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State Bar Court of California
Hearing Department
Los Angeles



<p>Counsel For The State Bar</p> <p>Monique T. Miller, DTC The State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 Tel: (213) 765-1746</p> <p>Bar # 212469</p>	<p>Case Number (s)</p> <p>06-O-13980 08-O-10302 08-O-10440</p>	<p>(for Court's use)</p> <p>FILED</p> <p>JUL 08 2010 ACC</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Thaddeus J. Culpepper 556 S. Fair Oaks Avenue, #302 Pasadena, CA 91105 Tel: (626) 786-2779</p> <p>Bar # 220194</p>	<p>Submitted to:</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of:</p> <p>Thaddeus J. Culpepper</p> <p>Bar # 220194</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 **June 16, 2002**.
- (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 **17** 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."

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- (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.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **2011, 2013 & 2014**
(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 or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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. **SEE ATTACHMENT , PAGE 14**
- (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. **SEE ATTACHMENT , PAGE 14**
- (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. **SEE ATTACHMENT , PAGE 14**
- (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

SEE ATTACHMENT , PAGE 15

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **3 Years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

(1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

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- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- Substance Abuse Conditions Law Office Management Conditions
- Medical 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 within one year. **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) **Other Conditions:**

In the Matter of
Thaddeus J. Culpepper

Case number(s):
06-O-13980, 08-O-10302, 08-O-10440

A Member of the State Bar

Financial Conditions

a. Restitution SEE ATTACHMENT , PAGE 15

- 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~~ each time Respondent makes a \$300 monthly payment to the Estate of Morris Keyes, as ordered by the L.A. Superior Court in Case No. BP 112532.

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

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

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

trustees was Sacks, Glazier, Franklin & Lodise, and the attorneys assigned to the case were Terry Franklin ("Franklin") and Jessica Uzcategui ("Uzcategui").

6. On January 14, 2005, Respondent filed an Objection to the Petition in the Trust matter on behalf of Ralph.

7. On November 1, 2005, Ralph lost the Quiet Title action.

8. Immediately thereafter, Ralph informed Respondent that he would take a trip in his mobile home and would keep Respondent informed of his new address. Ralph gave Respondent his cell number as contact information and gave Respondent a key to a storage location that purportedly contained the trust properties at issue.

9. Between August 2005 and December 2005, opposing counsel in both the Quiet Title action and the Trust matter, served Respondent with discovery requests, special interrogatories and requests for production of documents, on behalf of the trustees.

10. Between August 2005 and December 2005, Respondent requested information from Ralph who stated that he would but did not.

11. In late 2005, concerned with disposing of the Quiet Title action and the Trust matter by returning the trust properties in Ralph's possession, Respondent went, accompanied by opposing counsel Terry Franklin, to Ralph's storage area. The storage area did not contain any of the trust properties at issue.

12. On October 31, 2005, opposing counsel in the Trust matter, Uzcategui, filed a motion to compel Ralph's responses to discovery requests, notifying Respondent of a November 28, 2005 hearing date. Respondent was served with the motion.

13. On November 28, 2005, Respondent did not appear at the hearing on behalf of Ralph.

14. On December 13, 2005, the court in the Trust matter ordered that Respondent and his client pay \$750 sanctions within thirty days of the order. Shortly thereafter, Respondent met with opposing counsel and pay the sanctions.

15. On January 3, 2006, opposing counsel in the Quiet Title action, Jenkins, filed a motion to compel Ralph's responses to discovery requests, notifying Respondent of a January 10, 2006 hearing date. Respondent was served with the motion.

16. On January 10, 2006, Respondent did not appear at the hearing on behalf of Ralph.

17. On January 10, 2006, the court in the Quiet Title action ordered that Respondent and his client jointly and severally pay \$1,762 sanctions within thirty days of the order.

18. In January 2006, Respondent called Ralph who asserted that he still held the trust property at issue in Massachusetts, to wit Vivian's fur coats, diamond rings, a truck, and electronic equipment.

19. On January 20, 2006, the court in the Trust matter set a hearing to render judgment against Ralph for January 23, 2006.

20. On January 23, 2006, Respondent did not appear on behalf of Ralph and the court in the Trust matter ordered Ralph to deliver his interest of community property and transfer all title and interest in Vivian's separate property to the co trustees.

21. In May 2006, Ralph hired new counsel to set aside the judgment in the Trust matter.

22. In or about September 2007, Respondent paid the \$1,762 sanctions to opposing counsel.

CONCLUSIONS OF LAW

23. By failing to appear at the November 28, 2005 hearing re: motion to compel in the Trust matter, the January 10, 2006 hearing re: motion to compel in the Quiet Title action, and the January 23, 2006 hearing to render judgment in the Trust matter, Respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in violation of Business and Professions Code section 6103.

FACTS AND CONCLUSIONS OF LAW IN CASE NO. 08-O-10302

FACTS

24. In 2006, Respondent represented a criminal defendant in the matter *USA v. Sham Yung*, (the "Yung matter") USDC Case No. CR-05-00944-GPS, Central District of California, Los Angeles.

25. In May 2006, Yung was ordered to surrender. Thereafter, Yung retained Respondent to file a notice of appeal to preserve his rights.

26. On February 23, 2007, the U.S. Court of Appeals for the Ninth Circuit directed Respondent to arrange for the payment of the docketing and filing fees for the appeal in the matter *USA v. Sham Yung*, (the "Yung matter") USDC Case No. CR-05-00944-GPS, Central District of California, Los Angeles. The order was served upon the address provided by Respondent to the court, 1387 North Summit Avenue, Pasadena, CA 91103. It was sent by certified mail, return receipt requested. The order was returned to the court by the post office, unclaimed.

27. On March 30, 2007, having obtained an updated address for Respondent from the State Bar of California, the clerk re-sent the February 23, 2007 order by certified mail, return receipt requested, to Respondent's membership records address at 515 South Figueroa Street, Suite 1850, Los Angeles, CA 90071. Respondent was given fourteen days from March 30, 2007 to comply.

28. Respondent did not comply by March 30, 2007.

29. On May 4, 2007, the court issued an order to show cause within fourteen days why monetary sanctions of not less than \$1,000 should not be imposed on him for failing to comply with the court's rules.

30. The order further advised Yung, the appellant, that Respondent had failed to prosecute the appeal and advising him to retain new counsel, or request appointment of counsel or provide unequivocal request to proceed without counsel. This order was served by certified mail, return receipt

requested on the then current membership records address of 515 South Figueroa Street, Suite 1850, Los Angeles, CA 90071.

31. On April 30, 2007, Respondent terminated his employment at the firm of Kane, Ballmer & Berkman (the "firm"), located at 515 South Figueroa Street, Suite 1850, Los Angeles, CA 90071. Respondent did not advise the court of a forwarding address.

32. On May 9, 2007, Charles Lohr, Administrator for the firm, advised the court that Respondent had terminated his employment and had not provided a forwarding address. The firm returned the order to the court.

33. On November 19, 2007, Respondent was sanctioned for failure to comply with its orders in the sum of \$1,000, to be paid within twenty-one (21) days. The notice was served both on Yung, the appellant, and on Respondent at his membership records address as of August 2007 at 295 Atchinson Street, Pasadena, CA 91104, by certified mail, return receipt requested. The court dismissed Yung's appeal.

34. Subsequent to January 2008, Respondent did not report the sanctions to the State Bar of California, in writing.

35. In late 2008, Respondent paid the \$1,000 sanctions to the Central District Court.

CONCLUSIONS OF LAW

36. By failing to report the sanctions to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in violation of Business and Professions Code section 6068(o)(3).

FACTS AND CONCLUSIONS OF LAW IN CASE NO. 08-O-10440

FACTS

Edwards Dabbs. v. Melvin Archie Booker, and the Testate and Intestate Successors of Clarence Keyes, Jerome Keyes, Morris Keyes, Deceased, Los Angeles Superior Court Case No. LASC BC 330736 (the "Dabbs matter")

37. Two brothers, Jerome Keyes and Morris Keyes, had owned real property in a partnership with nine other individuals in Los Angeles County. The brothers died intestate. The real property became the subject of a partition action with the surviving owners in Case No. LASC BC 330736, *Edwards Dabbs. v. Melvin Archie Booker, and the Testate and Intestate Successors of Clarence Keyes, Jerome Keyes, Morris Keyes, Deceased*, filed on March 23, 2005 (the "Dabbs matter").

38. On March 30, 2005, at the onset of the Dabbs matter, Plaintiff's counsel, Eric L. Jones ("Jones") sent a letter to Tracy Keyes Watson ("Tracy"), the daughter of Jerome Keyes, notifying her and other "testate and intestate successors" of the pending Dabbs matter and advising the heirs to promptly seek counsel to represent them.

39. On April 27, 2005, Jones sent a letter to Tracy, informing her that two relatives, Jamica Keyes ("Jamica") and Demetrius Keyes ("Demetrius") have retained Respondent. Jones recommended that Tracy contact Respondent if she wanted Respondent to also represent her in the Dabbs matter.

40. On April 29, 2005, Tracy sent Respondent an email, inquiring about his legal fees.

In re Estate of Morris Keyes, Decedent, Los Angeles Superior Court Case No. SP 006530 (the "Morris Keyes matter")

41. On July 12, 2005, Respondent filed Letters of Administration in *In re Estate of Morris Keyes, Decedent, Los Angeles Superior Court Case No. SP 006530* (the "Morris Keyes matter"). The Letters of Administration listed six relatives as follows: Robbie Jones, Demetrius Keyes, Jamica Keyes, Robyn Janelle Keyes, Tamiko Keyes, and Tracy Keyes.

42. On July 12, 2005, Respondent also filed a Declaration in the Morris Keyes matter, stating that: (i) Respondent was counsel for Petitioner Jamica; (ii) Respondent requests that Petitioner Jamica be appointed as Special Administrator; and (iii) four of the five heirs were contacted and have agreed to the sale of the real property. Respondent did not identify which party had not been contacted.

43. On August 25, 2005, the court continued the Morris Keyes matter to September 30, 2005, and ordered that technical defects concerning Robbie Jones' relationship to the deceased and whether Petitioner Jamica was seeking special administration be cleared prior to September 30, 2005. Respondent did not clear the technical defects by September 30, 2005.

44. On September 30, 2005, the court issued a final order to clear the defects and ordered a last continuance to November 18, 2005. Respondent did not clear the technical defects by November 18, 2005.

45. On November 18, 2005, the court took the Morris Keyes matter off calendar.

46. In early 2006, Respondent wrote to Tracy and Robbie Jones, a niece of Morris Keyes, requesting them to state their claims to the Estate of Morris Keyes by filling out and signing a declaration ("declaration by a successor in interest") that Respondent had enclosed with his letters.

47. On April 4, 2006, Tracy executed the declaration by a successor in interest and sent it back to Respondent.

48. On July 14, 2006, at a scheduled hearing in the Dabbs matter, Respondent appeared telephonically, representing that he appeared on behalf of the deceased defendants, Jerome Keyes and Morris Keyes, and further representing that probate estates would be opened to enable those two deceased defendants to answer the complaint in this action.

49. The court in the Dabbs matter continued the matter to July 18, 2006.

50. On July 17, 2006, Respondent filed Letters of Administration in *In Re: Jerome Keyes*, Los Angeles Superior Court Case No. SP 6897 (the "Jerome Keyes matter"). Thereafter, Respondent failed to take further action in the Jerome Keyes matter.

51. In July 2006, Respondent filed an answer to the complaint in the Dabbs matter, on behalf of Jamica Keyes. In the answer to the complaint, Respondent represented to the court Jamica Keyes' capacity as "special administrator of the Estates of Jerome and Morris Keyes." Respondent did not inform Dabbs' counsel, Eric L. Jones, and Booker's counsel, James E. Arden, that: (i) the Morris Keyes matter had been taken off calendar as a result of Respondent's failure to clear court-ordered defects in the petition he had filed on behalf of Jamica Keyes; and (ii) Jamica Keyes was not the special administrator of the estates of Jerome and Morris Keyes.

52. In November 2006, the parties in the Dabbs matter agreed to settle. On November 15, 2006, the court in the Dabbs matter specifically ordered that the formal settlement agreement would require the signatures of not only the lawyers, but also the signatures of all the clients.

53. In 2007, Robyn Janelle Keyes, one of the heirs, retained attorney Sybil Burrell to represent her in the Dabbs matter.

54. Between May 7 and May 13, 2007, Booker's counsel James E. Arden sent all counsel, Eric L. Jones, Sybill Burrell, and Respondent, emails indicating that he would file an Ex-Parte Application for Order Enforcing Settlement Agreement on May 14, 2007, and that all counsel would meet immediately after the ex-parte hearing at a settlement disbursement meeting at Broadway Federal Bank. James E. Arden's emails, as well as Eric L. Jones' and Sybill Burrell's emails stressed the fact that each counsel should bring a signature page signed by his/her individual client(s) agreeing to the Dabbs settlement agreement, with extra copies for exchange at the disbursement meeting.

55. On May 14, 2007, a settlement disbursement meeting took place at Broadway Federal Bank. The attorneys in attendance were Eric L. Jones, James E. Arden, Sybil Burrell, and Respondent. Eric L. Jones, James E. Arden, and Sybil Burrell brought their clients' signature pages. Respondent orally represented to Eric L. Jones, James E. Arden, and Sybil Burrell that he represented the estates of Jerome and Morris Keyes and would mail them his clients' signature pages at a later time.

56. On May 14, 2007, Eric L. Jones handed two cashier's checks for the Estate of Jerome Keyes and two cashier's checks for the Estate of Morris Keyes in the total amount of \$163,074.62 (the "estate funds") to Respondent.

57. Subsequent to May 2007, Respondent did not inform Tracy Keyes Watson and Robbie Jones that he was not authorized to obtain settlement funds on behalf of the estates of Jerome and Morris Keyes since he had failed to perfect his representation of those estates.

58. On June 14, 2007, Respondent deposited the estate funds into the client trust account of attorney Fahed Sayegh, held at the Wells Fargo Bank in Culver City, California (the "Sayegh CTA"). On or about June 14, 2007, Respondent knew that he did not have the authority to deposit the estate funds into the Sayegh CTA.

59. On June 15, 2007, Respondent withdrew \$19, 887.76 in cash from the estate funds held in the Sayegh CTA. Respondent used the \$19,887.76 to pay himself a cashier's check for \$3,000, and to purchase two cashier's checks of \$8,431.88 each, issued to Jamica Keyes and Demetrius Keyes.

60. In July 2007, Eric L. Jones, Dabbs' counsel, alerted the branch manager of the Wells Fargo Bank in Culver City that: (i) on May 14, 2007, he remitted cashier's checks amounting to \$163,074.62 to Respondent; and (ii) Respondent did not have the authority to deposit the \$163,074.62 estate funds in the client trust account of attorney Fahed Sayegh who had no connection to the underlying Dabbs matter. Following Eric L. Jones' warning, the bank froze the \$143,210.86 estate funds that were left, after Respondent's withdrawal of \$19,863.76, until all funds have been collected and accounted for.

61. On July 21, 2007, Respondent emailed Tracy, informing her that Wells Fargo had placed a hold on the release of the estate funds and that checks could not be released to the individual beneficiaries.

CONCLUSIONS OF LAW

62. By failing to clear the technical defects in the Morris Keyes matter as ordered by the court; by failing to take any action in the Jerome Keyes matter after filing the initial letters of administration; by continuing to act as a counsel for the estates of Jerome Keyes and Morris Keyes when he did not perfect his representation of those estates; and by accepting the estate funds and using them to issue checks to the beneficiaries Jamica Keyes and Demetrius Keyes when he was not entitled to have access to those estate funds, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).

63. By failing to inform his clients that he was not authorized to receive the estate funds, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in violation of Business and Professions Code section 6068(m).

64. By paying himself \$3,000 from the estate funds which he was not entitled to access, Respondent collected an illegal fee in violation of Rules of Professional Conduct, rule 4-200(A).

MITIGATING FACTORS

C(2): NO HARM

- In Case No. 08-O-10302 (the "Yung matter"), Respondent contends that his client left the U.S. and fled to China shortly after Respondent filed a notice of appeal.

C(7): GOOD FAITH

- In Case No. 06-O-13980, (the "Geter matter"), Respondent contends that he was conflicted between his client's delays in providing answers to discovery requests and a "noisy withdrawal" that might jeopardize the interests of his client, Ralph Geter who asserted that he still maintained the trust properties at issue.

C(9): SEVERE FINANCIAL STRESS

- In Case No. 08-O-10302 (the "Yung matter"), Respondent contends that he suffered a foreclosure on his residence in early 2007. Thereafter, for most of 2007, Respondent did not have a permanent address and missed important court mail.

ADDITIONAL MITIGATING CIRCUMSTANCE: RESTITUTION & REMEDIATION

- In Case No. 08-O-10440, in addition to acknowledging culpability for his misconduct hereinabove, Respondent expressed remorse and took remedial steps by filing in Probate Court a Petition to Return Attorney's Fees, in the matter *Estate of Morris Keyes*, County of Los Angeles Superior Court Case No. BP 112532, notifying all counsel and any unrepresented parties and voluntarily placing himself under the Superior Court's jurisdiction for a restitution plan of \$300 per month until fully paid.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct

Standard 1.6(a) provides that where two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanctions imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.4 [Offenses involving failure to communicate/perform services]: Culpability for failure to perform in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6 [Offenses involving other specified sections of the Business and Professions Code]: Culpability of a violation of any provision of sections 6068 and 6103 shall result in disbarment or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline.

In *In Re Ronald Robert Silverton* (2005) Supreme Court Order S123042, the Supreme Court stated that the standards are entitled to great weight and that the State Bar court should follow the guidance of the Standards for Attorney Sanctions whenever possible.

Case Law

Abandonment of a single client has resulted in stayed suspension or a short actual suspension even in the absence of a prior record of discipline. "Decisions of the Supreme Court and our court involving abandonment of a client's case with no prior record of the attorney's misconduct have typically resulted in discipline ranging from no actual suspension to 90 days of actual suspension." (*In the Matter of Nees* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 459 [2-year stayed suspension, 2 years probation, 6 months actual suspension and until restitution].) See also *Layton v. State Bar* (1991) 50 Cal.3d 889 [30 days actual suspension for abandonment of a trust/estate matter; no prior discipline in 30 years]; *Harris v. State Bar* (1990) 51 Cal.3d 1082 [90 days actual suspension for abandonment of a single client matter; no prior discipline in 10 years]; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921 [stayed suspension, no actual, for abandonment of a single client matter; no prior discipline]; *Wren v. State Bar* (1983) 34 Cal.3d 81 [45 days actual suspension for failing to perform in a single client matter with misrepresentation to client; no prior discipline in 22 years]; *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32 [stayed suspension, no actual, for abandonment of client and failure to release client file; no prior discipline.]

COSTS OF DISCIPLINARY PROCEEDINGS

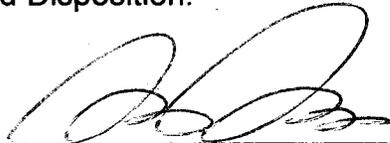
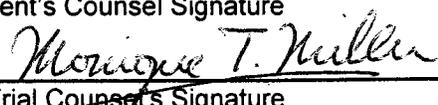
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that, as of June 15, 2010, the prosecution costs in this matter are \$3,522.40. Respondent further acknowledges that, should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of Thaddeus J. Culpepper	Case number(s): 06-O-13980, 08-O-10302, 08-O-10440
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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>6-23-10</u> Date	 Respondent's Signature	<u>THADDEUS J. CULPEPPER</u> Print Name
<u>June 23, 2010</u> Date	 Deputy Trial Counsel's Signature	<u>MONIQUE T. MILLER</u> Print Name

(Do not write above this line.)

In the Matter Of
Thaddeus J. Culpepper

Case Number(s):
06-O-13980; 08-O-10302; 08-O-10440

ORDER

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

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

PAGE 5 - PARAGRAPH E, (7) - CHECK 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.)**

07-07-10
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 8, 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 Los Angeles, California, addressed as follows:

THADDEUS J CULPEPPER
556 S FAIR OAKS AVE #302
PASADENA CA 91105

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:

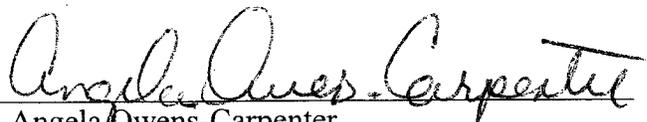
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 8, 2010.


Angela Owens-Carpenter
Case Administrator
State Bar Court