

State Bar Court of California
Hearing Department
San Francisco

kwiktag®

018 039 610



Counsel For The State Bar Mark Hartman Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2037 Bar # 114925	Case Number (s) 07-O-10431 [08-O-10992]	(for Court's use) PUBLIC MATTER FILED <i>[Signature]</i> JUL 15 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent William Balin 345 Franklin St San Francisco, CA 94102 (415) 241-7360 Bar # 59104	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Ricardo R. Monterrosa Bar # 225216 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 2, 2003**.
- (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):
- ☒ costs added to membership fee for calendar year following effective date of discipline.
 - ☐ costs to be paid in equal amounts prior to February 1 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

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

Additional mitigating circumstances

D. Discipline:

(1) ☒ **Stayed Suspension:**

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

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

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ 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.
- (3) ☒ 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.
- (4) ☒ 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.

- (5) ☐ 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.

- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ 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.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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) ☐ **Other Conditions:**

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

In the Matter of: **Ricardo R. Moterrosa**
Membership No.: **225216**
State Bar Case Nos.: **07-O-10431; 08-O-10992**

WAIVERS

The parties waive all variances between (1) the facts and conclusions of law asserted in the Notice of Disciplinary Charges ("NDC") for State Bar case numbers 07-O-10431 and 08-O-10992 ("the current cases") and (2) the facts and conclusions of law contained in this Stipulation.

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following are true:

COUNT ONE (A)
The *Sangha* matter
Case No. 07-O-10431
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

1. Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct by intentionally, recklessly, and repeatedly failing to perform legal services with competence, as follows:

2. On October 17, 2005, Major Sangha ("Sangha") hired respondent to represent Sangha's company, KSM Properties, in the matter of *Hernandez v. KSM Properties*, U.S.D.C. Eastern District of California Case No. 2:05-cv-1963-MCE-EFB ("ADA matter"). Thereafter, respondent became counsel of record on behalf of KSM Properties in the ADA matter.

3. During the pendency of the ADA matter, the parties were required to participate in preparing and filing a joint status report. From March 13, 2006, through October 10, 2006, counsel for the plaintiff in the ADA matter faxed numerous letters to respondent in an attempt to prepare and file a joint status report. Respondent received these letters soon after they were sent; but he failed to participate in preparing and filing a joint status report.

4. By repeatedly failing to participate in preparing and filing the joint status report, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

COUNT ONE (B)
The *Sangha* matter
Case No. 07-O-10431
Business and Professions Code section 6103
[Failure to Obey a Court Order]

5. Respondent willfully violated section 6103 of the Business and Professions Code by disobeying or violating a court order requiring him to do or forbear an act connected with, or in the course of, his profession which he ought in good faith to do or forbear, as follows:

6. The allegations contained in Count One (A) are incorporated by reference.

7. On October 16, 2006, the court issued an order requiring respondent to show cause ("OSC") for his failure to participate in preparing and filing a joint status report. The court scheduled the OSC hearing to take place on November 13, 2006, and ordered respondent to appear at the hearing.

8. The court changed the date of the OSC hearing to November 27, 2006. Soon thereafter, respondent received notice that the OSC hearing was set for November 27, 2006.

9. On November 27, 2006, the court held the OSC hearing in the ADA matter. Respondent failed to appear at the OSC hearing. On the same date, the court issued an order requiring respondent to pay \$250.00 in sanctions for his failure to appear at the OSC hearing and \$250.00 in sanctions for his failure to participate in preparing and filing the joint status report, for a total of \$500.00 in sanctions. The court ordered respondent to pay the sanctions by December 7, 2006, and to file a declaration by

December 7, 2006, stating under penalty of perjury that the sanctions were not charged to his client trust account. Soon thereafter, respondent received the court's order of November 27, 2006. He failed to pay the sanctions and failed to file the required declaration by December 7, 2006.

10. On January 12, 2007, the court issued an order requiring respondent to pay an additional \$1,001.00 in sanctions because of his failure to comply with the court's order of November 27, 2006. Soon thereafter, respondent received the court's order of January 12, 2007.

11. On March 9, 2007, respondent paid the court-ordered sanctions.

12. By failing to appear at the OSC hearing on November 27, 2006; to pay the sanctions of \$500.00 by December 7, 2006; and to file the required declaration by December 7, 2006, respondent disobeyed court orders requiring him to do acts connected with, and in the course of, his profession which he ought in good faith to have done, in willful violation of section 6103 of the Business and Professions Code.

COUNT ONE (C)

The *Sangha* matter

Case No. 07-O-10431

Business and Professions Code section 6068(o)(3)

[Failure to Report Judicial Sanctions]

13. Respondent wilfully violated section 6068(o)(3) of the Business and Professions Code by failing to report sanctions of \$1,000.00 or more to the agency charged with attorney discipline, in writing, within 30 days of the time when he knew about the imposition of such sanctions, as follows:

14. The allegations contained in Count One (A) and Count One (B) are incorporated by reference.

15. Soon after January 12, 2007, respondent received the court's order requiring him to pay sanctions in the amount of \$1,001.00. Subsequently, he failed to report the sanctions to the State Bar.

16. By failing to report in writing to the State Bar that on January 12, 2007, the court had ordered him to pay sanctions of \$1,001.00, respondent failed to report sanctions of \$1,000.00 or more to the agency charged with attorney discipline, in writing, within 30 days of the time when he knew about

the imposition of such sanctions, in willful violation of section 6068(o)(3) of the Business and Professions Code.

COUNT TWO
The *Montes* matter
Case No. 08-O-10992
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

17. Respondent wilfully violated rule 3-110(A) of the Rules of Professional Conduct by intentionally, recklessly, and repeatedly failing to perform legal services with competence, as follows:

18. Prior to December 23, 2004, Juan Montes ("Montes") hired respondent to represent him in a wrongful termination matter. Thereafter, respondent filed a complaint on behalf of Montes in the matter of *Montes v. Zubillaga*, Sacramento County Superior Court Case No. 04AS05171 ("wrongful termination case").

19. On March 2, 2007, the jury returned a verdict in favor of Montes and awarded him \$248,924 in damages.

20. On March 20, 2007, a defendant in the wrongful termination case filed a motion for judgment notwithstanding the verdict ("JNOV"). Soon thereafter, respondent received a copy of the JNOV motion; but he failed to file a timely opposition to it.

21. On April 2, 2007, the defendant filed a motion for new trial. Soon thereafter, respondent received a copy of the motion for new trial; but he failed to file an opposition to it.

22. During the pendency of the wrongful termination case, one of the defendants filed a motion for attorney's fees as costs in the amount of \$45,140.00 ("first costs motion"). Soon thereafter, respondent received a copy of the first costs motion; but he failed to file an opposition to it.

23. On March 28, 2007, the trial court issued an order granting the defendant's first costs motion and awarding \$45,140.00 to the defendant against Montes ("first costs order").

24. On April 30, 2007, the trial court issued an order granting defendant's motion for JNOV or, in the alternative, granting the motion for new trial if the JNOV were reversed ("JNOV order"). The

court based the JNOV order on the evidence and not on respondent's failure to file a timely opposition. Soon thereafter, respondent received a copy of the JNOV order.

25. On May 22, 2007, another defendant filed a motion for attorney's fees as costs in the amount of \$135,408.00 ("second costs motion"). Soon thereafter, respondent received a copy of the second costs motion; but he failed to file a timely opposition to it. The trial court issued an order granting the second costs motion and entered judgment against Montes.

26. On July 2, 2007, respondent filed an appeal of the JNOV order in Case No. C056177, Court of Appeal, Third Appellate District. On the same date, the court sent a notice to respondent informing him of the requirement to file a civil case information sheet ("CCIS") and Civil Appeal Mediation Statement ("CAMS") by July 12, 2007. Soon after July 2, 2007, respondent received the court's notice; but he failed to file the CCIS and CAMS by July 12, 2007.

27. On July 17, 2007, the court sent notices to respondent advising him that the case was in default based on his failure to file the CCIS and CAMS and requiring him to file the CCIS by August 1, 2007, and the CAMS by July 27, 2007. In the notices, the court warned respondent that failure to comply would result in monetary sanctions or dismissal the appeal. Soon after July 17, 2007, respondent received the court's notices; but he failed to file the CCIS and the CAMS.

28. On August 8, 2007, the court issued an order dismissing the appeal.

29. On September 7, 2007, respondent attempted to file an untimely request to reinstate the appeal. The court returned respondent's request as untimely.

30. On October 10, 2007, the court issued a remittitur. Thereafter, the trial court's JNOV order became final.

31. By failing to file an opposition to the first costs motion, by failing to file a timely opposition to the defendant's motion for JNOV, by failing to file an opposition to the motion for new trial, by failing to file a timely opposition to the second costs motion, by repeatedly failing to file a CCIS and a CAMS in the appeal, and by failing to file a timely request to reinstate the appeal, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

AGGRAVATION

Multiple Acts of Wrongdoing: The acts underlying respondent's ethical violations in the current cases constitute multiple acts of wrongdoing.

Significant Harm to a Client: Respondent significantly harmed Montes because of the judgments against Montes in the wrongful termination case.

MITIGATION

Candor/Cooperation: Respondent has displayed candor to, and cooperation with, the State Bar in resolving the current cases, especially by entering into this Stipulation.

SUPPORTING AUTHORITY

The determination of discipline begins "by looking to the purpose of sanctions for attorney misconduct." (*In re Morse* (1995) 11 Cal.4th 184, 205.) Standard 1.3 provides: "The primary purposes of disciplinary proceedings . . . are the protection of the public, the courts[,] and the legal profession; the maintenance of high professional standards by attorneys[;] and the preservation of public confidence in the legal profession."

The standards provide guidance and deserve "great weight." (*In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.) "[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar misconduct." (*In re Naney*, *supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has "grave doubts" about the recommendation's propriety. (*In re Morse*, *supra*, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.)

Standard 2.4(b) provides that an attorney's willful failure to perform services in one or more matters which do not demonstrate a pattern of misconduct shall result in reproof or suspension,

depending upon the extent of the misconduct and the degree of harm to the client. Pursuant to standard 2.4, respondent's two violations of rule 3-110(A) warrant reproof or suspension.

Standard 2.6 provides that an attorney's violation of section 6068 or section 6103 of the Business and Professions Code shall result in disbarment or suspension, depending on the gravity of the offense or the harm, if any, to the victim. Pursuant to standard 2.6, respondent's violations of section 6068(o)(3) and section 6103 require disbarment or suspension.

In deciding the proper discipline, the State Bar Court also considers decisional law. (See *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.) Two cases are instructional: *Van Sloten v. State Bar* (1989) 48 Cal.3d 921 ("*Van Sloten*") and *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32 ("*Aguiluz*").

In *Van Sloten*, the attorney worked on a matter for five months and then failed to communicate with his client, take further action on the matter, or withdraw. (*Van Sloten, supra*, 48 Cal.3d. at pp. 926-927.) Although Van Sloten failed to provide competent legal services, his client did not suffer serious consequences. (*Id.* at p. 933.) In aggravation, his failure to appear for oral argument before the review department demonstrated his lack of concern for the disciplinary process and failure to appreciate the seriousness of the charges against him. (*Ibid.*) The Supreme Court ordered a six-month stayed suspension and a one-year probation.

In *Aguiluz*, the attorney (1) intentionally, recklessly, or repeatedly failed to provide competent legal services to his clients in a single matter; (2) abandoned their case, and (3) failed to communicate with them. (*Aguiluz, supra*, 2 Cal. State Bar Ct. Rptr. at p. 43.) Mitigating factors included Aguiluz's community activities, his service as a pro tempore judge, and emotional stress resulting from the murder of his son. (*Id.* at p. 44.) The review department gave slight weight in mitigation to Aguiluz's seven years of practice in California without prior discipline. (*Ibid.*) In aggravation, Aguiluz lacked insight into the consequences of his misconduct and harmed his clients, who had to retain another attorney to handle their case. (*Id.* at pp. 44-45.) The record did not provide enough information to determine what economic harm the clients suffered because of the delay in settling their case. (*Id.* at p. 45.) The review department recommended, and the Supreme court imposed, a one-year stayed suspension and two-year

probation, conditioned on restitution to the clients for the sum they had to pay their new attorney to complete their matter. (*Id.* at p. 46.)

Based on standards 2.4(b) and 2.6, *Van Sloten*, and *Aguiluz*, the appropriate discipline for the current cases is a one-year stayed suspension and a two-year probation.

ETHICS SCHOOL REQUIREMENT

Within one year of the effective date of the discipline for the current cases, respondent must attend Ethics School, must pass the examination at the end of the Ethics School session which he attends, and must provide proof of such passage to the Office of Probation.

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION REQUIREMENT

Within one year of the effective date of the discipline for the current cases, respondent must pass the Multistate Professional Responsibility Examination and provide proof of such passage to the Office of Probation.

ESTIMATED PROSECUTION COST

The estimated prosecution cost of the current cases is \$2,296.00. This sum is only an estimate and the final cost may differ from the estimated cost. If this Stipulation is rejected or if relief from this Stipulation is granted, the prosecution cost of the current cases may increase because of the cost of further proceedings.

DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION OR PROCEEDING

On May 21, 2010, the State Bar sent a disclosure letter by e-mail to respondent's counsel, William M. Balin. In this letter, the State Bar advised Balin of any pending investigations or proceedings against respondent other than the current cases.

06/23/2010 01:39 FAX 415 252 5045

MAY-21-2010 17:51

THE STATE BAR OF CALIF.

415 538 2220

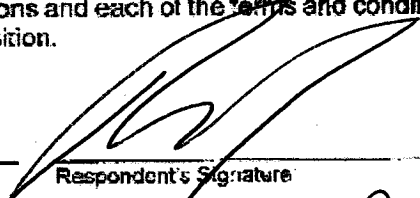
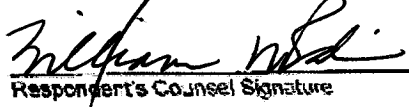
J002
P.017

(Do not write above this line)

In the Matter of RICARDO R. MONTERROSA, No. 225216, A Member of the State Bar.	Case number: 07-Q-10431 08-Q-10992
--	--

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>6/23/10</u> Date	 Respondent's Signature	<u>Ricardo R. Monterrosa</u> Print Name
<u>6/24/10</u> Date	 Respondent's Counsel Signature	<u>William M. Balin</u> Print Name
<u>6/28/10</u> Date	<u>Mark Hartman</u> Deputy Trial Counsel's Signature	<u>Mark Hartman</u> Print Name

(Stipulation form approved by SBC Executive Committee 10/15/00. Revised 12/16/2004, 12/15/2006.)

Signature Page

(Do not write above this line.)

In the Matter Of
Ricardo R. Monterrosa

Case Number(s):
07-O-10431 [08-O-10992]

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

July 15, 2010

Judge of the State Bar Court

Pat McElroy

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 July 15, 2010 I deposited a true copy of the following document(s):

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

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


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

**WILLIAM M BALIN
345 FRANKLIN ST
SAN FRANCISCO, CA 94102**

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

MARK HARTMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 15, 2010.


Lauretta Cramer
Case Administrator
State Bar Court