

(Do not write above this line.)

**State Bar Court of California
Hearing Department
Los Angeles**



<p>Counsel For The State Bar</p> <p>Jean Cha Deputy Trial Counsel 1149 S. Hill St Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 228137</p>	<p>Case Number (s) 06-O-15409 & 06-O-15410</p> <p align="center">PUBLIC MATTER</p>	<p>(for Court's use)</p> <p align="center">FILED</p> <p align="center">JUN 22 2010 <i>WOC</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Paul J. Virgo PO Box 67682 Los Angeles, CA 90067-0682 (310) 642-6900</p> <p>Bar # 67900</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: Robert Berchan</p> <p>Bar # 118869</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 July 11, 1985.
- (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 15 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: Two Billing Cycles Following the Effective Date of the Supreme Court Order.
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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. In the Matter of Riordan (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49 - 17 years without prior discipline entitled to significant mitigating weight; Std. 1.2(e)(i).
- (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. Respondent cooperated during the pendency of the instant proceeding by stipulating. He also recognized his wrongdoing and admitted culpability. His candor and cooperation are mitigating factors. (Std. 1.2(e)(v).)
- (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. In June 2009, Respondent completed State Bar Client Trust Accounting School on his own initiative. (Std. 1.2(e)(vii).)
- (5) **Restitution:** Respondent paid \$ 1,408 on 02/08/2007 in restitution to Donovan without the threat or force of disciplinary, civil or criminal proceedings. Respondent was not obligated to make such restitution payment; this action also demonstrates remorse. (Std. 1.2(e)(iii).)
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. Respondent has

presented character letters from a wide range of individuals in the community who can attest to his honesty and integrity. (Std. 1.2(e)(vi).)

- (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

There was an absence of substantial harm to the clients or othe parties because the parties were paid once they became entitled to the funds and in the Donovan matter, the client was paid even though Respondent was entitled to the funds.

The negative balance in Respondent's CTA in October 2006 was caused when Respondent withdrew funds from his CTA based upon a retainer fee in an unrelated matter where the check from the client was not honored.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of Two Years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of Three Years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of Six Months.
- 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: Respondent successfully completed State Bar Ethics School, June 18, 2009, and submitted proof of passage of the course.
- (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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

Attachment language begins here (if any):

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

IN THE MATTER OF: ROBERT BERCHAN, 118869
CASE NUMBERS: 06-O-15409 & 06-O-15410

Respondent admits the facts set forth in the stipulation are true and that he is culpable of violations of the specified statutes and Rules of Professional Conduct.

CHAVEZ MATTER (06-O-15409)

FACTS

1. At all times relevant, Respondent maintained a client trust account at Bank of America (BOA), account number ending in 1574 (the CTA).
2. In early 2006, Fred Chavez ("Fred") retained Respondent to represent him in a dissolution of marriage matter entitled Susan M. Chavez v. Fred R. Chavez, Los Angeles County Superior Court, Case no. PD 040267, filed January 4, 2006.
3. Fred Chavez and Susan Chavez ("Susan") had been separated and living apart from one another from early 2005.
4. In early 2006, the Chavez' son received in-patient medical care at Action Family Counseling ("AFC") from January 2, 2006 through March 15, 2006.
5. At a January 30, 2006 hearing, Fred and Susan, through respective counsel, communicated their belief and understanding that Fred's insurance company, Blue Cross of California ("Blue Cross") would cover certain in-patient medical services for their son.
6. On February 16, 2006, Susan wrote a check in the amount of \$6,000 payable to "Action Family Counseling, Inc." to cover medical services provided to her son under the belief that she might be reimbursed from Blue Cross.
7. On March 24, 2006, Blue Cross approved and accepted the claim for services covering the period from February 14, 2006 through February 27, 2006 only.

8. On May 9, 2006, by her own initiative, Susan made a request to appeal Blue Cross's decision not to cover all expenses related to medical services provided to her son.

9. On May 26, 2006, Blue Cross wrote to Susan and informed her that Blue Cross reviewed the request to have claims paid and would cover in-patient medical services for her son for the period of January 2, 2006 through February 27, 2006; totaling \$8,366.

10. On May 26, 2006, in the same letter, Blue Cross declined coverage for the period from February 28, 2006 through March 15, 2006. Totaling \$6,052 in fees for medical services rendered. Blue Cross advised Susan to petition the Department of Managed Health Care ("DMHC").

11. Sometime in the summer of 2006, Susan petitioned the DMHC and filed an application requesting an Independent Medical Review (IMR) of Blue Cross's decision to deny coverage for reimbursement for services rendered by AFC from February 28, 2006 through March 15, 2006.

12. On July 31, 2006, the DMHC made an administrative exception and agreed to reimburse Susan in the amount of \$6,052. Susan was advised that Blue Cross would contact her regarding reimbursement.

13. In early August 2006, because Fred was the subscriber to Blue Cross, Blue Cross sent the check for reimbursement to Fred in the amount of \$6,052; check number 66276059 payable to Fred R. Chavez, dated August 7, 2006.

14. Upon receipt of the check from Blue Cross, Fred forwarded the check to Respondent in mid-August 2006.

15. On August 21, 2006, Respondent deposited Blue Cross check number 66276059 in the amount of \$6,052 into his CTA.

16. On August 22, 2006, Respondent wrote a letter to Susan's attorney, Frank, informing Frank that Fred had recently given Respondent a check from Blue Cross payable to

Fred in the amount of \$6,052. Respondent requested an accounting and explained that Fred believed Susan made a claim with Blue Cross. However, the appropriate allocation of the funds was in dispute as Fred had also contributed his separate property for the benefit of their son and was entitled to offsets.

17. Over the next four months, from August 2006 through December 2006, Susan and her attorney, Frank, sought disbursement of the funds from Respondent's office.

18. On September 14, 2006, Frank requested Respondent forward payment of \$6,052 to Frank's office. Respondent did not disburse the amount to Frank or Susan because Fred was disputing entitlement and disbursement would have been against his client's wishes and interests unless there was a court order. Respondent advised Frank that he would not oppose an ex parte motion seeking release of the subject funds and that disbursement would be forthcoming upon court order.

19. On October 2, 2006, the balance in Respondent's CTA fell below zero. Respondent discovered the dip and reimbursed the CTA with his own personal funds to replenish the CTA in late December 2006.

20. In November 2006, Frank, on behalf of Susan, demanded that he send a check for \$6,052 to Frank's office to reimburse Susan.

21. In December 2006, Respondent communicated to Frank that his client would not authorize release of the funds from his CTA until or unless the case was settled and several financial issues in dispute were resolved.

22. On December 15, 2006, Susan, through attorney Frank, filed an order to show cause for disbursement of petitioner's separate funds from Respondent's attorney trust account and attorney fees and costs.

23. On December 15, 2006, at an ex parte hearing, the Los Angeles Superior Court Judge ordered Respondent disburse to Susan \$6,052 from his CTA payable on or before January

1, 2007, and ordered Respondent pay Susan \$1,250 for attorney's fees, in which proceeding Respondent asserted no objections to disbursing the funds.

24. On December 26, 2006, Respondent wrote a check from his CTA in the amount of \$6,052 payable to Susan Chavez, check number 1243.

CONCLUSION OF LAW

25. By not maintaining at least \$6,052 in his CTA, Respondent failed to maintain client funds in a trust account in willful violation of rule 4-100(A) of the Rules of Professional Conduct.

DONOVAN MATTER (06-O-15410)

FACTS

26. In September 2004, Leslie Donovan ("Leslie") retained Respondent and paid \$1,000 in advanced attorney fees. Respondent represented Leslie in a dissolution of marriage matter entitled *Floyd E. Donovan v. Leslie D. Donovan*, Los Angeles County Superior Court, Case no. BD 413542, filed September 15, 2004.

27. On September 17, 2004, Respondent substituted in as counsel of record for Leslie in the dissolution matter.

28. On October 20, 2004, the Donovan family residence was sold and Escrow Advantage was authorized by agreement of the parties to disburse \$51,000 of the proceeds from the sale of the home to "Attorney's Trust Account."

29. In October or November 2004, the parties agreed to put the \$51,000 in funds in Respondent's CTA.

30. On November 12, 2004, Respondent deposited into his CTA check number 7182378, payable to "Law Offices of Robert Berchan" in the amount of \$51,000, dated November 9, 2004, from Escrow Advantage.

31. On November 12, 2004, Respondent's CTA balance was \$52,613.83.

32. The parties thereafter stipulated to spend the funds to pay off certain debts. From on November 12, 2004 through on July 5, 2005, Respondent paid out disbursements as agreed upon by the parties.

33. By on June 23, 2005, a final set of stipulated expenditures went out from Respondent's CTA from the \$51,000 funds. The last payment cleared on July 5, 2005.

34. The remaining amount or residual was to be held in trust until the parties could reach a stipulated judgment.

35. From on July 5, 2005 through on August 8, 2006, Respondent should have maintained a minimum of \$1,408 in his CTA, which was the balance of the remaining amount or residual from the funds from the sale of the family residence.

36. On October 20, 2005, Respondent substituted out as Leslie's attorney of record because Leslie could not pay the additional fees requested by Respondent.

37. On October 20, 2005, Respondent sent a letter to Leslie reminding Leslie that Respondent had approximately \$1,400 in funds in his CTA. Leslie did not respond to the October 20, 2005 letter.

38. On October 21, 2005, Leslie filed a substitution of attorney and substituted into her dissolution matter in pro per.

39. Sometime in early 2006, Respondent inadvertently closed the file as so much time had passed and unilaterally took his fee in the amount of \$1,408 and waived the balance of his fee. In error there was a notation in the file that made it appear that the \$1,408 was to cover his attorney fees. This disbursement was premature as the order from the court awarding the entire balance of the funds to Respondent was not filed until August 8, 2006.

40. In the spring of 2006, the parties to the Donovan matter signed a stipulated judgment, which was submitted to the court on June 5, 2006.

41. On July 10, 2006, Respondent's CTA balance dipped below zero. Respondent was required to maintain \$1,408 in his CTA for Leslie's benefit.

42. On August 8, 2006, the stipulated judgment was approved, signed and entered by the court in the Donovan matter.

43. The August 8, 2006 stipulated judgment stated in pertinent part: "The total amount of the \$51,000 held in Respondent's attorney's client-trust account that has been spent is \$49,519.12. The remaining amount of funds is \$1,408. ... Petitioner shall pay Respondent's attorney's fees and costs in the amount of [sic] the amount of the remaining funds from the proceeds of the sale of the family residence held in Respondent's attorney client trust fund."

44. It was not until January 4, 2007, that Leslie wrote Respondent requesting that \$1,408 be disbursed to her.

45. In early January 2007, Respondent responded to Leslie by requesting proof that \$1,408 should be disbursed to her as he never received notice and his file indicated the funds were to cover his attorney fees.

46. On January 15, 2007, Leslie sent Respondent a copy of the stipulated judgment pertaining to the disbursement of funds being held in Respondent's CTA. Respondent received this letter.

47. On February 8, 2007, even though Respondent was entitled to the funds, Respondent sent Leslie a cashier's check for \$1,408, check number 2023848271, prior to the a State Bar complaint.

CONCLUSION OF LAW

48. By not properly verifying the identity of client funds and by mishandling entrusted funds, Respondent, with gross negligence, committed an act of moral turpitude in willful violation of Business and Professions Code section 6106.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any variance between the Notice of Disciplinary Charges filed on June 10, 2009 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

AUTHORITIES.

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.3.)

Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct, Rules Proc. Of State Bar, Title IV, provides that a violation of rule 4-100 shall result in at least a three-month suspension, irrespective of mitigation circumstances. The standards are guidelines (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628) and afforded great weight (*In re Silverton* (2005) 36 Cal.4th 81, 91-92), they are not applied in a talismanic fashion (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994).

In *Howard v. State Bar* (1990) 51 Cal.3d 215, an attorney after only three years in practice, misappropriated approximately \$2,500 and deposited the funds into her personal account and spent the money for personal expenses. Mitigation included complete restitution and cited an alcohol abuse problem. The court deviated from the standards and tempered the mitigation with consideration to facts specific to the attorney. The attorney in Howard received 6 months actual suspension. Here, Respondent also made complete restitution even before learning of a State Bar complaint. Respondent has no prior history of discipline and was in practice over 20 years before the misconduct.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
06-O-15409	One	Section 6106, Business and Professions Code
06-O-15409	Three	Section 6068(i), Business and Professions Code
06-O-15410	Five	Rule 4-100(B)(3), Rules of Professional Conduct
06-O-15410	Six	Section 6068(i), Business and Professions Code

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was May 26, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 26, 2010, the estimated prosecution costs in this matter are approximately \$2,602. Respondent acknowledges that this figure is an estimate only and that it might not include State Bar Court costs that will be included in any final cost assessment (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)), which will be included in any final cost assessment. 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. It is also noted that if Respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision(c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

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In the Matter of Robert Berchan	Case number(s): 06-O-15409 & 06-O-15410
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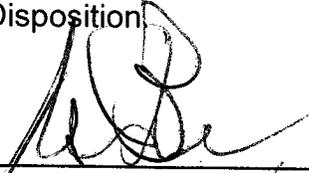
SIGNATURE OF THE PARTIES

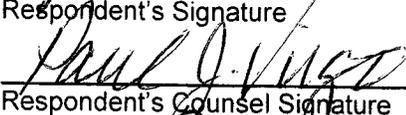
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

6/1/10
Date

6/3/2010
Date

6/7/2010
Date


 Respondent's Signature Robert Berchan
 Print Name


 Respondent's Counsel Signature Paul Virgo
 Print Name


 Deputy Trial Counsel's Signature Jean Cha
 Print Name

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In the Matter Of Robert Berchan	Case Number(s): 06-O-15409 & 06-O-15410
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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.

PAGE 4 - SECTION D (1)(b) - 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.)**

06-22-10
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 June 22, 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:

PAUL VIRGO
P O BOX 67682
LOS ANGELES CA 90067

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:

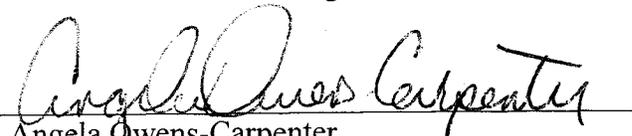
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

JEAN CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 22, 2010.


Angela Owens-Carpenter
Case Administrator
State Bar Court