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ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar	Case Number (s)	(for Court's use)
Suzan J. Anderson **Deputy Trial Counsel** **1149 S. Hill Street** **Los Angeles, California 90015** **(213) 765-1209** Bar # **160559**	**06-O-14355-RAP** **PUBLIC MATTER**	FILED JUL 24 2008 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent **ROBERT FRANCIS GRAHAM** Bar # **76589**		
In the Matter Of: **ROBERT FRANCIS GRAHAM** **629 Third Avenue** **Suite "I"** **Chula Vista, California 91910** **(619) 426-4350** Bar # **76589** A Member of the State Bar of California (Respondent)	Submitted to: **Settlement Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **STAYED SUSPENSION; NO ACTUAL SUSPENSION** ☐ PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted **December 21, 1977**.

(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 **20** 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".

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(6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

☐ costs added to membership fee for calendar year following effective date of discipline.
☒ costs to be paid in equal amounts prior to February 1 for the following membership years: **the following 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 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. **The client's case was dismissed and Respondent did not schedule the arbitration in the client's matter, so the matter was never concluded.**

(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. **Please see Attachment, page 19.**

(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

Please see Attachment, pages 17 through 19.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law 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: .

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **one (1) year**, 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.

(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:**

Attachment language (if any):

Please see Attachment, pages 8 through 19.

In the Matter of **ROBERT FRANCIS GRAHAM, 76589** A Member of the State Bar	Case number(s): **06-O-14355**

Law Office Management Conditions

a. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.

b. ☒ Within days/ months/**one (1)** years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **six (6)** hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)

c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT FRANCIS GRAHAM

CASE NUMBER(S): 06-O-14355

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

COUNT ONE

FACTS

1. On August 28, 2003, Miguel and Maria Guzman (the "Guzmans") employed Respondent to represent them in a breach of contract action against their former real estate agent, April Alva ("Alva"). On that date, the Guzmans paid Respondent $2,500 in advanced attorney fees.

2. On February 13, 2004, Respondent filed a lawsuit in San Diego Superior Court on the Guzmans' behalf entitled *Miguel Guzman and Maria Guzman v. April Alva, Gold Key Financial, Inc., dba Realty Executives*, Case Number GIC825620 (the "Guzman action"), alleging negligence, intentional misrepresentation and damages.

3. On June 10, 2004, defense counsel filed a Motion to Compel Arbitration and for a Stay in the Guzman action, with a hearing to be held on July 16, 2004. The Motion was properly served on Respondent as counsel for the Guzmans, at 3914 Murphy Canyon Road, Suite 167, San Diego, CA 92123, Respondent's address of record in the Guzman matter and also his membership records address at that time. Respondent received the Motion.

4. Respondent failed to respond to the Motion to Compel Arbitration and for a Stay in the Guzman action.

5. On July 16, 2004, the Court granted defense counsel's Motion to Compel Arbitration, ordered the Guzman action to arbitration, and stayed the Guzman action for 90 days.

6. On July 19, 2004, defense counsel filed a Case Management Questionnaire in the

Guzman action, stating that defendants were willing to participate in mediation, binding judicial arbitration and/or binding private arbitration.

7. On July 20, 2004, Respondent filed a Case Management Questionnaire in the Guzman action, stating that the Guzmans were willing to participate in mediation, binding judicial arbitration and/or binding private arbitration.

8. At no time did Respondent make any attempts to schedule the arbitration ordered by the Court.

9. On October 21, 2004, the Court scheduled a Case Management Conference in the Guzman action to be held on November 24, 2004 and gave proper notice to all parties.

10. On November 24, 2004, Respondent and defense counsel appeared at the Case Management Conference. The Court ordered that the parties be scheduled for mandatory arbitration. The Court continued the Case Management Conference until February 25, 2005.

11. On February 25, 2005, Respondent and defense counsel appeared at the Case Management Conference. The Court ordered that a dismissal be filed with the Court.

12. On March 1, 2005, Respondent filed a Request for Dismissal without Prejudice in the Guzman action and the Court dismissed the action without prejudice as of that date. After filing the Request for Dismissal, Respondent took no further action with respect to the Guzman action.

13. At no time did Respondent adequately discuss dismissing the Guzman action with the Guzmans, so they would understand the effects of the dismissal, or obtain their consent or authority to dismiss the Guzman action.

CONCLUSIONS OF LAW

By failing to respond to defense counsel's Motion to Compel Arbitration, failing to schedule and participate in the mandatory arbitration, failing to adequately discuss dismissing the Guzman action with the Guzmans, and failing to obtain the Guzmans' consent to the dismissal prior to dismissing the Guzman action, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rule 3-110(A) of the Rules of Professional Conduct.

COUNT TWO

FACTS

14. The allegations of paragraphs 1 through 13 above are incorporated by reference.

15. At no time did Respondent inform the Guzmans that he was going to file a Request for Dismissal in the Guzman action or that their case had been dismissed by the Court.

CONCLUSIONS OF LAW

By failing to inform the Guzmans that he was going to file a Request for Dismissal in the Guzman action or that their case had been dismissed by the Court, Respondent failed to keep a client reasonably informed of significant developments in a matter in which he had agreed to provide legal services in violation of Business and Professions Code section 6068(m).

COUNT THREE

FACTS

16. The allegations of paragraphs 1 through 13 above are incorporated by reference.

17. Between February 2005 and September 2005, Mr. Guzman placed numerous telephone calls to Respondent at the telephone number Respondent had given him. Mr. Guzman always left a message requesting a return telephone call from Respondent regarding the status of the Guzman action. Respondent failed to return any of Mr. Guzman's telephone calls.

18. On September 23, 2005, the Guzmans attempted to send a certified letter to Respondent requesting information about their case. The letter was properly mailed to Respondent at the address he gave the Guzmans, which was also his membership records address at the time, but was returned by the United States Postal Service labeled "attempted not known."

19. On December 6, 2005, the Guzmans employed another attorney, James H. Pasto ("Mr. Pasto"), to assist them in contacting Respondent and discovering the status of the Guzman action.

20. On December 6, 2005, Mr. Pasto sent a letter to Respondent at the address which Respondent had given the Guzmans, which was also Respondent's membership records address at that time. Mr. Pasto's letter requested that Respondent release the Guzmans' file to him, requested an accounting and a refund of attorney's fees and an explanation as to why the Guzman action was dismissed. The letter was promptly mailed by first class mail, postage

prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The letter was not returned by the United States Postal Service as undeliverable or for any other reason. Respondent never responded to the December 6, 2005 letter.

21. On December 14, 2005, Mr. Pasto sent another letter to Respondent at the same address regarding the Guzman action. The letter was promptly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The letter was not returned by the United States Postal Service as undeliverable or for any other reason. Respondent never responded to the December 14, 2005 letter.

CONCLUSIONS OF LAW

By failing to respond to the Guzmans' telephone calls and the letters from Mr. Pasto on behalf of the Guzmans, Respondent failed to respond promptly to status inquires of a client in violation of Business and Professions Code section 6068(m).

COUNT FIVE

FACTS

22. The allegations of paragraphs 1 through 13 and 17 through 21 above are incorporated by reference.

23. At no time after the December 6, 2005 request from Mr. Pasto, did Respondent provide an accounting to the Guzmans.

CONCLUSIONS OF LAW

By failing to provide an accounting of the funds paid by the Guzmans, Respondent failed to render appropriate accounts to a client regarding all funds of the client coming into his possession in violation of Rule 4-100(B)(3) of the Rules of Professional Conduct.

COUNT SIX

FACTS

24. The allegations of paragraphs 1 through 13 and 17 through 21 are incorporated by reference.

25. To date, Respondent has failed to forward the Guzmans' file as requested in Mr.

Pasto's December 6, 2005 letter.

CONCLUSIONS OF LAW

By failing to return or otherwise release the Guzmans' client file, Respondent failed, upon termination of employment, to release promptly to a client, at the request of the client, all the client's papers and property in violation of Rule 3-700(D)(1) of the Rules of Professional Conduct.

COUNT SEVEN

FACTS

25. On September 1, 2006, the State Bar opened a investigation, case number 06-O-14355, pursuant to a complaint filed by Miguel Guzman (the "Guzman matter").

26. On November 1, 2006 and December 21, 2006, a State Bar investigator wrote to Respondent regarding the Guzman matter. Both of the investigator's letters were placed in sealed envelopes correctly addressed to Respondent at his State Bar of California membership records address. The letters were promptly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letters as undeliverable or for any other reason.

27. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Guzman matter. Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

CONCLUSIONS OF LAW

By not providing a written response to the allegations in the Guzman matter or otherwise cooperating or participating in the investigation of the Guzman matter, Respondent failed to cooperate in a disciplinary investigation.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was July 3, 2008.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

Case No.	Count	Alleged Violation
06-O-14355	Four	Rule 3-700(D)(2)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 3, 2008, the costs in this matter are $3,654.00. 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.

Pursuant to Standard 1.3, the primary purposes of disciplinary proceedings and imposing sanctions for professional misconduct are, "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession."

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

Standard 2.6 states that culpability of a member of any violation of Business and Professions Code section 6068 shall result in disbarment to suspension depending on the gravity of harm to the victim.

The Supreme Court gives the Standards "great weight," and will reject a recommendation consistent with the Standards only where the Court entertains "grave doubts" as to its propriety. *In re Naney* (1990) 51 Cal. 3d 186, 190; *see also In re Silverton* (2005) 36 Cal. 4th 81, 91, 92. Further, although the Standards are not mandatory, it is well established that the Standards may be deviated from only when there is compelling, well-defined reason to do so. *See Aronin v. State Bar* (1990) 52 Cal. 3d 276, 291; *see also Bates v. State Bar* (1990) 52 Cal. 3d 1056, 1060,

fn. 2.

The State Bar recognizes that the Standards should not be applied in a talismanic fashion. *Gary v. State Bar* (1988) 44 Cal. 3d 820, 828. However, Respondent bears the burden to demonstrate that the State Bar should deviate from the Standards.

In *Van Sloten v. State Bar* (1989) 43 Cal.3d 921, the member was employed to handle an uncontested divorce. When his client's spouse stopped cooperating, and despite efforts of his client to contact him, Van Sloten simply discontinued work. At hearing he received a public reproval. The Review Department increased the discipline to two years stayed. The Supreme Court reduced it to six months stayed, noting that it was a failure to perform **without** serious consequences to the client.

In the matter of *Harris v. State Bar* (1990) 51 Cal.3d 1082, the member failed to perform in one client matter, but over a four-year period. In contrast with *Van Sloten*, the conduct of Harris caused substantial harm to the client. Harris was suspended for three years, including ninety (90) days of actual suspension. The Harris court said, in part, quoting language from *Van Sloten*"

> "Furthermore, petitioner has shown no remorse, or even an understanding that her years of neglect were improper in any respect. An attorney's failure to accept responsibility for, or to understand the wrongfulness of, her actions may be an aggravating factor unless it is based on an honest belief in innocence." *Harris, supra*, 51 Cal.3d at p. 1088 citing *Van Sloten, supra*, 48 Cal.3d at p. 932.

In this matter, although the period of time over which the conduct occurred is shorter, Respondent's failure to competently perform caused the Guzmans to lose their cause of action and they have not been able to afford another attorney to reinstate the matter.

In *Layton v. State Bar* (1990) 50 Cal.3d 889, a failure to competently perform in an estate matter led to a suspension of three years, including thirty (30) days actual suspension. Layton had excuses. He blamed his secretary for one. As to his failure to timely file an inventory and appraisement, there were lots of problems, including a misfiling, and the difficulty in locating bank accounts. As the Court said, "In cases involving failure, similar to petitioner's, to perform services diligently, we have not hesitated to impose actual suspension." *Id.* at p . 904.

Due to Respondent's compelling mitigation, this disposition is appropriate within the Standards and Case Law.

MITIGATING CIRCUMSTANCES.

Please see Respondent's Declaration attached hereto as Exhibit "A".

Respondent is no longer experiencing the family problems that required his time away from his practice and is able to concentrate on his practice as much as required since his father recuperated form his surgery.

Respondent was also having trouble with the mail being delivered to his suite, which he has now rectified with the U.S. Postal Service.

Respondent has refunded $1376.00 (the portion of the retainer paid by the Guzmans which was not used for costs) to the Guzman's.

Exhibit "A"

ROBERT F. GRAHAM, ESQ. CSB#76589
629 Third Avenue,
Suite "I"
Chula Vista, California 91910
619-426-4350
619-426-4396 fax

Attorneys for Respondent

THE STATE BAR COURT
HEARING DEPARTMENT – LOS ANGELES

In the Matter of Robert F. Graham N0. 765689 A Member of the State Bar.	CASE NO. 06-O-14355 Declaration of Robert F. Graham

Comes now Respondent, Robert F. Graham, who declares as follows:

1. That I have been an attorney licensed in California since December 1977, without prior disciplinary action having been taken against my license.

2. That I intend that this declaration be used to demonstrate mitigation elements that I have represented orally to Counsel for the State Bar Court.

3. I have in 1978 helped to establish a volunteer legal clinic with the assistance of the Chicano Federation of San Diego County. During the first 17 years of practice I actively volunteered my time, initially as much as two half days each week, then one half day per week. During this time period I recruited several other attorneys to volunteer time within the clinic that I established, there were at times an attorney in the clinic every day of the work week. These services were offered without remuneration to the volunteer attorneys, including myself.

4. During the next 14 years of my practice I continued to accept office referrals from the clinic without charge to the clients referred to my office and occasional stood in for a volunteer session when the clinic was short handed. This continues on a lesser level as I draft this declaration.

5. During the time in which I was actively manning the clinic, I became aware of the intention of the Chicano Federation to start a low income/disabled/senior housing project. I was asked to review the contracts for a small six unit housing development. After review of the contract I suggested that the available funds could be better spent acquiring existing units. Shortly thereafter I was asked to become the Chairman of Housing Development, which I accepted. Over the course of the next five years under my guidance the Chicano Federation was able acquire nearly 300 housing units, all of which are permanently dedicated to low income senior and/or disabled individuals at significantly reduced monthly rental amounts. The current value of what was acquired would have a market value of approximately $30,000,000.00

6. Because of my efforts in establishing the clinic I was honored at a 500 person dinner honoring myself and other volunteers for their efforts on behalf of the economically disadvantaged individuals in San Diego County. A copy of the award is attached hereto.

7. Ten years later I received an additional award at the annual gala, for my efforts as Chairman of the Housing Development Committee. A copy of the award is attached hereto.

8. Concurrently and through today I have also volunteered as a committee member on the advisory board for Stunts-Ability, a not for profit organization which provides services to less than able children. Its goals are to create a training opportunities for disabled individuals in the entertainment industry, to place trained amputee stunt actors in movie and television roles, to provide an outlet for disabled persons to share experiences and build self esteem, to change attitudes and public perception about the disabled population and to help troubled youths get off the streets, out of gangs, and into responsible lives.

9. I have organized fund raising efforts in Las Vegas at the Paris Hotel, assisted in reviewing contracts with various donor organizations, attended numerous meetings in an effort bring in donations.

10. I have freely and generously given of my time over the entirety of my career to non-profit public service organizations, I continue to do so today.

11. During the time frame in question there were familial obligations that required my attention away from my office for significant periods of time. My mother had become ill, she was a breast cancer survivor but succumbed in October of 2006 due to complications involving respiratory failure, this was a long and difficult illness for her over three years resulting in her death. During this same time frame my father suffered from pulmonary heart failure due to a failing heart valve, which ultimately required a valve replacement and the installation of a pacemaker.

I declare under penalty of perjury, that the foregoing is true and correct and if called to testify to would do so of my own knowledge.

Dated: June 18, 2008

Robert F. Graham, Respondent

(Do not write above this line.)

In the Matter of **ROBERT FRANCIS GRAHAM,** **76589**	Case number(s): **06-O-14355**

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.

7/10/2008 Date	Respondent's Signature	ROBERT FRANCIS GRAHAM Print Name
Date	Respondent's Counsel Signature	Print Name
7/11/08 Date	Deputy Trial Counsel's Signature	SUZAN J. ANDERSON Print Name

(Do not write above this line.)

In the Matter Of **ROBERT FRANCIS GRAHAM,** **76589**	Case Number(s): **06-O-14355**

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:

- [X] 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.)**

7/24/08
Date

Judge of the State Bar Court

RICHARD A. HONN

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 24, 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:

ROBERT FRANCIS GRAHAM
629 3RD AVE STE I
CHULA VISTA CA 91910

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

SUZAN ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 24, 2008**.

Angela Owens-Carpenter
Case Administrator
State Bar Court