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**State Bar Court of California
Hearing Department
San Francisco**

<p>Counsel For The State Bar</p> <p>Sherrie B. McLetchie Deputy Trial Counsel 180 Howard Street San Francisco CA 94105 (415) 538-2297</p> <p>Bar # 85447</p>	<p>Case Number (s) 07-C-13677-PEM</p> <p>PUBLIC MATTER</p>	<p>(for Court's use)</p> <p>FILED <i>de</i></p> <p>SEP 24 2009</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Kathleen M. Ewins, Attorney at Law Long & Levit LLP 465 California Street, 5th Floor San Francisco CA 94104 (415) 397-2222</p> <p>Bar # 154365</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Leslie B. Morrison</p> <p>Bar # 178750</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 **December 7, 1995**.
- (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 **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

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- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years:
(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
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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.

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- (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:

Absent unusual and serious facts and circumstances surrounding an attorney's first time DUI conviction, such convictions are not transmitted to the State Bar Court. In this case, the unusual and serious circumstances included the presence of two minor children in respondent's car when she rear-ended the Yukon, her continued driving for a few blocks after the accident, and, that respondent's blood alcohol level tested at or about twice the legal limit.

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 ~~with present misconduct which is not deemed serious.~~ **See "Facts Supporting Mitigating Circumstances."**
- (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. **See "Facts Supporting Mitigating Circumstances."**
- (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. **See "Facts Supporting Mitigating Circumstances."**
- (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

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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. **See "Facts Supporting Mitigating Circumstances."**
- (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 "Facts Supporting Mitigating Circumstances."

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproof:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **1 year**.
- (2) During the condition period attached to the reproof, 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 condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of

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Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproof.
- (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) 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 of the effective date of the reproof.

No MPRE recommended. Reason: **See In the Matter of Respondent G (Review Dept. 1992) 2 State Bar Ct. Rptr. 181, 183-184.**

- (11) 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:

If respondent's terms of probation change in the underlying criminal case, respondent shall serve a copy of the written order making said change on the Office of Probation within 5 days of any such change.

Attachment language (if any):

Facts

Basis for Conviction

On May 13, 2007, after 11:00 p.m., respondent was driving with two 10-year-old children (her child and a friend) in her car when she rear-ended a Yukon stopped at a red light. The Yukon sustained damage to the paint on its rear bumper, for which respondent's insurance company eventually paid \$135. Respondent did not see the Yukon pull over after the collision and, therefore, she continued on her way for approximately three city blocks until the Yukon pulled up next to her. Respondent admitted to police -- who had been called to the scene by a cell phone call from a passenger in the Yukon -- that she had been drinking alcohol and consented to a field sobriety test. The first Intoxilyzer test indicated a blood alcohol level of 0.16. A second test a minute later showed a 0.15. Thereafter, respondent consented to a blood test, and that test indicated a blood alcohol level of 0.14.

Respondent was arrested, and, on May 17, 2007, charged with violation of Vehicle Code sections 23152(b), 23152(a), and 20002(a).

On July 3, 2007, respondent pled to a misdemeanor violation of Vehicle Code section 23152(b), and the other charges were dismissed. At sentencing on August 29, 2007, respondent was given credit for one day in jail, and sentenced to 60 months probation on conditions including: (1) two days work in the Sheriff's work program; (2) attendance at Level I DUI school; (3) payment of a \$1,815 fine; (4) good conduct and obedience of all laws; (5) report of any address change to the Court; and (6) refraining from driving any motor vehicle unless lawfully licensed and insured.

Brief Procedural History

On September 27, 2007, the State Bar transmitted to the State Bar Court Review Department evidence of respondent's conviction, identifying Vehicle Code section 23152(b) as a crime "that may or may not involve moral turpitude or other misconduct warranting discipline."

By order filed October 12, 2007, the Review Department referred this case to the Hearing Department directing in pertinent part that "[T]he Hearing Department of the State Bar Court shall, after a hearing, file a decision limited to whether the facts and circumstances surrounding the offense involved moral turpitude or other misconduct warranting discipline."

On October 18, 2007, after receiving the State Bar's transmittal of evidence of finality of the conviction, the Review Department augmented its previous order "to include a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense of which **LESLIE B. MORRISON** was convicted involved moral turpitude or other misconduct warranting discipline."

Conclusions of Law

The facts and circumstances surrounding respondent's violation of Vehicle Code section 23152(b) did not involve moral turpitude. However, the facts and circumstances surrounding the offense amount to a failure by respondent to support the laws of this state in violation of subdivision (a) of Business and Professions Code section 6068, thereby warranting discipline.

Pending Proceedings

The disclosure date referred to on page one, paragraph A. (7) was September 2, 2009.

Facts Supporting Mitigating Circumstances

No Prior Discipline

Respondent has no prior disciplinary or arrest record.

Candor/Cooperation

Respondent has fully cooperated with the State Bar throughout the course of this conviction referral proceeding. On September 12, 2007, respondent, through her DUI counsel, voluntarily informed the State Bar that respondent pled to a violation of Vehicle Code section 23152(b) on August 29, 2007. Respondent has cooperated by entering into this stipulation with the Office of the Chief Trial Counsel to resolve this matter.

Remorse

Respondent began attending Alcoholics Anonymous ("AA") meetings almost immediately after her arrest, embraces AA, and has faithfully continued to attend since long after having completed court requirements that she do so. To prevent another lapse in judgment from ever occurring, she is committed to never drinking again.

Respondent completed everything the court required of her, and more. She completed all court-ordered programs far earlier than necessary and, as stated above, continues to participate after completion.

In addition, respondent recognized the impact of her mistake in her professional life and acted accordingly. Within days of her arrest, respondent advised the Executive Director of Disability Rights California, Catherine Blakemore, who is her direct supervisor, of her DUI. Respondent has been upfront with other colleagues about her DUI. Respondent also reported her arrest and conviction to the California Board of Registered Nursing, of which she is a member, on September 12, 2007.

Good Character

Respondent provided letters of support to the State Bar as summarized below:

1. *Kim Beban*

Ms. Kim Beban is the mother of the child who was in the car at the time of respondent's arrest. Her letter to the State Bar Court expresses that she and her daughter were angry and disappointed at the time of the incident. She also said that her strongest feeling was "...shock because [respondent] is one the last people I would have ever expected to behave that way."

Though Ms. Beban has spent a significant amount of time with respondent, she has never seen any indication that she is anything other than a responsible parent and person. Ms. Beban describes the event as "...an isolated incident and not at all typical of [respondent] or reflective of a pattern of problem drinking." She further now states that she allows her daughter to spend the night at respondent's home even after what transpired on May 13, 2007.

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2. *Catherine Blakemore*

Catherine Blakemore is the Executive Director of Disability Rights California ("DRC"), formerly Protection and Advocacy, Inc. ("PAI"), has known respondent for the last twelve years, and been her supervisor for the last seven. Ms. Blakemore states that respondent is "recognized both in California and nationally as an expert on the abuse and neglect of individuals with disabilities."

Though Ms. Blakemore appreciates the seriousness of the charges at issue, she states that they are "completely inconsistent with Respondent's conduct in the office or her work on behalf of DRC's clients." She has never observed respondent to exhibit symptoms of substance abuse. Ms. Blakemore describes respondent as an "extraordinary parent who has consistently acted in both her daughter's and step-daughter's best interest." She believes that respondent's DUI with her daughter in the car was "...a one-time error in judgment is not reflective of [her] observations of Respondent's interactions with her child."

3. *Kim Swain*

Kim Swain is the Managing Attorney in DRC's Oakland office, and has known respondent for nine years. Ms. Swain describes respondent as a leader who is responsible, dependable and someone she can always count on. Though not a personal friend, Ms. Swain has observed over the years that for respondent, "responsibility to her family is top priority." She views respondent as a kind and caring parent.

4. *Stuart McIntosh*

Stuart McIntosh is a California lawyer and respondent's family friend. Mr. McIntosh attests to respondent's dedication to her daughter and the strength of their relationship. Mr. McIntosh's family has shared many meals with respondent and her daughter and the two families attend family camp every year together. Mr. McIntosh has never seen evidence in respondent of a drinking problem, nor has he ever seen her intoxicated. He notes that because of the incident, he knows that respondent has completely stopped drinking alcohol.

5. *Patrick Tracey*

Patrick Tracey has known respondent for fifteen years as a neighbor and friend. Their families take vacations and regularly socialize together. Respondent has been "an integral, stable role model" in Mr. Tracey's own children's lives.

Mr. Tracey has never seen respondent drink to excess or engage in risky or dangerous behavior when drinking. He read the police report concerning respondent's DUI arrest "and can say without reservation that this is NOT representative" of respondent's behavior or reflective of her character. He states, "This is truly an aberration."

6. *Kathleen J. Donnelly*

Kathleen Donnelly met Respondent when she began attending Alcoholic's Anonymous meetings at the Park Street Fellowship in Alameda. Ms. Donnelly is aware of Respondent's continued work with a sponsor. Both are regular attendees.

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Ms. Donnelly read the police report concerning Respondent's arrest. She says that the person described in the report is "very different from the dependable, considerate and diligent young woman that [she] has come to know." Ms. Donnelly further states that she has been "...impressed by [respondent's] courage to face consequences of her past actions and her dedication to creating a better life."

Other Mitigating Circumstances

Since 2000, respondent has been a public interest lawyer and the Director of DRC's Investigations Unit. DRC represents individuals with developmental, psychiatric and physical disabilities, and investigates allegations of serious abuse and neglect in facilities and the community. Respondent is not only responsible for investigations, she drafts legislation and develops public policy initiatives, interfaces with national and statewide public and private monitoring and regulatory agencies, prepares reports described as "landmark" by those that work in her area, including reports on restraint and seclusion. She has been on two federal steering committee overseeing two sets of three-year federal grants to eight states to eliminate restraint and seclusion.

Supporting Authority

Standard 3.4 of the Standards for Attorney Sanctions for Professional Misconduct provides that:

Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline *shall result in a sanction as prescribed under part B of these standards* appropriate to the nature and extent of the misconduct found to have been committed by the member. (Emphasis supplied.)

However, standard 2.1 of "Part B. Standards Pertaining to Sanctions for Professional Misconduct Found or Acknowledged in Original Disciplinary Proceedings," states that:

This part shall pertain to the sanction to be imposed following offenses of professional misconduct of members found or acknowledged in original disciplinary proceedings. *It shall exclude sanctions for misconduct following a member's conviction of crime pursuant to sections 6101-6102, Business and Professions Code.*" (Emphasis supplied.)

Thus, subdivision (a) of standard 2.6 which provides for disbarment or suspension for violation of Business and Professions Code section 6068(a) [failure to support the laws of this state] does not appear to be mandatory. Comparable case law must also be reviewed in determining the appropriate discipline recommendation. (*In the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, 13.)

In *In re Kelley* (1990) 52 Cal.3d 487, the Supreme Court adopted the Review Department's recommendation that an attorney who pled *nolo contendere* to two separate DUIs, the second of which occurred while the attorney was on criminal probation for the first, be *publically reprovved and placed on probation for three years*. In 1984 Kelley drove her car into an embankment in an apparent one-vehicle incident. In 1986, while still on criminal probation, Kelley was pulled over and eventually again charged with Vehicle Code section 23152(b), of which she was convicted, as well as Penal Code section 1203.2 [violation of probation condition]. Again, no other vehicle is mentioned as being involved. During the 1986 incident, Kelley lied to the officer who pulled her over by denying that she had been drinking, refused to take a field sobriety test, and attempted to talk her way out of an arrest. Her breath test disclosed a blood

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alcohol level of between 0.16 and 0.17. Kelley had no prior disciplinary or arrest record other than the 1984 DUI conviction. The Hearing Department recommended dismissal, but the Review Department found "other misconduct warranting discipline", "stating that *"a second offense of alcohol-related driving, occurring at a time while still on probation from a prior offense, is a serious violation of law with potentially dangerous physical consequences to both [petitioner] and third parties."* *Id.* at 492. The Supreme Court found Kelley's actions to constitute other misconduct warranting discipline due to the nexus between the convictions and her duties as an attorney: (1) "petitioner's most recent conviction was in violation of a court order directed specifically at petitioner following her first conviction"; and (2) "petitioner's two convictions, and the circumstances surrounding them as described above, are indications of a problem of alcohol abuse." *Id.* at 495. The Court said that it could not wait until Kelley's "... alcohol abuse problem begins to affect her practice of law." *Id.*

In *In the Matter of Respondent I* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 260, the Review Department imposed *no discipline* on a member of the State Bar of California, who had gone on voluntary inactive status, moved to Arizona, and been twice convicted of drunk driving in Arizona while working as a stockbroker. There was no mention of any passengers in either incident leading to the attorney's convictions. The Review Department found that the attorney had quit drinking the day after the second incident, and, by the time of the State Bar Court hearing, he had not consumed alcohol for five years – the same period of time after which a disbarred attorney may show rehabilitation in a petition for reinstatement. The Review Department found that the State Bar had conceded the lack of nexus between the attorney's practice of law and his two convictions, and that the five years abstinence from alcohol constituted rehabilitation such that the attorney no longer posed a threat to his clients, the courts, or the public. Nonetheless, the Review Department characterized drunk driving as "a serious societal problem with potentially tragic results."

Costs of Disciplinary Proceedings

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 2, 2009, the costs in this matter are approximately \$2,106.80. 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.

State Bar Ethics School

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

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In the Matter of Leslie B. Morrison	Case number(s): 07-C-13677-PEM
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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.

9-14-09
Date

Leslie Morrison
Respondent's Signature

Leslie Morrison
Print Name

9/8/09
Date

Kathleen M. Ewins
Respondent's Counsel Signature

Kathleen M. Ewins
Print Name

9-17-09
Date

Sherrie B. McLetchie
Deputy Trial Counsel's Signature

Sherrie B. McLetchie
Print Name

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In the Matter Of Leslie B. Morrison	Case Number(s): 07-C-13677-PEM
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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.)**

Sept 22 2009
Date

[Signature]
Judge of the State Bar Court
Luis Armendariz

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 September 24, 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:

**KATHLEEN M. EWINS
LONG & LEVIT LLP
465 CALIFORNIA ST 5FL
SAN FRANCISCO, CA 94104**

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

SHERRIE McLETCHIE , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 24, 2009.


Laretta Cramer
Case Administrator
State Bar Court