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**State Bar Court of California  
Hearing Department  
Los Angeles**

<p>Counsel For The State Bar</p> <p>Brandon K. Tady State Bar of California 1149 South Hill Street Los Angeles, California 90015</p> <p>Bar # 83045</p>	<p>Case Number (s) 07-O-10996</p>	<p>(for Court's use)</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> </p> <p>OCT 23 2009</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>David Cameron Carr 3333 Camino del Rio South, Suite 215 San Diego, California 92108</p> <p>Bar # 124510</p>	<p>Submitted to: <b>Settlement 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>	
<p>In the Matter Of: CHARLES COLIN COSSIO</p> <p>Bar # 167901</p> <p>A Member of the State Bar of California (Respondent)</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 10, 1993.
- (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 17<sup>16</sup> 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."



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- (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: three (3) billing cycles following the effective date of the Supreme Court order on this matter. (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 represented Robert Russell ("Russell") in a bodily injury claim. Russell received treatment from Sam Maywood, M.D. and Coast Surgical Center ("Coast") for his injuries. Dr. Maywood and Coast asserted medical liens. Respondent agreed to attempt to negotiate reductions in the medical liens. He did not attempt to negotiate a reduction of Dr. Maywood's medical lien. Respondent negotiated a 25% reduction of Coast's medical lien if the lien was paid within 30 days. Respondent did not pay Coast's lien within 30 days and Coast withdrew the reduction. Ultimately, Respondent paid Dr. Maywood's and Coast's lien in full and Russell lost the 25% savings agreed to by Coast.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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. Respondent failed to perform with competence with regard to payment of the Dr. Maywood's and Coast's medical liens, he failed to maintain client funds in his attorney client trust account ("CTA"), he was grossly negligent in the maintenance of his CTA causing an unintentional misappropriation of client funds, and he was grossly negligent in preparing a final accounting for Mr. Russell because he inaccurately represented that the funds to pay Dr. Maywood and Coast were held in trust in his CTA.
- (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. Respondent was admitted to practice law on December 10, 1983 and he does not have a prior record of discipline.
- (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 cooperated with the State Bar in its investigation of Robert Russell's State Bar complaint.
- (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. Respondent submitted letters attesting to his good character from three attorneys who are members of the State bar of California, and two letters from non-attorneys attesting to Respondent's pro bono activities, community service, and his service as a Field Hospital Corpsman in the United States Naval Reserve in Iraq during Operation Desert Storm.
- (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 three 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 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:

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

Actual Suspension

### 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:
  - ☐ 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:
- (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:** See Financial Conditions, Law Office Management Conditions attached to this Stipulation.

In the Matter of  
Charles Colin Cossio

Case number(s):  
07-O-10996

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
Robert Russell or CSF	\$4924.00	October 7, 2009

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than the date he is required to file his first Quarterly Report with the Office of Probation.

### 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.



In the Matter of  
Charles Colin Cossio

Case number(s):  
07-O-10996

A Member of the State Bar

### Law Office Management Conditions

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

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

IN THE MATTER OF:                      C. Colin Cossio  
CASE NUMBER(S): ET AL.              07-O-10996-RAP

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits the following facts are true and he is culpable of the violations of the specified statutes.

Case number 07-O-10996-RAP.

**FACTS.**

1. Respondent was a sole practitioner. He delegated to his wife the responsibilities for managing his attorney client trust account ("CTA"). Respondent authorized his wife to make deposits into and write checks on his CTA.

2. When Respondent received a settlement check for a bodily injury claim, his practice was to tell his wife how the settlement funds were to be disbursed including the name of the payee and the amount of each check. Respondent's wife wrote checks on the CTA and Respondent signed them.

3. Respondent's wife is not an attorney and she did not have accounting or bookkeeping experience before she began managing Respondent's CTA. Respondent did not instruct his wife how to properly manage the CTA. Respondent also did not independently review the CTA to verify his wife was properly managing this account.

4. On October 15, 2002, Robert E. Russell ("Russell") employed Respondent to represent him in an underinsured motorist bodily injury claim.

5. Russell received medical treatment for his bodily injuries from Sam Maywood, M.D ("Dr. Maywood") and Coast Surgery Center ("Coast"). On or about October 20, 2003, Respondent signed a medical lien on behalf of Russell agreeing to pay Dr. Maywood from any settlement of Russell's bodily injury claim ("Maywood Lien").

6. On August 17, 2005, Russell and Respondent signed a medical lien agreeing to pay Coast from any settlement of Russell's bodily injury claim ("Coast Lien").

7. In February 2006, Respondent settled Russell's underinsured motorist claim following a binding arbitration. On or about February 9, 2006, Respondent received a settlement check from the undersinsured motorist carrier. The settlement check was payable to Russell and Respondent in the sum of \$236,638 in full satisfaction of the arbitration award. On or about February 9, 2006, the settlement check was deposited into Respondent's CTA.

8. On February 17, 2006, Respondent provided Russell with a Final Accounting itemizing the gross arbitration award, attorney's fees and costs, and outstanding medical liens and expenses. ("February Final Accounting"). The February Final Accounting listed outstanding medical liens of \$4924.00 for BB&B Physical Therapy ("BB&B"), \$2228.86 for Regents MRI ("Regents"), \$9,983.00 for Dr. Maywood, and \$10,655.00 for Coast for a total of \$27,800.86. Respondent gave Russell a copy of the February Final Accounting and Russell reviewed it.

9. On February 17, 2006, Russell wrote on the February Final Accounting: "I dispute Dr. Sam Maywood and Coast Surgery Center billing please hold in trust pending negotiation of these bills."

Attachment Page 1

Below Russell's statement on the February Final Accounting, Respondent wrote: "[f]unds will remain in Client Trust Account until resolved with providers.] On or about February 17, 2006, Russell signed the February Final Accounting.

10. Respondent agreed with Russell that he would use his best efforts to negotiate reductions in Dr. Maywood's and Coast's Liens.

11. According to the February Final Accounting, Respondent was required to maintain the sum of \$27,800.86 in the CTA until he paid BB&B's, Regent's, Dr. Maywood's and Coast's Liens.

12. On April 7, 2006, June 7, 2006, and July 11, 2006 Nelly Normandia ("Nelly"), the billing supervisor from Dr. Maywood's office, called Respondent because he did not pay Dr. Maywood's lien. Nelly left messages for Respondent to call her. Respondent received the messages. Respondent did not respond to the messages.

13. On August 14, 2006, Respondent negotiated a 25% reduction of Coast's Lien. Coast agreed to a reduction from \$10,655 to \$7,991 provided the reduced amount was paid within 30 days. Respondent did not inform Russell of the 25% reduction of Coast's bill.

14. On August 29, 2006 and September 27, 2006, Andrea, a representative of Coast, called Respondent and left messages because Respondent did not pay Coast's Lien. Respondent received the messages. Respondent did not respond to the messages.

15. On September 14, 2006, December 11, 2006, and January 8, 2007, Nelly sent Respondent letters because Respondent did not pay Dr. Maywood's Lien. Respondent received these letters from Nelly. Respondent did not respond to the September 14, 2006, December 11, 2006, and January 8, 2007 letters.

16. On January 9, 2007, Nelly called Respondent because Respondent did not pay Dr. Maywood's Lien. Nelly left a message for Respondent. Respondent received the message. Respondent did not respond to the message.

17. On February 9, 2007, Andrea from Coast called Respondent about payment of Coast's lien. Respondent told Andrea he "dropped the ball" and he would call her back about payment.

18. On or about February 20, 2007 and March 16, 2007, April 16, 2007, Andrea from Coast called Respondent and left messages for him because he did not pay Coast's Lien. Respondent received the messages. Respondent did not respond to the messages.

19. On April 19, 2007, Russell sent a letter to Respondent asking Respondent to contact him about the monies Respondent agreed to hold in trust to pay Dr. Maywood's and Coast's Liens. Respondent received the letter.

20. On May 6, 2007, Respondent provided Russell with another final accounting for Russell's underinsured motorist claim ("May Final Accounting"). The May Final Accounting contained the statement that Respondent maintained \$20,638.00 in his CTA including \$9983.00 for Dr. Maywood's Lien and \$10,655.00 for Coast's Lien. This statement was not correct and the amount maintained in the CTA on May 6, 2007 was substantially less than \$20,638.00. The May Final Accounting also contained the statement that Respondent did not have any other monies held in trust for Russell. Respondent gave the May Final Accounting to Russell.

21. On May 6, 2007, Russell signed the May Final Accounting.

22. On May 11, 2007, a representative from Coast sent a letter to Respondent stating that if Coast's Lien was not paid in full by May 21, 2009, Russell's account would be turned over to collections. Coast withdrew its offer to reduce its lien by 25%.

23. On May 16, 2007, Respondent signed CTA check number 2063 payable to Dr. Maywood in the amount of \$9,983. This is the full amount of Dr. Maywood's Lien. On May 17, 2007, Respondent sent CTA check number 2063 to Dr. Maywood by U.S. Postal Service Certified Mail. Dr. Maywood received and cashed the check. Respondent did not attempt to negotiate any reduction of Dr. Maywood's Lien.

24. On May 16, 2007, Respondent issued CTA check number 2064 payable to Coast in the amount of \$10,665 as payment of Coast's Lien. This is the full amount of Coast's Lien. On May 17, 2007, Respondent sent CTA check number 2064 to Coast by U.S. Postal Service Certified Mail. Coast received the check and cashed it.

25. During the present disciplinary proceeding, the State Bar discovered from reviewing Respondent's CTA records that Respondent did not pay BB&B's and Regent's Liens. Respondent agrees he did not pay BB&B's and Regent's Liens. Respondent did not know that BB&B's and Regent's Liens had not been paid.

26. Respondent immediately paid Regent's Lien. Respondent attempted to locate BB&B and was not successful.

27. Respondent agrees to pay Russell \$4924.00 which is the amount of BB&B's Lien.

28. From on or about November 9, 2006 until on or about May 16, 2007 the balance in the CTA fell below \$20,648, as follows:

Date	CTA Balance	Date	CTA Balance
11/09/2006	\$16,356.97	03/09/2007	\$7,656.74
11/15/2006	\$15,356.97	03/12/2007	\$6,169.24
11/16/2006	\$12,023.64	03/15/2007	\$4,169.24
11/17/2006	\$13,523.64	04/17/2007	\$3,335.91
11/29/2006	\$10,423.64	04/19/2007	\$2,323.41
12/06/2006	\$8,923.64	04/20/2007	\$2003.41
12/11/2006	\$4923.65	05/01/2007	\$11,503.41
12/15/2006	\$4,423.65	05/04/2007	\$9,253.41
12/28/2006	\$3,628.65	05/09/2007	\$5,212.41
01/04/2007	\$3,028.65	05/11/2007	\$4,712.41
01/08/2007	\$2,952.90	05/14/2007	\$4,212.41
03/07/2007	\$17,952.90	///	///

29. At all times between November 9, 2006 and May 16, 2007, the balance in the CTA was less than \$27,800.86.

30. On April 20, 2007, the balance in Respondent's CTA fell to \$2,003.41. On that date, Respondent was required to maintain \$27,800.86 in his CTA on behalf of Russell.

31. Respondent's wife wrote checks on the CTA causing the balance to drop below \$27,800.86. Respondent signed the checks but did not review the CTA to determine whether the checks were proper withdrawals. Respondent's wife mistakenly believed that the \$27,800.86 that was held in trust for Russell belonged to Respondent.

32. Respondent has paid Regent's Dr. Maywood's, and Coast's Medical Liens. He has not paid BB&B's Medical Lien because he cannot locate BB&B. Instead, Respondent agrees to pay the funds owed to BB&B directly to Russell.

### **CONCLUSIONS OF LAW**

33. By failing to negotiate Dr. Maywood's Lien, by failing to pay Coast's Lien within 30 days to preserve the 25% reduction, and by failing to timely pay BB&B's and Regent's Liens, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of California Rules of Professional Conduct ("Rules of Professional Conduct"), rule 3-110 (A).

34. By failing to maintain at least \$27,800.86 in his CTA until he paid Dr. Maywood's, Coast's, BB&B's, and Regent's Liens, Respondent failed to maintain client funds in trust in wilful violation of Rules of Professional Conduct, rule 4-100(A).

35. By delegating management of the CTA to his wife and by not supervising her, Respondent was grossly negligent in the management of his CTA and his gross negligence caused him to unintentionally misappropriate \$27,800.86 of Russell's settlement funds for his own use. By unintentionally misappropriating \$27,800.86 of Russell's settlement funds for his own use, Respondent committed an act involving moral turpitude, dishonesty, or corruption in wilful violation of California Business and Professions Code, section 6106.

36. Respondent was grossly negligent in not knowing that funds were no longer in trust when he represented in the May Final Account that he maintained \$20,638.00 in trust to pay Dr. Maywood's and Coast's Liens. By providing Russell with the May Final Account that included the unintentional misrepresentation that \$20,638.00 was held in trust, Respondent committed an act involving moral turpitude, dishonesty, or corruption in wilful violation of Business and Professions Code, section 6106.

### **DISMISSALS**

The parties respectfully request that the Court dismiss Count Four of the Notice of Disciplinary Charges filed in this matter on August 20, 2008. This Count alleges that Respondent failed to respond to Russell's reasonable status inquiries in wilful violation of Business and professions Code, section 6068 (m).

### **WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY**

The parties waive any variance between the Notice of Disciplinary Charges filed on August 20, 2008 and the facts contained in this Stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the Notice of Disciplinary Charges.

## **PENDING PROCEEDINGS.**

None. The disclosure date referred to, on page 2, paragraph A(6), was September 29, 2009.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 25, 2009, the disciplinary costs in this matter are \$3763. Respondent further acknowledges that should this Stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

## **AGGRAVATING CIRCUMSTANCES.**

See Section B of the Stipulation.

## **MITIGATING CIRCUMSTANCES.**

Respondent was admitted to the State Bar on December 10, 1983 and he does not have a record of prior discipline. Respondent's misconduct is serious; but, the State Bar acknowledges that *In the Matter of Stamper* (Review Department 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, the Review Department held that Standard 1.2 (e) (i) has been repeatedly applied by the Supreme Court in cases involving serious misconduct.

Respondent cooperated with the State Bar in the present disciplinary proceeding which is a mitigating circumstance under Standard 1.2 (e) (v).

Respondent provided the State Bar with five letters, three from attorneys and two from non-attorneys, attesting to his good character, to his community service, and to his military service in Iraq in Operation Desert Storm. These letters are a mitigating circumstance under Standard 1.2 (e) (vi).

## **STATE BAR ETHICS SCHOOL.**

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

## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

See Law Office Management Conditions attached to this Stipulation.

## **MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION.**

See Section F (1) of the Stipulation.

## **FINANCIAL CONDITIONS, RESTITUTION.**

See Financial Conditions attached to this Stipulation.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 2.2 (a) provides that culpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than one-year actual suspension, irrespective of mitigating circumstances.



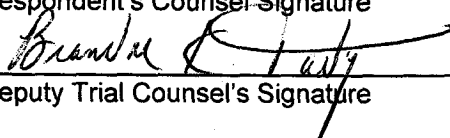
In the present proceeding, the stipulated discipline of two years actual suspension with the requirement of a Standard 1.4 (c) (ii) hearing is consistent with Standard 2.2 (a). Respondent's misappropriation was caused by his gross negligence in delegating to his wife the management of his CTA and then failing to supervise her. Respondent's years in practice without prior discipline, his recognition of wrongdoing by making restitution to Regents and BB&B or Russell, and his evidence of good character are important mitigating circumstances.

(Do not write above this line.)

In the Matter of C. Colio Cossio	Case number(s): 07-O-10996
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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>10/08/09</u> Date	 Respondent's Signature	<u>C. Charles Cossio</u> Print Name
<u>10/08/09</u> Date	 Respondent's Counsel Signature	<u>David Cameron Carr</u> Print Name
<u>10/08/09</u> Date	 Deputy Trial Counsel's Signature	<u>Brandon K. Tady</u> Print Name



(Do not write above this line.)

In the Matter Of C. Colin Cossio	Case Number(s): 07-O-10996
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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.

stipulation is 16 pages, not including this order.

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.)

10/22/09  
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 October 23, 2009, I deposited a true copy of the following document(s):

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

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

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

**DAVID C. CARR  
LAW OFFICE OF DAVID CAMERON CARR  
3333 CAMINO DEL RIO S STE 215  
SAN DIEGO, CA 92108**

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- ☐ by overnight mail at , California, addressed as follows:

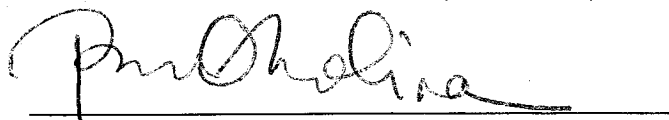
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

**BRANDON K. TADY, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 23, 2009.



Bernadette C.O. Molina  
Case Administrator  
State Bar Court