


(Do not write above this line.)

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

<p>Counsel For The State Bar</p> <p>Allen Blumenthal Supervising Trial Counsel 180 Howard Street San Francisco, CA 94105 Telephone: (415) 538-2228</p> <p>Bar # 110243</p>	<p>Case Number (s) 07-O-10807</p>	<p>(for Court's use)</p> <p align="center">PUBLIC MATTER</p> <p align="center">FILED </p> <p align="center">SEP 19 2007</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Paul J. Virgo PO Box 67682 Los Angeles, CA 90067 Telephone: (310) 642-6900</p> <p>Bar # 67900</p>	<p>Submitted to:</p>	
<p>In the Matter Of: James Andrew Pixton</p> <p>Bar # 193263</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</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 **December 15, 1997**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (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
 - (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.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **Respondent caused harm to his client by not performing and not refunding the \$2,000 he was paid to perform the services.**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. **Respondent was experiencing financial difficulties as a result of a failed law partnership as well as changes in his practice area. Respondent asserts that this was the reason he did not refund the fees.**
- (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

Respondent has no prior record of discipline in 10 years of practicing law. Further, at the time of the misconduct respondent was experiencing emotional problems due to his own health issues

and the health issues of his child. That is, in early 2004 he was diagnosed with stage three non-Hodgkins lymphoma. He is currently in full remission. In March 2004, his youngest child was diagnosed with leukemia. These medical issues resulted in emotional issues for respondent that impacted his practice.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law 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:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **two 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 **thirty days**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

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

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

Attachment language begins here (if any):

In the Matter of
James Andrew Pixton

Case number(s):
07-O-10807

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
John L. Sauter	\$2,000	March 21, 2006

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **six months after the Supreme Court issues the order suspending respondent.**

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:
- 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: JAMES ANDREW PIXTON

CASE NUMBER(S): 07-O- 10807

FACTS AND CONCLUSIONS OF LAW.

A. FACTS

On or about March 21, 2006, John Sauter (“Sauter”), hired respondent James Andrew Pixton (hereinafter “respondent”) to represent him in his family law matter, including seeking a modification of spousal and child support orders, and representing him in a related wage garnishment to pay the child support in a family law matter, entitled *Barbara Sauter v. John L. Sauter*, Superior Court of California, County of Alameda. case no. CV021244. Respondent had previously represented Mr. Sauter in a bankruptcy matter.

Mr. Sauter wanted respondent to stop his daughter’s child support payments and the garnishment of his wages for that because his daughter was now 18 years old and no longer residing with Mr. Sauter’s ex-wife. He also wanted to stop his spousal support to his wife and obtain custody of his son. Mr. Sauter and his wife were legally separated at that time. Mr. Sauter paid Respondent \$2,000 as advanced fees for respondent’s services in this matter.

Subsequently, respondent failed to perform the services for which he was hired. While he drafted Mr. Sauter’s declaration in August 2006, he never filed that declaration or any other documents or pleadings for Sauter in the family law matters.

In or about December 2006, Respondent and Mr. Sauter discussed the status of Mr. Sauter’s case. At that time, respondent misrepresented to Sauter that two hearings were scheduled in his matter. Respondent told Mr. Sauter that he did not need to attend those hearings. In fact and in truth, no hearings were set by the court and respondent had not requested any hearings.

Subsequently, Mr. Sauter went to the courthouse to attend a hearing that respondent had informed him would occur. When Sauter went to attend that hearing, the court clerk informed Mr. Sauter that no such hearing was scheduled. This was the first time that Mr. Sauter learned that no hearing was set.

Subsequently, in or about early 2007, Mr. Sauter contacted respondent, who at that time admitted that no hearings were scheduled and that he had lied to Mr. Sauter regarding having scheduled hearings in Mr. Sauter's matter. Respondent promised to file a motion to modify the support orders within two or three weeks or return Mr. Sauter's money.

Subsequently, respondent failed to perform any services. Respondent failed to file the motion to modify the support orders, or perform any other services for Mr. Sauter. He failed to file any pleadings for Mr. Sauter. He also failed to refund the \$2,000, as he had promised.

Respondent failed to perform any services of value for Mr. Sauter. He had not earned any of the \$2,000 fees paid to him. As a result of respondent's failure to file the motion for modification of the support orders, Mr. Sauter's wages continued to be garnished and he continued to have to pay child and spousal support.

Subsequent to in or about early 2007, respondent failed to refund any portion of the unearned fees, despite Mr. Sauter's requests to respondent that he refund the unearned fees. On or about February 7, 2007, Mr. Sauter filed a complaint with the State Bar regarding this matter.

On or about March 23, 2007, the State Bar sent respondent a letter requesting information about this matter. Respondent received that letter by on or about March 27, 2007.

On or about March 27, 2007, Respondent contacted Mr. Sauter and offered to refund \$2,000 to Mr. Sauter if Mr. Sauter dropped the State Bar matter against Respondent. Mr. Sauter rejected this offer.

To date, respondent has not refunded any portion of the \$2,000.

B. CONCLUSIONS OF LAW

By failing to perform the services for which he was hired, including failing to file the motion to modify the support orders and address the wage garnishment issue, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.

By failing to refund any portion of the \$2,000 in unearned fees, despite Mr. Sauter's requests for the money, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned.

By offering to refund the \$2,000 if Mr. Sauter agreed to drop the State Bar case, Respondent wilfully failed to support the Constitution and laws of the United States and of this state by violating Business and Professions Code, Section 6068(a) by agreeing or seeking

agreement that a client or former client withdraw a disciplinary complaint or not cooperate with the investigation or prosecution conducted by the disciplinary agency.

By misrepresenting to his client that there were two court dates set in his matter and by offering to refund the \$2,000 in unearned fees if Mr. Sauter dropped the State Bar complaint, Respondent wilfully committed an act or acts involving moral turpitude, dishonesty or corruption.

SUPPORTING AUTHORITY

Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct (hereinafter “Standards”) states “[c]ulpability of a member for 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 magnitudes of the act of misconduct and the degree to which it relates to the member’s acts within the practice of law.”

Standard 2.4(b) states “[c]ulpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.” Standard 2.6 provides for disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard for the purposes of imposing discipline set forth in Standard 1.3 for a section 6068(a) violation.

The Supreme Court recently re-affirmed that great weight is to be given the Standards and that they should be followed *whenever possible*. (*In re Silverton* (2005) 36 Cal.4th 81, 92 [emphasis added].)

Thus, while the Standards are not mandatory, the Supreme Court has held that they should be followed unless the charged attorney can demonstrate the existence of extraordinary circumstances justifying a lesser sanction. (*In re Silverton*, supra, 36 Cal.4th at 92.) It is Respondent’s burden to demonstrate that there are extraordinary circumstances justifying a lesser sanction than that recommended by the Standards.

Case law also supports an actual suspension here. For example, in *Hansen v. State Bar* (1978) 23 Cal.3d 67, an attorney who failed to perform and misrepresented to the client that all was proceeding well received a six month actual suspension. He had no priors in 23 years of practice. In *Franklin v. State Bar*, (1986) 41 Cal.3d 700, an attorney who failed to perform and communicate in two matters and made misrepresentations to the State Bar was suspended for one year, stayed, including 45 days actual suspension. Franklin had no prior record of discipline in 14 years of practice. (See also *Wren v. State Bar* (1983) 34 Cal.3d 81 [45 days actual suspension for a failure to perform, failure to communicate, and misrepresenting the status of the matter to the client. The attorney had no priors in 22 years of practice].

In *Harris v. State Bar* (1990) 51 Cal.3d 1082, an attorney received a 90 day actual suspension for failing to perform in one matter and improper withdrawal. In aggravation, the court found a lack of candor and indifference toward the consequences of his misconduct. The attorney had no prior record of discipline in 20 years of practice.

In *In the Matter of Aulakh* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 690, an attorney who failed to perform in one matter, improperly withdrew, failed to refund unearned fees, and failed to render an accounting to a client, received a 45 day actual suspension. In *Bach v. State Bar* (1991) 52 Cal.3d 1201, an attorney who failed to communicate, failed to perform, purported to withdraw without the consent of either the client or the court, and failed to respond to two State Bar inquiries, received a 30 day actual suspension. Bach had no priors in 17 years of practice.

In *Stuart v. State Bar* (1985) 40 Cal.3d 838, an attorney was actually suspended for 30 days for failing to perform and improper withdrawal in one matter. He had previously been privately reprimanded for encouraging a third party to cash two checks that Stuart issued but later failed to honor. In *Layton v. State Bar* (1990) 50 Cal.3d 889, an attorney was suspended for three years, stayed, with 30 days actual suspension for failing to perform in one matter involving an estate.¹ He acted as both executor and attorney for the estate. Layton had no priors in 30 years of practice. In *Van Slotten v. State Bar* (1989) 48 Cal.3d 921, an attorney was suspended for six months, stayed, and placed on probation for one year for failing to perform in one matter. He had no priors in twelve years of practice.

While the recommended discipline for this matter is on the lighter side, it is well within the Standards and case law. In recommending 30 days actual suspension the parties took into account respondent's lack of priors in 10 years of practice and that due to his family problems he was experiencing significant emotional distress that contributed to his misconduct. Further, respondent's financial problems made it difficult to refund the unearned fees. Respondent has

¹The Supreme Court's opinion also states that he was found culpable of violating Business & Professions code section 6103 for violating his duties as an attorney. The Opinion does not clearly address what the 6103 violation is for.

acknowledged his misconduct and is aware that should he not comply with the conditions for his discipline, including making full restitution to his client, he will receive a significant period of actual suspension. Likewise, any future misconduct could lead to very significant discipline being imposed, including disbarment.

PENDING PROCEEDINGS.


The disclosure date referred to, on page one, paragraph A.(7), was August 29, 2007.

(Do not write above this line.)

In the Matter of James Andrew Pixton	Case number(s): 07-O-10807
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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>9/10/07</u> Date	 Respondent's Signature	<u>James Andrew Pixton</u> Print Name
<u>9/5/2007</u> Date	<u>Paul J. Virgo</u> Respondent's Counsel Signature	<u>Paul J. Virgo</u> Print Name
<u>9/11/07</u> Date	<u>Allen Blumenthal</u> Deputy Trial Counsel's Signature	<u>Allen Blumenthal</u> Print Name

(Do not write above this line.)

In the Matter Of James Andrew Pixton	Case Number(s): 07-O-10807
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ORDER

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

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

The Conclusions of Law on pages 11 and 12 of the Stipulation are amended as follows to add the rule or statute violated:

The first paragraph of the Conclusions of Law is amended to add that Respondent's misconduct was in violation of rule 3-110(A) of the Rules of Professional Conduct.

The second paragraph is amended to add that Respondent's misconduct was in violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

The fourth paragraph is amended to add that Respondent's misconduct was in violation of section 6106 of the Business and Professions Code.

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.)**

9-19-07
Date


Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on September 19, 2007, 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:

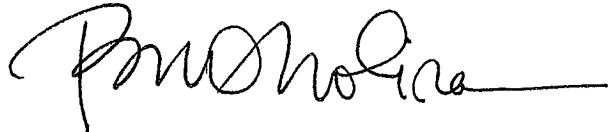
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**PAUL JEAN VIRGO
PO BOX 67682
LOS ANGELES, CA 90067 - 0682**

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

ALLEN BLUMENTHAL, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **September 19, 2007**.



Bernadette C. O. Molina
Case Administrator
State Bar Court