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State Bar Court of California Hearing Department Los Angeles		kwiktag® 018 040 207 
Counsel For The State Bar Charles T. Calix 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1000 Bar # 146853	Case Number (s) 07-O-10106 and 09-O-15521 <p style="text-align: center; font-weight: bold; font-size: 1.2em;">PUBLIC MATTER</p>	(for Court's use) <p style="text-align: center; font-weight: bold; font-size: 1.5em;">FILED</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">NOV 19 2010</p> <p style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
Counsel For Respondent Paul J. Virgo Century Law Group 5200 West Century Blvd, Suite 345 Los Angeles, CA 90045 (310) 642-6900 Bar # 67900	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING <p style="font-weight: bold;">ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
In the Matter Of: Douglas Vicent Melson Bar # 147345 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 June 11, 1990.
- (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 14 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: Costs to be paid in equal amounts prior to February 1 for the following two (2) 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. Respondent misappropriated \$7,900 that was to be held in trust on behalf of Frank Turner ("Turner").
- (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.

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- (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. Respondent was extraordinarily candid about his misconduct and the causes of his misconduct. He fully cooperated with the State Bar during the investigation and in entering into this stipulation.
- (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 \$ 8,300 on February 3, 2010 in restitution to on behalf of Turner without the threat or force of disciplinary, civil or criminal proceedings. Although Respondent misappropriated \$7,900, he paid \$8,300 on behalf of Turner.
- (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. Beginning in or about early 2007, Respondent and his ex-wife began the dissolution of their marriage. At or about that time, Respondent's ex-wife removed their two minor sons from California and refused to permit him visitation. The separation from his children and attempts by his ex-wife to alienate their affection for him caused Respondent to experience prolonged illness and depression. In March 2010, the judgment of dissolution was ordered, which re-established Respondent's right to visitation. In

conjunction with his renewed visitation rights, Respondent has sought medical and spiritual assistance, and his illness and depression are presently controlled.

- (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's good character was attested to by members of his family, two attorneys, two pastors, and three judicial officers. Several of those individuals have indicated that Respondent's period of depression and/or loss of vigor were caused by family problems that have been resolved. Respondent is a talented jazz and classical flutist, has performed at several churches on a volunteer basis, and has given free flute lessons to those in need.
- (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

No Prior Discipline: Respondent has no prior record of discipline since his admission on June 11, 1990.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of two (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 four (4) 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 one (1) year.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

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 checked="" 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
Vincent Douglas Melson

Case number(s):
07-O-10106 and 09-O-15521

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 reprobation), 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.

In the Matter of
Vincent Douglas Melson

Case number(s):
07-O-10106 and 09-O-15521

A Member of the State Bar

Law Office Management Conditions

- a. Within days/ months/ **one (1)** years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/ **one (1)** years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **twelve (12)** hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for **three (3)** year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **Douglas Vincent Melson**

CASE NUMBERS: **07-O-10106 and 09-O-15521**

Douglas Vincent Melson ("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.

FACTS AND CONCLUSIONS OF LAW.

Facts - Case No. 07-O-10106 (Valenzuela)

1. On or about December 6, 1995, Juan Valenzuela ("Valenzuela") was charged with two counts of murder and one count of assault with a dangerous weapon in the Superior Court of California, County of Los Angeles ("Superior Court"), in *People v. Juan Valenzuela*, Case No. NA025820 ("*People v. Valenzuela*").
2. On or about September 3, 1997, Valenzuela was convicted of all three counts in *People v. Valenzuela*. Thereafter, Valenzuela was sentenced to life in state prison without the possibility of parole.
3. On or about January 29, 1999, Valenzuela's mother, Dora Lopez ("Lopez"), hired Respondent to prepare a Petition for Writ of Habeas Corpus ("Writ") for Valenzuela. Lopez paid \$5,000 to Respondent to represent Valenzuela.
4. Prior to March 2003, Valenzuela authorized his sister, Brenda Valenzuela ("Brenda"), to discuss the Writ with Respondent, and Respondent discussed the Writ with Brenda.
5. On or about March 3, 2003, Respondent mailed a draft copy of the Writ to Valenzuela. However, Respondent did not file the Writ or inform Valenzuela, Lopez or Brenda that he had not filed the Writ.
6. Between on or about July 9, 2003, and on or about May 2, 2007, Respondent did not perform any work on the Writ or communicate with Valenzuela, Lopez or Brenda.
7. Between in or about January 2005 and in or about December 2006, Brenda called Respondent every two to three months to obtain a status report for Valenzuela. Brenda was not able to speak with Respondent and left messages stating her name, telephone number, and request that Respondent provide her with a status report on behalf of Valenzuela. Respondent received the messages.
8. Respondent did not provide a status report to Valenzuela, Lopez or Brenda, or otherwise communicate with Valenzuela, Lopez or Brenda in response to the messages requesting a status report.

10

9. On or about September 14, 2007, Respondent filed the Writ that he had mailed to Valenzuela on or about March 3, 2003.

Conclusions of Law - Case No. 07-O-10106 (Valenzuela)

10. By failing to respond to the messages requesting status reports between in or about January 2005 and in or about December 2006, Respondent failed to respond promptly to reasonable status inquiries of a client in violation of Business and Professions Code section 6068(m)

11. By failing to file the Writ and/or perform any legal work of value on the Writ between on or about July 9, 2003 and on or about May 2, 2007, Respondent intentionally, recklessly, or repeatedly failing to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

Facts - Case No. 09-O-15521 (Turner)

12. On or about December 3, 1999, a motion to establish paternity was filed in the Superior Court of California, County of Los Angeles ("Superior Court"), in the matter titled *Frank Turner v. Melonka Turner*, Case No. BD076221 ("*Turner v. Turner*").

13. Between on or about May 3, 2007 and on or about April 23, 2009, Respondent maintained a client trust account at Washington Mutual Bank, Account No. ***-*****6081 ("CTA").¹

14. On or about May 9, 2007, Frank Turner ("Turner") hired Respondent to represent him in obtaining the release of an abstract of judgment that had been recorded on his real property in *Turner v. Turner* and that was preventing the disbursement of funds from the escrow to Turner. Turner paid Respondent \$2,500 to represent him.

15. On or about May 25, 2007, Respondent deposited a check from Turner's escrow company for \$8,000 for funds from Turner's sale of real property payable to "Douglas V. Melson in Trust for Frank Turner" into his CTA. Respondent was required to maintain the sum of \$8,000 in his CTA on behalf of Turner.

16. Thereafter and without paying any of the funds to Turner or on behalf of Turner, Respondent withdrew funds from the CTA for personal use causing the balance to fall below \$8,000 on repeated dates, including but not limited to, the following:

Date	Balance
05/31/2007	\$6,100.41
06/20/2007	\$5,500.00
07/02/2007	\$2,500.00
07/03/2007	\$1,500.00
07/16/2007	\$100.00

17. Respondent dishonestly or with gross negligence misappropriated \$7,900 of the \$8,000 in funds he was to hold in trust for Turner.

¹ The account number has been redacted to protect the account and account holder.

18. On or about February 3, 2010, Respondent paid \$8,300 on behalf of Turner to the State Disbursement Unit.

Conclusions of Law - Case No. 09-O-15521 (Turner)

19. By not maintaining the sum of \$8,000 received on behalf of Turner in his CTA, Respondent failed to maintain client funds in his trust account in willfully violation of Rules of Professional Conduct, rule 4-100(A)

20. By misappropriating \$7,900 of the funds he held in trust for Turner, Respondent committed an act involving moral turpitude, dishonesty, or corruption in violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 1, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of August 27, 2010, the prosecution costs in this matter are \$1,983.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.2 of the "Standards for Attorney Sanctions for Professional Misconduct" ("Standards") states that

(a) Culpability of a member of willful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

(b) Culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the willful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.3 states that

Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending

upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

In *In re Silverton*, (2005) 36 Cal.4th 81, 92, the Supreme Court held that the Standards are entitled to great weight and the State Bar Court should follow their guidance whenever possible.

In *McKnight v. State Bar* (1991) 53 Cal.3d 1025, the respondent failed to notify his client of his receipt of settlement funds, failed to promptly pay settlement funds, entered into a business transaction with his client without obtaining informed written consent, and misappropriated \$8,665 in trust funds belonging to his client. The Supreme Court approved a five year suspension, stayed, and seven year probation with conditions including a one year actual suspension.

In *In the Matter of Robins* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 708, the respondent stipulated to misappropriating \$20,000 held in trust to pay medical liens and failing to promptly pay funds upon demand. The Review Department recommended a two year suspension, stayed, and three year probation with conditions including a one year actual suspension.

The parties submit that it would be unjust to apply the mandatory disbarment imposed by Standard 2.2(a) in this matter, because compelling mitigating circumstances predominate, including but not limited to severe family problems caused by his ex-wife's separating their children from him and her attempts wife to alienate their affection, Respondent's remorse for his misconduct, and candor/cooperation. The parties further submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of the alternative discipline imposed by Standard 2.2(a) of a one-year stayed actual suspension with appropriate probationary conditions articulated herein, including that Respondent comply with Financial Conditions and Law Office Management Conditions.

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In the Matter of Douglas Vincent Melson	Case number(s): 07-O-10106 and 09-O-15521
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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.

<u>October 30, 2010</u>	<u>Douglas V. Melson</u>	Douglas Vincent Melson
Date	Respondent's Signature	Print Name
<u>10/30/2010</u>	<u>Paul J. Virgo</u>	Paul J. Virgo
Date	Respondent's Counsel Signature	Print Name
<u>11-1-2010</u>	<u>Charles T. Calix</u>	Charles T. Calix
Date	Deputy Trial Counsel's Signature	Print Name

14

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In the Matter Of DOUGLAS VINCENT MELSON	Case Number(s): 07-O-10107 and 09-O-15521
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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.

On page 1 of the stipulation, in the style of the case, the name "Vicent" is deleted, and the name "Vincent" is substituted in its place.

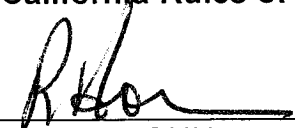
On page 5 of the stipulation, the "X" in box E(1) is deleted to remove the conditional standard 1.4(c)(ii) requirement. (The conditional standard 1.4(c)(ii) requirement is inappropriate because no "and until" condition is attached to respondent's one-year suspension which could cause respondent to be "actually suspended for two years or more.")

In the caption at the top of page 7 of the stipulation, the name "Vincent Douglas Melson" is deleted, and the name "Douglas Vincent Melson" is substituted in its place.

In the caption at the top of page 9 of the stipulation, the name "Vincent Douglas Melson" is deleted, and the name "Douglas Vincent Melson" is substituted in its place.

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.)**

11/19/10
Date


RICHARD A. HONN
Judge of the State Bar Court