cal.3d. 509.

In *Mapps*, the attorney misappropriated \$5,700 of medical liens and repaid the funds prior to the institution of disciplinary proceedings. He had no prior record of discipline and was admitted for seven years at the time of misconduct. In addition to the misappropriation, he issued checks from insufficient funds to two different clients. He was suspended for two years. "Writing bad checks may, by itself under some circumstances, constitute moral turpitude." *Mapps*, supra, 1 Cal.State Bar Ct. Rptr. 1, at 11.

In *Heiser*, the attorney issued seven checks for personal expenses on closed CTA accounts and personal checking accounts, for a total sum of \$5,428.00. He had 102 NSF checks total, and received two years of suspension, stayed, with six months actual suspension. Unlike *Heiser*, respondent in this case has prior discipline. Heiser was admitted in 1973 and had no prior discipline until the misconduct in 1990.

In *Lawhorn*, the attorney received two years of actual suspension for misappropriating \$1,355.75.

In *Kelly*, the attorney received three years stayed, three years probation, with 120 days actual suspension for misappropriating \$750.00. Unlike respondent, Kelly had no prior discipline.

## **AGGRAVATING CIRCUMSTANCES.**

Standard 1.2(b)(ii) multiple acts of misconduct

**PRIOR DISCIPLINE.**

Respondent was disciplined in 2003, case no. 00-O-11487, with a private reproof for trust account violations. At that time, she stipulated to commingling personal and client funds in her CTA and issuing checks from her CTA to cover personal expenses, in violation of Rule 4-100(A) of the Rules of Professional Conduct. The conduct occurred in 1999.

**FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

Respondent has committed numerous trust account violations.

**MITIGATING CIRCUMSTANCES.**

Standard 1.2(e)(v) candor and cooperation

**FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

Respondent has been cooperative in reaching a stipulation in this matter.

**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 aforementioned facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

In the Matter of  
Kim Mallory

Case number(s):  
06-O-13305; 07-O-10449

A Member of the State Bar

### 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

- 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:
- 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";

- 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.

(Do not write above this line.)

In the Matter of  
KIM MALLORY

A Member of the State Bar

Case number(s):  
06-0-13385; 07-0-18449

### 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.

12/11/09  
Date

*Kim Mallory*  
Respondent's Signature

Kim Mallory  
Print Name

12-15-09  
Date

*Carolyn Corp*  
Respondent's Counsel Signature

CAROLYN CORP  
Print Name

12/17/09  
Date

*Rob B. Brune*  
Deputy Trial Counsel's Signature

ROBIN BRUNE  
Print Name

(Do not write above this line.)

In the Matter Of Kim Mallory	Case Number(s): 06-O-13305; 07-O-10449
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The stipulation is modified as follows:

1. On page 4, paragraph E(1), the "X" in the box is deleted.
2. On page 5, paragraph E(10), an "X" is inserted in the box preceding the words "The following conditions are attached . . . ."
3. On page 5, paragraph F(2), an "X" is inserted in the box.

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.)**

1-4-10  
Date

*George Scott*  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on January 5, 2010, 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:

**CAROL LANGFORD  
100 PRINGLE AVE #570  
WALNUT CREEK, CA 94596**

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**ROBIN BRUNE**, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 5, 2010.



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Bernadette C.O. Molina  
Case Administrator  
State Bar Court