

ORIGINAL

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Jean Cha Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1000 Bar # 228137	Case Number (s) 06-O-13674	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED JUN 05 2008 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent James D. Henderson, Esq. 1919 Santa Monica Blvd, Ste 210 Santa Monica, California 90404 (310) 264-1898 Bar # 104150	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Richard A. Stavin Bar # 139403 A Member of the State Bar of California (Respondent)		

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 **February 22, 1989**.
- (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 12 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."

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension



(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):
- ☐ 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: **two 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

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.
- (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:

N/A

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. Respondent immediately took steps to rectify the misconduct and the ultimate resolution of the matter was not adversely affected by his misconduct. Opposing counsel submitted a letter indicating there was no harm to the litigation.
- (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 has participated in these proceedings to his utmost ability and provided information and documentation as was requested.
- (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. Respondent has provided character references acknowledging Respondent's outstanding character and integrity notwithstanding his past exercise of lack of judgment as related to the charged misconduct in the present matter.
- (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

Respondent has almost sixteen years of misconduct-free practice since he has been licensed in California. Thus, Respondent has no prior history of discipline and this fact is a mitigating circumstance.

Respondent has communicated to all effected parties his regret and written letters of apology to all parties involved.

Respondent has a history of extensive community involvement as a volunteer and approximately eight years of public service. Respondent donates time to various charitable organizations and has spent numerous hours serving as general counsel and presidential advisor of a local organization on a pro bono basis.

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two (2) 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 two (2) 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 thirty (30) days.
- 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:
 - ☐ Substance Abuse Conditions
 - ☐ Medical Conditions
 - ☐ Law Office Management Conditions
 - ☐ 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.
- (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:** N/A

Attachment language begins here (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **RICHARD A. STAVIN**
CASE NUMBER: **06-O-13674**

FACTS.

Respondent admits that the following facts are true and that he is culpable of wilfully violating Business and Professions Code section 6106, by wilfully committing an act involving moral turpitude, dishonesty or corruption.

1. RICHARD ALAN STAVIN ("Respondent") was admitted to the practice of law in the State of California on February 22, 1989, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. Respondent was admitted to the practice of law in the State of New York on October 22, 1975, and was employed as an Assistant District Attorney and an Assistant Attorney General until 1986 when he relocated to the State of California. Respondent has no history of discipline while practicing law in New York and remains an active member in good standing of that State's Bar.
3. On October 21, 2002, Respondent contacted Michael M. Sampsel ("Sampsel") to consider retaining Sampsel as a mechanical, marine and forensic engineering consultant and possible expert witness regarding personal water craft in a maritime matter entitled Old United Insurance Company dba Vantage Casualty Company v. Hydrohoist International, Inc. et al, filed in the Orange County Superior Court, case number 01CC11353 (the "Hydrohoist matter"). Respondent was counsel for the plaintiff in the Hydrohoist matter. According to Respondent, Sampsel was informed in the message that the retention was on behalf of the plaintiff, Old United Insurance Company and that it would be paying Sampsel's fees.
4. At that time, Sampsel informed Respondent that before an attorney may designate him as his/her expert in a matter, Sampsel required a signed written agreement and the advanced fee of a minimum of \$600.00.
5. On October 21, 2002, Sampsel faxed to Respondent a curriculum vitae, consulting services agreement, and fee schedule. In order for Respondent to retain Sampsel, Respondent had to sign the agreement and forward a \$600.00 advanced case fee to Sampsel.
6. On Thursday, October 31, 2002, Respondent served the expert designation in the Hydrohoist matter.
7. On Monday, November 18, 2002, Sampsel received the signed agreement and advanced fee and was formally retained.
8. On March 17, 2004, the Hydrohoist matter settled.
9. In mid-May 2003, the Hydrohoist matter was concluded.

10. On July 11, 2003, Sampsel telephoned Respondent and left him a voice message requesting payment for his services related to the Hydrohoist matter.
11. On July 31, 2003, Respondent paid Sampsel's invoice in full. Respondent and Sampsel had no further contact after that time to the present.
12. In February 2005, Respondent was counsel for the plaintiff in the matter entitled Elizabeth Nunez v. Dwayne Weiford, et al., filed in the San Diego County Superior Court, case number GIC814303 (the "Nunez matter").
13. On February 17, 2005, Respondent served a document entitled Plaintiff's Designation of Expert and/or Percipient Witness Information and Production of Documents (the "expert designation"). Respondent signed the declaration, which was part of the expert designation, under penalty of perjury under the laws of the State of California indicating that the facts stated in his declaration were true and correct.
14. The expert designation listed Sampsel as plaintiff's designated expert. The expert designation stated that Sampsel had agreed to testify at trial and was sufficiently familiar with the pending action to submit to a meaningful oral deposition, including his expert opinion and the basis thereof. The expert designation listed a narrative statement of the general substance of the testimony that Sampsel was expected to give at trial. None of the representations made by Respondent in the expert designation with respect to Sampsel were true.
15. As of February 17, 2005, Respondent had not signed an agreement with Sampsel nor paid Sampsel an advanced fee with respect to the Nunez matter. Nor had Sampsel agreed to act as expert witness for plaintiff in the Nunez matter. Nor had Sampsel agreed to testify in that matter. Respondent had not discussed the Nunez matter with Sampsel. Nor had Sampsel reviewed any documents regarding the Nunez matter.
16. When Respondent made the representations in the expert designation under penalty of perjury, Respondent knew that Sampsel had not been retained as the plaintiff's expert in the Nunez matter.
17. On February 17, 2005, Respondent served the expert designation by mailing the expert designation to Michael A. Paskowitz ("Paskowitz"), counsel for defendant Dwayne Weiford in the Nunez matter.
18. On February 21, 2005, Paskowitz retained Sampsel as a consultant and expert witness for defendant Dwayne Weiford in the Nunez matter.
19. On Wednesday, February 23, 2005, Paskowitz received Respondent's February 17, 2005 expert designation.
20. On or about Thursday, February 24, 2005 or Friday, February 25, 2005, Paskowitz contacted Respondent to inform Respondent that Paskowitz had retained Sampsel. During the conversation, Respondent immediately withdrew the expert designation.

21. On Monday, February 28, 2005, Respondent served his amended expert designation designating another expert witness in the Nunez matter.

CONCLUSION OF LAW.

By misrepresenting under penalty of perjury that Sampsel had agreed to testify at trial as plaintiff's designated expert witness in the Nunez matter, that Sampsel was sufficiently familiar with the pending action to submit to a meaningful oral deposition, and by providing a summary of the general substance of Sampsel's testimony, Respondent committed an act or acts involving moral turpitude in wilful violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was May 14, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 14, 2008, the costs in this matter are \$1,983.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.3 of the Standards for Attorney Sanctions For Professional Misconduct provides for actual suspension or disbarment for acts involving moral turpitude or dishonesty, depending upon the extent to which the victim of the misconduct is harmed or misled and depending on the magnitude of the misconduct and the degree to which it related to the member's practice of law.

In assessing the level of discipline warranted by Respondent's misconduct, the protection of the public, the courts, and the integrity of the legal profession is paramount. (Std. 1.3; *Tarver v. State Bar* (1984) 37 Cal.3d 122, 133; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

When Respondent misrepresented facts under penalty of perjury in the expert designation, Respondent disregarded the fundamental ethical rule of common honesty. (*Coppock v. State Bar* (1988) 44 Cal.3d 665, quoting *Tomlinson v. State Bar* (1975) 13 Cal.3d 567.) Acts of dishonesty are grounds for suspension or disbarment, even if no harm results. (*Levin v. State Bar* (1989) 47 Cal.3d 1140, 1147, citing Business and Professions Code section 6106; *Garlow v. State Bar* (1982) 30 Cal.3d 912, 917; Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 2.3.) Respondent intended to cause Paskowitz to believe that Respondent had designated Sampsel in the Nunez matter. Harm is not required where deception was intended. (*Coviello v. State Bar* (1955) 450 Cal.2d 57, 65.)

Section 6106 applies to the misrepresentation of and concealment of material facts. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 353, and cases cited therein.) Though Respondent's misrepresentation was not made to a court or tribunal, it was still serious. The knowing

representation of false statements intended to mislead a third party constitutes an act of dishonesty proscribed by section 6106. Attorneys are required to always behave in a manner consistent with truth. (*Davis v. State Bar* (1983) 33 Cal.3d 231, 240.)

Direct evidence of malice, intent to deceive or hope of personal gain is not required to establish culpability. (*Giovanazzi v. State Bar* (1980) 28 Cal.3d 465, 473.) As was the case here, actual deception is not necessary. Instead, wilful deception was established when Respondent knowingly presented the expert designation that would have misled opposing counsel. (*Davis*, at 239-240.)

In *Hallinan v. State Bar* (1948) 33 Cal.2d 246, an attorney, with permission from the client, simulated a client's name under a power of attorney on a settlement release and misled opposing counsel into believing that it was the client's signature even though opposing counsel advised the attorney that he would only accept settlement papers personally signed by the client. The attorney intended to give opposing counsel the impression that the client had actually signed the settlement papers. The court found that the attorney acted in the good faith belief that he was legally authorized to act as he did regarding the signature. (*Hallinan*, at 249.) In mitigation, the attorney took immediate steps to protect his client. The court determined that the attorney was subject to discipline for deceiving the opposing counsel and obtaining an acknowledgment of the signature in an improper manner. The sanction imposed on the attorney in the *Hallinan* case was 90 days of actual suspension.

MITIGATING CIRCUMSTANCES.

A sixteen-year period with no prior discipline is a mitigating factor when evaluating the appropriate level of suspension. (Standard 1.4(c)(ii); Standard 1.2(e)(i); *In re Young* (1989) 49 Cal.3d 257, 269.) According to Respondent, he believed, based on his past dealings with Sampsel, that he would be able to retain Sampsel's services in the Nunez matter. (Standard 1.2(e)(ii).) There was no harm to opposing counsel or to Respondent's client in the Nunez matter because Respondent quickly withdrew the designation and designated a different expert. (Standard 1.2(e)(iii).) Respondent cooperated and admitted the misconduct in response to an inquiry by the State Bar. Respondent sent letters of apology to all involved parties and states that he was humbled by the experience. (Standard 1.2(e)(vii).) Respondent has demonstrated his remorse.

Respondent has an exceptional reputation in the legal community and general community. For the last 20 years Respondent has participated in significant community and religious activities including the United Jewish Federation (UJF), the Board of Directors for the Cerebral Palsy Foundation of the City of New York, the local chapter of the Coastal Cities Unit of the American Cancer Society (ACS) and other areas of pro bono work on behalf of the International Association of Marine Investigators, Inc. (IAMI) where Respondent has served as a volunteer general counsel and advisor to 5 presidents over ten years.

Respondent has several character references attesting to his moral character even with the knowledge of the facts and circumstances surrounding Respondent's misconduct. One character reference was from the president of IAMI, four character references are from attorneys, and one from a federal administrative law judge, attesting to his good moral character and skill in the practice of law.

It is also noted that, on February 15, 2005, prior to the misconduct in the present matter Respondent had over 14 years of discipline-free practice in New York before beginning his and 15 years of discipline-free

(Do not write above this line.)

practice in California. Further, Respondent has more than 3 years of discipline-free practice since the misconduct.

Based on the mitigating circumstances present in this matter, actual suspension of thirty days is an appropriate disposition.

STATE BAR ETHICS SCHOOL.

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

(Do not write above this line.)

In the Matter of
Richard A. Stavin

Case number(s):
06-O-13674

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.

5/23/08
Date


Respondent's Signature

Richard A. Stavin
Print Name

5/21/08
Date


Respondent's Counsel Signature

James D. Henderson
Print Name

5/27/08
Date


Deputy Trial Counsel's Signature

Jean Cha
Print Name

(Do not write above this line.)

In the Matter Of
Richard A. Stavin

Case Number(s):
06-O-13674

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 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.)

Date

6/3/08

Judge of the State Bar Court

DONALD F. MILES

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 June 5, 2008, 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:

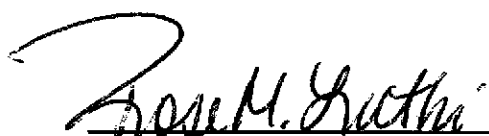
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES DALE HENDERSON, ESQ.
1919 SANTA MONICA BLVD STE 210
SANTA MONICA, CA 90404 - 1949

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

JEAN CHA, ESQ., Enforcement, Los Angeles

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



Rose M. Luthi
Case Administrator
State Bar Court