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RECEIVED State Bar Court of California
Hearing Department
Los Angeles

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| <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>Counsel For The</p> <p>Djinna M. Gochis, Assistant Chief Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1000</p> <p>Bar # 108360</p> | <p>Case Number (s) 06-0-15178, 07-0-10730 and 08-0-10076</p> | <p>(for Court's use)</p> <p>FILED</p> <p>DEC 17 2009</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p> |
| <p>In Pro Per Respondent</p> <p>Daniel Thomas Streeter 137 North Larchmont Boulevard, No. 500 Los Angeles, California 90004</p> <p>Bar # 183703</p> | <p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> | |
| <p>In the Matter Of: DANIEL THOMAS STREETER</p> <p>Bar # 183703</p> <p>A Member of the State Bar of California (Respondent)</p> | | |

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **October 26, 1996**.
- (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."

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

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 **05-0-00457 (S144992)**
 - (b) Date prior discipline effective **October 13, 2006**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **4-100(A), 4-100(B)(4)**
 - (d) Degree of prior discipline **Six months, stayed, one year probation**
 - (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.

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

Actual Suspension

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Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

see page 10-11

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (1) year**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

(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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (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 951-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason: **Respondent took and passed the MPRE as part of his prior discipline in early 2008. Although this stipulation is more than a year after that attendance, the protection of the public does not require that Respondent take and pass the examination again. (In re Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rprt. 181)..**

- (2) **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule

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within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3) **Conditional Rule ~~955~~ 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 ~~955~~ 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: As to Count One, 06-0-15178:** Respondent shall attend the courses previously ordered by Judge King, that is ten (10) hours of continuing legal education in federal civil procedure and law practice/law practice management within six (6) months of the effective date of this stipulation and provide proof, in writing, to the Office of Probation within thirty (30) days, thereafter.

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Attachment language begins here (if any):

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ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DANIEL THOMAS STREETER
CASE NUMBER(S): ET AL. 06-0-15178; 07-0-10730 and 08-0-10076

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
06-0-15178
Rosenfeld

1. On February 22, 2005, Respondent was sanctioned \$1,850.00 in the matter of *Layton v. Int'l Assn of Machinists*, USDC, Case no. CV 04-4227 by Magistrate Judge Robert Block related to a motion to compel discovery by one of the defendants, District Lodge.
2. Respondent filed objections to these sanctions, but on March 9, 2009, Judge George King affirmed them and imposed an additional sanction, that is, that Respondent attend ten (10) hours of continuing legal education in federal civil procedure/law office management within six (6) months, as well as to pay the previously ordered sanctions.
3. Respondent dismissed District Lodge from the lawsuit in the summer of 2005. Once the case was dismissed against this defendant, he did not thereafter pay the sanctions nor attend the classes.

Conclusion of Law

4. By his failure to pay the monetary sanction and to attend the classes as ordered, Respondent failed to comply with the orders of the court in willful violation of section 6103 of the California Business and Professions Code.

Count Two
07-0-10730
Chong

5. Respondent was employed in April 2003 to substitute into the representation of Zenida Chong ("Chong") with regard to her dissolution matter. There was no written retainer. Respondent orally charged Chong \$1,000.00.
6. Respondent began work on the case. Respondent asserts that he made an oral motion to substitute into Chong's case. He did not, however, formally file a substitution into the case for six months after he was hired, causing services to be made on Chong's former attorney at an address at which she was no longer located.

7. Respondent filed a substitution into the case on October 20, 2003.
8. In January 2004, the hearing proceeded. Respondent appeared. The court found that Chong's husband was in arrears in spousal support, made orders regarding its payment, and ordered that the judgment be prepared by counsel for Chong's husband, Martin Coose ("Coose").
9. On January 29, 2004, Respondent wrote to Coose, noting that he had not received the judgment/order and that, as to the arrears in spousal support, if Respondent did not receive the payment, he would take all applicable enforcement measures.
10. From mid-2004 until March 2005, Respondent took no further action on Chong's case.
11. In March 2005, Chong met with Respondent and agreed to complete the work, including preparing the Judgment, which had not been prepared by Coose and seeking to garnish Mr. Chong's wages.
12. Except for attempting to file a Trial Setting Request that was rejected as not in proper form, Respondent took no further action on Chong's matter between March 25, 2005 until June 17, 2006.
13. On June 17, 2006, Chong fired Respondent. She hired a new attorney.

Conclusions of Law

14. By failing to formally substitute into Chong's dissolution case for six months after he was hired, by failing to follow up with Coose to obtain and effectuate the judgment after trial, after mid-2004 until June 16, 2006, and to take any action to conclude the matter, Respondent failed to complete performance in willful violation of rule 3-110(A) and withdrew from employment without taking reasonable steps to avoid foreseeable prejudice to his client in willful violation of rule 3-700(A)(2).

Count Three
08-0-10076

15. On May 2, 2006 Respondent entered into a stipulation of Facts and Conclusions of Law related to his handling of client funds, in matter 05-0-00457.
16. The Stipulation was approved by the State Bar Court on May 23, 2006 and by Supreme Court Order on September 13, 2006 (S144992), effective thirty (30) days thereafter.
17. The relevant conditions with which Respondent was to comply included quarterly reports, CPA reports, if the Respondent held any client or third party funds, restitution of \$1,350, six (6) participatory continuing education classes, attendance at Ethics School and Client Trust Accounting Class. He was to provide written proof of compliance with the relevant terms and conditions within specific time frames.
18. On November 13, 2006, a Probation Deputy of the Office of Probation sent a letter to Respondent outlining the requirements of the Order and advising of the dates of compliance.

Enclosed with the letter were copies of the Supreme Court Order and the relevant conditions and instructions for compliance. Respondent received the letter and enclosures.

19. The Probation Deputy also contacted the Respondent by telephone to remind him of his obligations, on more than one occasion.
20. Respondent failed to timely meet the conditions as follows:
 - Quarterly reports due January 10, April 10, July 10, and October 10, 2007 were not filed until August 21, and November 26, 2007 respectively
 - The Restitution payment due July 13, 2007 was not made and proof thereof provided until December 11, 2007
 - Respondent was to attend Ethics School and Client Trust Accounting Class by October 13, 2007. He attended on December 13 and 14, 2007, respectively.
21. Respondent failed to timely complete the full six hours of continuing education and provide proof thereof by October 13, 2007. The last two hours of his continuing education courses were not completed until March 11, 2009 after the referral of this matter.
22. Respondent failed to provide two CPA reports due in January and April 2007, until July 10, 2009 after referral of this matter.

Conclusions of Law

23. By his conduct in failing to timely comply with conditions of his probation, Respondent violated the conditions of his probation and disobeyed an order of the court in willful violation of sections 6068(k) and 6103 of the California Business and Professions Code.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was November 5, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 14, 2009, the prosecution costs in this matter are \$5,949.00. 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.

Respondent does not have significant mitigation to explain his procrastination as to the Chong and probation matters. He indicates that he understands that his procrastination and the necessity to prod him into action is not good for either his clients or himself and can have dire consequences for both. Respondent has worked with the State Bar in conjunction with this stipulation and demonstrated his cooperation and good intention in its conclusion.. Respondent asserts that he will surely comply with all conditions of this new stipulation and demonstrate his understanding of his obligations to the State Bar, to opposing counsel and to his clients.

The analysis of what is appropriate discipline begins with the Standard for Attorney Sanctions as re-affirmed by In Re Silverton (2005) 36 Cal.4th 81. Though they are not binding on the Supreme Court, and are not a "fixed formula" they do promote consistent and uniform application of discipline as well as the purposes of discipline, enunciated in standard 1.3, that is, the protection of the public, the courts and the legal profession as well as the maintenance of high professional standards.

Several of the guidelines apply in this instance. Respondent has prior discipline of six months stayed, one year probation, and conditions, and unless the prior was so remote in time, or was so minimal in severity, greater discipline should be imposed on this occasion. Secondly, there is, standard 2.6 as it relates to the failure to pay the sanctions in the Layton matter after his objections were dismissed by a second judge and his failure to attend the classes that that judge ordered. Respondent contends that since he dismissed that case, the sanctions somehow dissipated and did not require compliance, by virtue of the habit and custom of practice. Respondent understands after discussion with the State Bar that this is not necessarily the case and that if he had further basis for objection he should have appealed. In that three years', approximately, have passed since the imposition of these sanctions and they have not been enforced civilly, Respondent is not being required pay the monetary sanctions as part of this discipline, pursuant to the parties' discussion with the settlement judge. Respondent has agreed to attend the MCLE classes he should have done as part of Judge King's order, as previously specified, to heighten his understanding of his obligations to the Bar, the profession, the administration of justice, his colleagues and his clients.

The failure to comply with court orders allows for a broad range of disciplinary response from suspension to disbarment. Finally, there is standard 2.4 which delineates that the response to a failure to communicate or perform that does not demonstrate a pattern, is between a reproof and suspension depending on the gravity of the offense.

Balancing these parameters against the permissible purpose of discipline- the rehabilitation of the member- the proper response appears, for the purposes of stipulation, to be one (1) year, stayed, two (2) years probation, with thirty (30) days actual suspension and conditions as heretofore indicated. Respondent understands that if he is unable to comply, without the constant prodding of the State Bar, that the consequences to him and his license will be serious. Respondent understands that he has an opportunity to address the deficiencies that have led him again to discipline before the State Bar.

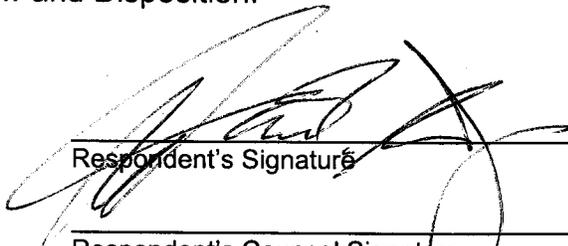
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| In the Matter of DANIEL THOMAS STREETER | Case number(s): 06-0-15178; 07-0-10730; 08-0-0076 |
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SIGNATURE OF THE PARTIES

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.

11/28/09
Date

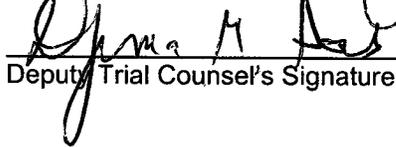


Respondent's Signature

DANIEL THOMAS STREET ER, JR
Print Name

12/1/09
Date

Respondent's Counsel Signature



Deputy Trial Counsel's Signature

DJINNA M. GOCHIS
Print Name

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| In the Matter Of DANIEL THOMAS STREETER | Case Number(s): 06-0-15178; 07-0-10730; 08-0-10076 |
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ORDER

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

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

The 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.)**

12-15-09
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 San Francisco, on, December 17, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

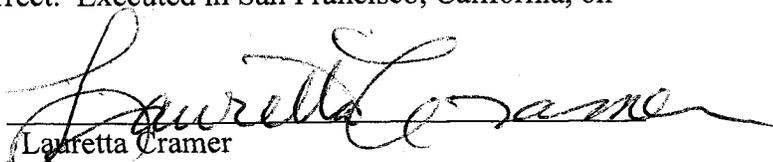
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**DANIEL T. STREETER JR.
LAW OFC DANIEL T STREETER JR
137 N LARCHMONT BLVD #500
LOS ANGELES, CA 90004**

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

DJINNA GOCHIS , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 17, 2009.


Laurretta Cramer
Case Administrator
State Bar Court