

(Do not write above this line.)

State Bar Court of California

Hearing Department
Los Angeles**PUBLIC MATTER**

Counsel For The State Bar Mia R. Ellis Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1380 Bar # 228235	Case Number (s) 07-H-12082; 07-O-11187	(for Court's use) <div style="text-align: center;"> FILED DEC 03 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Michael D. Anderson Anderson & Associates The Commons 140 S. Lake Avenue #372 Pasadena, CA 91101-4942 Bar # 194493	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Michael D. Anderson Bar # 194493 A Member of the State Bar of California (Respondent)		

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 February 17, 1998.
- (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".

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



- (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: for the three (3) 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 04-O-15061; Inv. Case No. 05-O-04876
 - (b) ☒ Date prior discipline effective October 4, 2006
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: 3-110(a), 4-100(B)(3), and 3-300
 - (d) ☒ Degree of prior discipline public reproof
 - (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.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☒ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. Please see factual attachment, page 14
- (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

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of 2 years.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

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

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 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 checked="" 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:**

In the Matter of
Michael D. Anderson

Case number(s):
07-H-12082 and 07-O-11187

A Member of the State Bar

Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reproval), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

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

c. Client Funds Certificate

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

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Michael D. Anderson

CASE NUMBER(S): ET AL. 07-H-12082; 07-O-11187

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

Case No. 07-H-12082

1. On September 8, 2006, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in case numbers 04-O-15061 and 05-O-4876.
2. On September 13, 2006, the Hearing Department of the State Bar Court filed an order approving the Stipulation and imposing the public reproof with conditions set forth in the Stipulation (the "reproof order")
3. On September 13, 2006, the reproof order was properly served by mail upon Respondent through his counsel at the time.
4. Pursuant to the September 13, 2006 reproof order, Respondent was ordered to comply with the following conditions, among others, for a period of two years:
 - a. to comply with the State Bar Act and Rules of Professional Conduct;
 - b. to report within ten (10) days to the Membership Records Office of the State Bar and to the 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;
 - c. to contact within thirty (30) days the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of probation, and to meet with the probation deputy by telephone or in-person as directed and upon request;
 - d. to submit written quarterly reports to the Office of Probation each January 10, April 10, July 10 and October 10 of the condition period attached to the reproof, certifying under penalty of perjury whether he has complied with the State Bar Act, Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter and to file a final report containing the same information no earlier than twenty days prior to the expiration of the condition period attached to the reproof and no later than the last day of said period;
 - e. to answer fully promptly and truthfully any inquiries of the Office of Probation relating to whether Respondent complied or is complying with the conditions attached to the reproof;

- f. to attend State Bar Ethics School, pass the test given at the end, and provide satisfactory proof of same to the Office of Probation within one (1) year of the effective date of the disciplinary order;
- g. to attend State Bar Client Trust Accounting School, pass the test given at the end, and provide satisfactory proof of same to the Office of Probation within one (1) year of the effective date of the disciplinary order; and
- h. to take and pass the Multistate Professional Responsibility Examination ("MPRE") and provide satisfactory proof of same to the Office of Probation within one year of the effective date of the disciplinary order.

5. The September 13, 2006 reprobation order became effective on October 4, 2006.

6. On September 18, 2006, a Probation Deputy of the Office of Probation of the State Bar of California wrote a letter to Respondent in which she reminded Respondent of the terms and conditions of his reprobation imposed pursuant to the September 13, 2006 reprobation order. The letter advised, Respondent regarding his obligations to: schedule a meeting with her within thirty days of the effective date of the disciplinary order to discuss the terms and conditions of Respondent's discipline; file quarterly reports commencing January 10, 2007; complete State Bar Ethics School by October 4, 2007; complete State Bar Client Trust Accounting School by October 4, 2007; and complete the MPRE by October 4, 2007. Enclosed with the September 18, 2006 letter to Respondent were, among other things, copies of the relevant portion of the Stipulation setting forth the conditions of Respondent's reprobation, a quarterly report instructions sheet, a quarterly report form specially tailored for Respondent to use in submitting his quarterly reports, an information sheet and an application form regarding Ethics School and Client Trust Accounting School and an information sheet regarding the MPRE.

7. The Probation Deputy's September 18, 2006 letter to Respondent was mailed on or about September 18, 2006 via the United States Postal Service, first class postage prepaid, in a sealed envelope properly addressed to Respondent at his official State Bar membership records address. The September 18, 2006 letter was not returned as undeliverable or for any other reason by the United States Postal Service.

8. Respondent received the September 18, 2006 letter from the Probation Deputy.

9. Respondent did not contact his Probation Deputy as required by November 3, 2006 to schedule a meeting. Respondent met with his Probation Deputy on May 13, 2009.

10. Respondent did not timely file with the Office of Probation the quarterly reports that were due no later than January 10, 2007, April 10, 2007, July 10, 2007, October 10, 2007, and January 10, 2008. On May 13, 2009, Respondent filed these reports.

11. Respondent did not take and complete State Bar Ethics School and submit proof of same to the Office of Probation by October 4, 2007.

12. Respondent did not take and complete State Bar Client Trust Accounting School and submit proof of same to the Office of Probation by October 4, 2007.

13. Respondent did not take and pass the MPRE and submit proof of same to the Office of Probation by October 4, 2007.

14. By the foregoing conduct, Respondent did not comply with the terms and conditions of the September 13, 2006 reproof order.

Conclusions of Law

By failing to comply with the terms and conditions of the reproof order, Respondent wilfully violated rule 1-110 of the Rules of Professional Conduct.

Case No. 07-O-11187

15. Respondent and his firm Anderson & Associates were the attorneys of record for the debtor in case number RS06-12210 MJ before the United States Bankruptcy Court for the Central District of California, Riverside Division (the "bankruptcy matter").

16. On December 5, 2006, the court filed a written order dismissing the case and retaining jurisdiction of the matter for 30 days. The order was entered on December 6, 2006.

17. On December 7, 2006, the trustee filed a motion in the bankruptcy matter seeking an order that Respondent disgorge attorneys fees and pay sanctions. The motion was served on Respondent at his address of record in the bankruptcy matter. On December 27, 2006, Respondent filed an objection to the trustee's motion.

18. On January 17, 2007, the court in the bankruptcy matter filed an order, ordering Respondent to pay costs in the amount of \$250 to the trustee within ten days of entry of the written order. The order was entered on January 19, 2007. On January 19, 2007, the order was served on Respondent at his address of record in the bankruptcy matter. Respondent received the order.

19. Respondent did not pay the \$250 to the trustee within ten days pursuant to the order entered on January 19, 2007 in the bankruptcy matter.

20. On February 7, 2007, the trustee in the bankruptcy matter filed a motion seeking an order that Respondent pay sanctions and costs for failure to pay \$250 in court ordered costs to the trustee within ten days as ordered by the bankruptcy court on or about January 10, 2007 and as reflected in the written order entered on or about January 19, 2007. The motion was served on Respondent at his address of record in the bankruptcy matter. Respondent received the motion and notice of the hearing date.

21. On March 8, 2007, the court in the bankruptcy matter filed an order granting the trustee's motion for sanctions for Respondent's failure to pay the \$250 in court order costs, and ordered Respondent to pay sanctions in the amount of \$1,000 payable to the court and delivered to the trustee within ten days of the entry of the order and ordering Respondent to pay costs in the amount of \$250 to the trustee within ten days of entry of the order. The order was entered on March 9, 2007. On March 8, 2007, the order was served on Respondent at his address of record in the bankruptcy matter. Respondent received the order.

22. Respondent did not pay \$1,000 to the court in the bankruptcy matter and failed to pay \$250 to the trustee within ten days pursuant to the order entered on March 9, 2007. Respondent contends that

that the bankruptcy court's order for costs and sanctions were void because they were entered outside the court's jurisdiction.

23. On April 19, 2007, the trustee in the bankruptcy matter filed a motion for an order to show cause re contempt against Respondent for his failure to comply with the court's orders entered on January 19, 2007 and March 9, 2007. The motion was served on Respondent at his address of record in the bankruptcy matter. Respondent received the motion.

24. Respondent prepared and filed an opposition to the order to show cause, which he also brought with him to the May 30, 2007 hearing on the order to show cause. Respondent objected to the court's orders that he pay costs and sanctions on the grounds that the court lacked jurisdiction to issue the orders entered on January 19, 2007 and March 9, 2007 because the court only retained jurisdiction for 30 days after the dismissal filed on December 5, 2006, and the hearing on the trustee's motion was held on January 10, 2007, 36 days after the order of dismissal and 6 days after the court's jurisdiction in the matter ended. Respondent argued that because the court lacked jurisdiction, the orders that he pay costs and sanctions were void.

25. As a result of the hearing on May 30, 2007, the court issued an order which was entered on June 13, 2007 in which the court denied the trustee's motion for contempt, but ordered Respondent to pay \$750 (representing costs associated with three motions) to the trustee within 30 days of entry of the order and further ordered that if Respondent timely complied with the order, then the sanctions pursuant to the order entered on March 9, 2007 in the amount of \$1,000 would be purged. The order was entered on June 15, 2007 and was served on June 15, 2007 on Respondent at his address of record in the bankruptcy matter.

26. On June 18, 2007, Respondent (rather than appealing or further contesting) paid \$750 to the trustee pursuant to the order entered on June 15, 2007. The court purged the sanction order.

27. Respondent did not report to the State Bar the imposition of sanctions against him in the amount of \$1,000 pursuant to the bankruptcy court order entered on March 9, 2007 within 30 days of the time Respondent had knowledge of the imposition of the sanctions or at any time.

28. On March 23, 2007, the State Bar opened an investigation, case number 07-O-11187, pursuant to a complaint filed by Rod Danielson, the trustee in the bankruptcy matter (the "Danielson matter") for Respondent's refusal to pay the Bankruptcy courts order for \$250 in costs and \$1000 in sanctions.

29. On April 12, 2007, a State Bar Investigator wrote to Respondent regarding the Danielson matter and requested that Respondent respond in writing by April 26, 2007 to specified allegations of misconduct being investigated by the State Bar in the Danielson matter.

30. The Investigator's April 12, 2007 letter was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business on or about the date on the letter. The United States Postal Service did not return the Investigator's April 12, 2007 letter as undeliverable or for any other reason. Respondent received the letter.

31. Respondent contends that he believed that after a final determination by the bankruptcy court that the trustee would notify the State Bar Investigator. On June 25, 2007, the trustee notified the Investigator of the outcome of the bankruptcy court.

32. Respondent did not respond to the Investigator's April 12, 2007 letter.

33. On May 3, 2007, the State Bar Investigator wrote again to Respondent regarding the Danielson matter and requested a written response by May 14, 2007. A copy of the Investigator's April 12, 2007 letter was enclosed with the May 3, 2007 letter.

34. Respondent did not respond to the Investigator's May 3, 2007 letter or otherwise communicate with the Investigator in any way with the investigation of the Danielson matter.

Conclusions of Law

By failing to report to the State Bar the imposition of sanctions pursuant to the order entered on March 9, 2007, Respondent wilfully violated Business and Professions Code section 6068(o)(3).

By not providing a written response to the allegations of the Danielson matter or otherwise cooperating in the investigation of the Danielson matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code section 6068(i).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was November 10, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 10, 2009, the prosecution costs in this matter are \$6,977.20. 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.

The determination of the appropriate sanction must begin with the purposes of attorney discipline and Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct. The primary purposes are the protection of the public, the courts and the legal profession, the maintenance of high professional standards and the preservation of public confidence in the profession. The rehabilitation of the member is a permissible object only if the imposition of rehabilitative sanctions (and arguably lesser sanctions) is consistent with the primary purposes.

Standards for Attorney Sanctions for Professional Misconduct, standard 1.7(a) states: If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for

which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.9 provides that culpability of a member of a wilful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension.

Standard 2.6 provides that culpability of a member of a violation of any of the following provisions of the Business and Professions Code 6068 shall result in disbarment or suspension depending on the gravity of the offense or harm.

AGGRAVATING CIRCUMSTANCES.

PRIOR DISCIPLINE.

Respondent has one prior record of discipline. Standard 1.2(b)(ii) Respondent received a public reproof in 2006 in Case No. 04-O-15061 and Inv Case 05-O-04876, from which the present case arises.

MITIGATING CIRCUMSTANCES

Family Problems: Respondent's father passed away in August 2006. Respondent suffered difficulties in his personal life in assisting his mother and closing his father's law practice.

STATE BAR ETHICS SCHOOL.


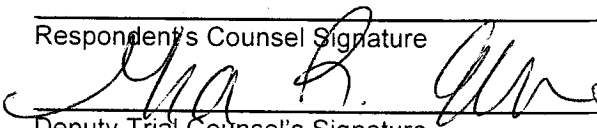
Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, Respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of MICHAEL D. ANDERSON	Case number(s): 07-H-12082 and 07-O-11187
--	---

SIGNATURE OF THE PARTIES

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

<u>11-17-09</u> Date	 Respondent's Signature	<u>MICHAEL ANDERSON</u> Print Name
<u>11-17-09</u> Date	<u>Response</u> Respondent's Counsel Signature	<u>Response</u> Print Name
<u>11/17/09</u> Date	 Deputy Trial Counsel's Signature	<u>Mia R. Ellis</u> Print Name

(Do not write above this line.)

In the Matter Of
MICHAEL D. ANDERSON

Case Number(s):
07-H-12082 and 07-O-11187

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.)**

Date

12/2/09


Judge of the State Bar Court

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 December 3, 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 Los Angeles, California, addressed as follows:

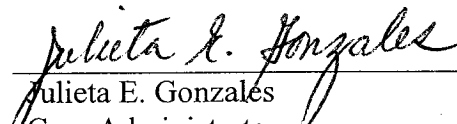
MICHAEL D ANDERSON ESQ
ANDERSON & ASSOCIATES
THE COMMONS
140 S LAKE AVE #372
PASADENA, CA 91101 - 4942

MICHAEL D ANDERSON ESQ
225 S OLIVE #1610
LOS ANGELES, CA 90012

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

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 3, 2009.



Julieta E. Gonzales
Case Administrator
State Bar Court