

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b>		
<p>Counsel For The State Bar</p> <p>Dane C. Dauphine Supervising Trial Counsel 1149 South Hill St. Los Angeles, CA 90015-2299 (213) 765-1293</p> <p>Bar # 121606</p>	<p>Case Number (s) 07-O-10788</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</p> <p style="text-align: center;">FEB 18 2010</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <div style="text-align: center; margin-top: 20px;"> <p>kwiktag® 078 541 245</p>  </div>
<p>In Pro Per Respondent</p> <p>Matthew B. Weber Law Office of David Bates 2141 Rosecrans Ave., #1130 El Segundo, CA 90245 (310) 426-9500</p>	<p style="text-align: center; font-size: 1.5em; font-weight: bold;">PUBLIC MATTER</p>	
<p>Bar # 202719</p> <p>In the Matter Of: MATTHEW BERNARD WEBER</p> <p>Bar # 202719</p> <p>A Member of the State Bar of California (Respondent)</p>		
<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>		

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted November 22, 1999.
- (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 13 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".

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- (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:  
(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-13676
  - (b)  Date prior discipline effective April 5, 2007
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Bus. & Prof. C. §§ 6068(i), 6068(o)(3), 6103 & 6106; Rules of Prof. Conduct, rules 3-700(A)(2), 4-100(A) & 4-100(B)(3)
  - (d)  Degree of prior discipline Two years stayed suspension, two years actual suspension and until restitution and motion per rule 205
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.  
  
State Bar Court case # 07-N-12386  
  
Date prior discipline effective: December 3, 2009  
  
Rules of Professional Conduct/ State Bar Act violations: Cal. Rule of Court 9.20 violation  
  
Degree of prior discipline: Two years stayed suspension, three years probation with 1 year actual suspension and until rehabilitation shown pursuant to standard 1.4(c)(ii)
- (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.

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- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. Respondent took a substantial sum (\$5,000) from the client and then abandoned the client, leaving him to find new counsel with reduced financial resources.
- (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. Respondent has participated in the State Bar investigation and has stipulated to his misconduct in this proceeding.
- (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.

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

- (2)  **Probation:**

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

- (3)  **Actual Suspension:**

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

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- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
  - No Ethics School recommended. Reason: Respondent was ordered to complete Ethics School by the Supreme Court's disciplinary order effective December 3, 2009.
- (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:
  - Substance Abuse Conditions
  - Law Office Management Conditions
  - Medical Conditions
  - 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: Respondent was ordered to take the MPRE by the Supreme Court's disciplinary order effective April 5, 2007, prior to returning to active practice, and he has not yet completed the MPRE pursuant to that order.
- (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  
Matthew Bernard Weber, #202719

Case number(s):  
07-O-10788

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
Stephen Weinstein	\$4,707.50	January 1, 2005

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than the filing of his petition pursuant to standard 1.4(c)(ii).

#### 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:
- 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:                      Matthew B. Weber

CASE NUMBER(S): ET AL.              07-O-10788

**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.

**FACTS:**

1. On or about August 11, 2004, Stephen G. Weinstein ("Weinstein") employed Respondent to represent him in a civil claim against Unum Provident regarding a disability insurance policy. At that time, Weinstein paid Respondent \$1,000 in advanced fees to prepare and file a civil complaint.
2. On or about October 1, 2004, Respondent filed a complaint on behalf of Weinstein in the San Francisco County Superior Court entitled *Weinstein v. Unumprovident Corporation, et al.*, case no. CGC 04-435138. In order to file the action, Respondent gave funds to a friend, Jacqueline M. Gallardo. At the time of the filing of Weinstein's case, Jacqueline M. Gallardo wrote a check on behalf of Respondent to the court to pay a filing fee of \$292.50. Thereafter, Gallardo's check was returned due to insufficient funds. On or about December 20, 2004, the court received \$317.50 in payment of the filing fee and the penalty for the returned check.
3. On or about October 1, 2004, Respondent informed Weinstein by email that he had filed Weinstein's case in court the day before and had paid \$900 in filing fees. Respondent requested that Weinstein pay an additional \$5,000 for costs and fees to proceed with the case, estimating that he would need approximately \$400 for service of process.
4. At the time that Respondent sent the email to Weinstein, Respondent knew, or was grossly negligent in not knowing, that he had not paid \$900 in filing fees on behalf of Weinstein.
5. On or about October 5, 2004, Weinstein paid Respondent \$5,000 as requested by Respondent.
6. On or about October 29, 2004, Marta Weinstein, acting on behalf of Weinstein, sent an email to Respondent requesting a written fee agreement and a current billing statement for the fees and costs paid to Respondent. On or about November 18, 2004, Respondent sent Weinstein a letter providing a written fee agreement for his employment by Weinstein. Respondent did not provide a billing as requested.
7. At no time did Respondent provide a billing or accounting to Weinstein for the funds paid to him by Weinstein.

8. After Weinstein received a written fee agreement from Respondent in November 2004, Respondent did not communicate with Weinstein again. When Weinstein attempted to contact Respondent by telephone, he discovered that the number was disconnected. When Weinstein sought to communicate with Respondent by email, he received no response.

9. On or about December 23, 2004, the court issued an order to show cause in Weinstein's case for Respondent to appear on or about February 1, 2005, to show cause why the case should not be dismissed for failure to file proof of service on defendants. On or about December 23, 2004, the court served Respondent with a copy of the order to show cause by mail to Respondent's address of record with the court. Thereafter, Respondent did not appear at court on or about February 1, 2005, to respond to the order to show cause.

10. In or about January 2005, Respondent withdrew from representation of Weinstein without informing Weinstein of Respondent's intent to do so. At no time did Respondent obtain a substitution of attorney or the consent of the court to withdraw from representation of Weinstein in the action he filed on behalf of Weinstein.

11. In or about January 2005, Weinstein employed new counsel to represent him in his action filed by Respondent. Weinstein's new counsel was unable to contact Respondent to obtain a substitution of counsel. On or about June 17, 2005, new counsel filed a motion with the court to substitute in place of Respondent as Weinstein's counsel. On or about July 18, 2005, the court granted a motion filed on behalf of Weinstein to substitute new counsel for Respondent.

12. Respondent was entitled to reimbursement from the \$5,000 paid by Weinstein for the filing fee of \$292.50. Respondent did not earn the remaining sum of \$4,707.50 received from Weinstein. Respondent withdrew from employment and did not refund the unearned fees to Weinstein.

#### CONCLUSIONS OF LAW:

13. By misrepresenting to Weinstein that he had incurred \$900 in filing fees in filing Weinstein's case, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of the Business and Professions Code, section 6106.

14. By not providing an accounting for the fees and costs paid by Weinstein despite the client's request, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

15. By abandoning representation of Weinstein without informing Weinstein and obtaining a substitution of attorney, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of the Rules of Professional Conduct, rule 3-700(A)(2).

16. By not refunding the \$4,707.50 paid by Weinstein, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

#### PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was January 19, 2010.

## AUTHORITIES SUPPORTING DISCIPLINE.

### The Standards for Attorney Sanctions for Professional Misconduct (the "Standards"):

Standard 1.6(a) provides that where two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanctions imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.3 provides for actual suspension or disbarment for an act of moral turpitude 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.

Standard 2.2(b) provides for a minimum actual suspension of three months irrespective of mitigating circumstances for the commission of a violation of rule 4-100, Rules of Professional Conduct, which does not result in the willful misappropriation of entrusted funds or property.

Standard 2.4(b) provides for reproof or suspension for an individual abandonment of a client depending upon the extent of the misconduct and the degree of harm to the client.

Standard 1.7(b) provides for disbarment if a member is found culpable of professional misconduct and had a record of two prior impositions of discipline.

### Case Law

Although this case will be Respondent's third imposition of discipline, his misconduct occurred during the same period as the misconduct in his first discipline. Where the misconduct occurred during the same period as the prior misconduct, the aggravating force of prior discipline is diminished, but it is appropriate to consider what the discipline would have been if all the charged misconduct during the time period had been brought in one case. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618-9.)

In Respondent's first discipline effective April 2007, he was found culpable of misappropriating funds received on behalf of a client, making misrepresentations to a bank, and failing to cooperate with the State Bar in the Miller matter; misappropriating client funds and failing to cooperate in a State Bar investigation in the Lin Matter; failing to maintain funds in trust and failing to cooperate in a State Bar investigation in a trust account matter; and improper withdrawal, failing to account for fees, dividing a fee with another lawyer without client consent and failing to cooperate in a State Bar investigation in the Montoya Matter; and violating a court order, failing to report sanctions to the State Bar, and failing to cooperate in a State Bar investigation in the Ferguson Matter. Respondent defaulted in the discipline case and was placed on a two-year stayed suspension with an actual suspension of two years and until he shows rehabilitation pursuant to standard 4.1(c)(ii) and makes restitution.

The prior misconduct also involves abandonment of a client and failure to account for fees as in this case as well as more serious misconduct such as misappropriation of client funds and failure to participate in State Bar investigations. Had the current misconduct been combined with the prior misconduct, it is unlikely that the case would have resulted in disbarment or altered the outcome of the second case

involving Respondent's late compliance with rule 9.20, Rules of Professional Conduct. Nevertheless, an additional period of actual suspension is warranted.

Abandonment of clients and failure to refund unearned fees has resulted in actual suspension up to 6 months where there are repeated violations or other misconduct. (*Matthew v. State Bar* (1989) 49 Cal.3d 784 [60-days actual suspension for failing to account for and/or refund unearned fees in three matters and failing to and failing to perform services diligently in two of the matters; no prior record of discipline]; *In the Matter of Nees* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 459 [6-month suspension in a default case for failing to communicate with the client in a habeas corpus case, failing to perform services, failing to release the client file, and failing to refund unearned fees on \$7,000, all in one client matter, no prior discipline]; *In the Matter of Kennon* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 267 [30-days actual suspension for failing to perform and communicate in two client matters and failing to refund unearned fees of \$2,000 in one of the cases; no prior discipline].) Where the client abandonments are repeated or the misconduct is accompanied by acts of moral turpitude, the discipline can be substantial actual suspension or disbarment. (*In the Matter of Kroff* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 838 [recommending three years of actual suspension and until restitution and rehabilitation for misconduct which included ten acts of moral turpitude].)

An additional year of actual suspension with the requirement that Respondent establish his rehabilitation is warranted to address this additional misconduct.

(Do not write above this line.)

In the Matter of Matthew Bernard Weber, #202719	Case number(s): 07-O-10788
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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>2/5/2010</u> Date	<u>Matthew Weber</u> Respondent's Signature	<u>Matthew B. Weber</u> Print Name
<u>2-9-10</u> Date	<u>[Signature]</u> Respondent's Counsel Signature	_____ Print Name
<u>2-9-10</u> Date	<u>Dane C Dauphine</u> Deputy Trial Counsel's Signature	<u>Dane C. Dauphine</u> Print Name

(Do not write above this line.)

In the Matter Of <b>Matthew Bernard Weber, #202719</b>	Case Number(s): <b>07-O-10788</b>
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

*PAGE 6 - PARAGRAPH F.(1) - CHECK BOX -*

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

02-16-10  
Date

  
Judge of the State Bar Court

**RICHARD A. PLATEL**

## CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 16, 2010, I deposited a true copy of the following document(s):

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

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

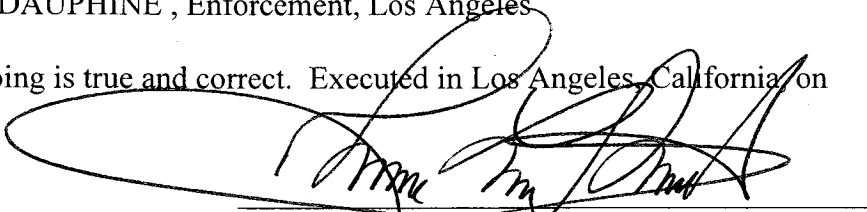
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MATTHEW B. WEBER  
LAW OFFICE OF DAVID BATES  
2141 ROSECRANS AVE STE 1130  
EL SEGUNDO, CA 90245

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

DANE DAUPHINE , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 16, 2010.



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Johnnie Lee Smith  
Case Administrator  
State Bar Court