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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>San Francisco</b>		
Counsel For The State Bar  <b>Susan I. Kagan</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2037  Bar # 214209	Case Number (s) <b>07-O-11014</b>	(for Court's use)  <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div>  <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center;">APR 0 1 2009 </div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent  <b>Vincent J. McGraw</b> 3869 Smokemist Tree Lawrenceville, GA 30044-2963 (404) 438-1444  Bar # 68583	Submitted to: <b>Settlement Judge</b>	
In the Matter Of: <b>Vincent J. McGraw</b>  Bar # 68583  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **June 7, 1976**.
- (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".
- (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:  
(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.
- (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. **See page 11.**
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **See page 11.**
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **See page 11.**
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**No Prior Discipline: Respondent has no prior record of discipline over many years of practice. See page 11.**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.

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

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

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

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

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **thirty (30) 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: **Respondent lives in Georgia and is unable to attend State Bar Ethics School. As an alternative to State Bar Ethics School, the parties agree that respondent will complete the following courses: six (6) hours of MCLE courses in legal ethics. Within one (1) year of the effective date of discipline herein, respondent must provide the Office of Probation satisfactory proof of participation for the MCLE courses.**

- (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 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 954-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

- No MPRE recommended. Reason:

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- (2)  **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, 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 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, 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:**

Attachment language begins here (if any):

## FACTS AND CONCLUSIONS OF LAW

### Facts

1. In January 1998, the judges in the Fresno courts were given access to the Internet through the county's computer system. The policies of Fresno County and the Fresno courts specifically prohibited the use of county computers or the Internet in connection with sexually oriented, sexually explicit, or pornographic material. Respondent was furnished with these policies when he was given Internet access.
2. Beginning in January 1998, and continuing through August 1998, respondent frequently used the county computer in his chambers to access Internet sites containing sexually explicit materials. Respondent's use of the computer for this purpose occurred on weekdays before, during and after regular court business hours — and on weekends. Records of respondent's Internet use maintained by Fresno County for the months of April 1998 through August 1998, indicate that the computer was logged on to these Internet sites, on average, approximately fifteen hours per month. Approximately eleven hours per month of this log on time occurred on weekdays between 8:00 am. and 5:00 p.m. The county did not maintain records of respondent's Internet use prior to April 1998. Respondent's use of the computer violated the policies of Fresno County and the Fresno courts.
3. On Friday, September 4, 1998, respondent was confronted about his inappropriate use of the computer by the presiding and assistant presiding judges of the Fresno courts. Respondent was told that an investigation was underway concerning this matter and was given a copy of the county's records reflecting his Internet use in August. Respondent admitted that he was the person accessing the sites reflected in the records. Respondent also admitted that he was aware that his conduct violated the court and county policies prohibiting the use of the computer in connection with sexually explicit materials. During a second meeting that day with the presiding and assistant presiding judges, respondent admitted that he had been using the computer to access the Internet in the same manner and with the same frequency since January 1998, when the court obtained access to the Internet.
4. On January 26, 1999, respondent was privately admonished by the California Commission on Judicial Performance ("CJP") for the misuse of his court computer.
5. Thereafter, respondent ran (unsuccessfully) as the incumbent Fresno County Superior Court judge in a contested race in the March 5, 2002 judicial election.
6. Prior to the March 5, 2002 election, respondent engaged in, or involved court employees in, improper campaign activities in and around the courthouse, as follows:
  - A. In October 2001, respondent distributed to several hundred court and county employees copies of a Petition in Lieu of Filing Fees and a request that the recipients support his candidacy for judicial office by collecting signatures on a petition. Respondent provided a stamped envelope addressed to himself at his home address for the return of signed petitions to him. Respondent's requests did not include a caution against the

solicitation of signatures by court or county employees during working hours in court facilities. When this omission was brought to respondent's attention, he agreed with court administration's suggestion that the court should send a cautionary E-mail message to all affected court and county employees. Respondent also agreed not to use any petitions circulated in this manner to county or court employees. Although the requests for support were created using respondent's own private resources, he utilized court resources in the form of the court's interoffice mail system to distribute some or all of his requests for support. Some court and/or county employees responded to respondent's request by soliciting signatures during working hours and/or in public facilities, activities which were prohibited by county ordinance. (Fresno County Ordinance Code, § 3.08.110(A)(1) and (2).) Some of [the] persons from whom respondent requested support were court employees subordinate to him.

B. Respondent distributed a campaign brochure containing a photograph of himself and members of his judicial staff, who are employees of the Fresno county courts. Respondent did not obtain the permission or consent of the staff members prior to including their photograph in his campaign brochure; some members of the staff complained about the unauthorized use of their photograph. When this complaint was brought to the attention of respondent by court administration, respondent discontinued distribution of the campaign brochure and re-printed the campaign literature, omitting the photograph of judicial staff.

C. Respondent engaged court employees and staff in conversations about his election campaign during working hours, including asking employees to obtain signatures on a petition in lieu of filing fees and asking employees for other assistance with his campaign.

D. On February 20, 2002, after finishing the 8:30 a.m. calendar, respondent failed to give precedence to his judicial duties when he left the courthouse to attend to campaign-related activities prior to the call of the 10:00 a.m. small claims calendar. Respondent returned to the courthouse that morning, but not on time for the 10:00 a.m. calendar, which required some participants in calendared matters to return after lunch.

7. On February 25 and 26, 2002, respondent participated in two interviews with a reporter for Fresno television station KMPH concerning the 1998 misuse of his court computer, which had become an issue in the campaign. The interviews were conducted in a television studio and were tape-recorded for possible future broadcast. During the interviews, respondent made the following false and misleading statements in response to questions posed by the reporter:

A. On February 25, 2002, in response to the question whether allegations that he had accessed pornographic sites on his courthouse computer were true, respondent stated, "I don't have any information of what you're

talking about,” “I don’t have any information whatsoever.” When asked whether his statement was a denial, respondent stated, “[t]hat’s a denial.”

B. On February 26, 2002 (all subsequent statements through “K” were on February 26), respondent denied reports that in 1998 he had used his court computer to “surf the Internet for pornographic material,” stating, “[n]o, that is not true. I categorically deny that.”

C. Respondent denied that he surfed the Internet for pornographic material on his work computer at the county courthouse in 1998 or at any other time, stating, “[t]hat did not take place.”

D. Respondent denied that he ever admitted to his then presiding judge that he had surfed the Internet for any kind of pornographic material, stating, “Not true. That did not happen.... In any way, shape or form.”

E. Respondent denied ever talking to his then presiding judge about “any of this,” stating, “[n]o. I really don’t know what you’re talking about.”

F. Respondent denied that he ever admitted to his then presiding judge that he had misused his computer “in any way, shape or form, either in 1998 or since then,” stating, “[n]o sir.... No. And, the questions you’re asking me are very troubling because this is something that would have been the subject of judicial discipline and I have not been disciplined for these things that you are talking about.”

G. Respondent denied that he was disciplined by the Commission on Judicial Performance for improper use of his court computer, stating, “I have not been disciplined for these things that you are talking about.”

H. Respondent denied that he was ever privately disciplined by the Commission on Judicial Performance for improper use of his court computer or for any other reason “in any way, shape or form,” stating, “[n]o ... [not] in any way.”

I. Respondent denied that he ever misused his court computer at any time throughout his career, stating, “[n]ot at any time ... throughout my career.”

J. Respondent stated that he initiated a discussion that day with the court executive officer to find out whether the court’s computer system is serviced by in-house court technical personnel or by outside personnel provided by the county, and that he was informed by the court executive officer that the computers are serviced by in-house technical personnel. (In fact, respondent asked the court executive officer who had discovered that he had accessed pornographic Internet sites on his court computer.) Respondent stated to the reporter that “the reason why that was important

for me to know is because if our court personnel had discovered this, most likely I would have been told about it, and that has not happened. That simply is not true.”

K. Respondent stated that his own campaign had “spent almost all day today trying to uncover some substantiation for this story and we have not been able to substantiate the story. The story is not true.” Respondent further stated, “[t]he story is not true. It is false.”

8. Toward the end of the February 26, 2002 KMPH interview, respondent threatened legal action against “the station” if it published the allegations that he had denied. Respondent stated, “I’m concerned if these allegations are on your newscast that my reputation, my career, twelve years on the bench, a sitting judge, is going to be damaged.” Respondent further stated, “I’ve heard of no evidence so far to substantiate the allegations. And it sounds to me like this is reckless,” and that “it troubles me that if this is the subject of media coverage, that my reputation will be injured. And I’m seriously considering whether or not I shouldn’t be seeking counsel and considering a lawsuit” Respondent also stated that he had considered “filing a lawsuit in order to protect my reputation against a reckless story. I have been provided with no basis for the story and I know the story is not true.” Respondent then re-asserted his denial of the allegations, stating, “I don’t know what you’re talking about. I know that the allegations are not true.” Respondent again denied that he ever misused a county computer, stating, “[a]t no time.” Respondent again denied surfing the Web for pornographic sites, stating, “[t]hat’s not true.”

9. Respondent’s threat to bring legal action and his reiteration that the allegations were not true and that the news story lacked factual basis were made for the purpose of attempting to dissuade the publication of facts concerning him that were true and known by him to be true.

10. On March 1, 2002, portions of the interviews with respondent, including his false statements described in paragraphs A, B, C, D, E, F and G, were broadcast by KMPH in Fresno as part of a news story concerning the upcoming judicial election. Respondent appeared on the program live and read a statement on-air. In that statement he recited a retraction of the prerecorded denials. He expressed regret for having made them. He stated that he should have responded with “no comment.”

### **Conclusions of Law**

1. By misusing his court computer in violation of court and county policy, by engaging in, and involving court employees in, improper campaign activities in and around the courthouse, by making false and misleading statements to the press regarding the misuse of his court computer and by threatening legal action against the press if it published allegations regarding the misuse of his court computer, respondent violated the Code of Judicial Ethics, canons 1 (failing to observe high standards of conduct so that the integrity and independence of the judiciary will be preserved), 2A (failing to act in manner that promoted public confidence in integrity of judiciary), 2B(2) (lending prestige of judicial office to advance his pecuniary or personal interests), 3A (failing to give judicial duties precedence over all other activities) and 5 (engaging in political activity that creates the appearance of impropriety), 4A(2) (conducting extrajudicial activities that demean the judicial office) and 5B(2) (knowingly misrepresenting qualifications or any other fact concerning himself as candidate for judicial office) in wilfull violation of section 6068(a) of the Business and Professions Code.

2. By intentionally misusing his court computer in violation of court and county policy, by intentionally engaging in, and involving court employees in, improper campaign activities in and around the courthouse, by intentionally making false and misleading statements to the press regarding the misuse of his court computer and by threatening legal action against the press if it published allegations regarding the misuse of his court computer, when respondent knew those allegations to be true, respondent committed acts involving moral turpitude, dishonesty and corruption in willful violation of section 6106 of the Business and Professions Code.

### **PENDING PROCEEDINGS**

The disclosure date referred to on page two, paragraph A (7) was March 5, 2009.

### **MCLE**

Because respondent has agreed to participate in MCLE courses as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of the MCLE courses.

### **FACTS SUPPORTING AGGRAVATING AND MITIGATING CIRCUMSTANCES**

#### **AGGRAVATING CIRCUMSTANCES**

There are no aggravating circumstances in this matter.

#### **MITIGATING CIRCUMSTANCES**

Standard 1.2(e)(i). Respondent has been in practice since 1976. He has no prior record of discipline.

Standard 1.2(e)(iii). No harm was caused by respondent's misconduct.

Standard 1.2(e)(v). Respondent displayed spontaneous candor and cooperation to the State Bar during the investigation.

Standard 1.2(e)(vii). Respondent displayed remorse for his misconduct.

#### **SUPPORTING AUTHORITY**

Standard 2.3 requires an actual suspension or disbarment for a respondent that has committed an act of moral turpitude.

Standard 2.6(a) states that a violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or harm, if any, to the victim, with due regard to the purpose of imposing discipline set forth in standard 1.3.

Generally, a period of actual suspension is the appropriate level of discipline for a violation of section 6106. (See *Drociak v. State Bar* (1991) 52 Cal.3d 1085 [30 days' actual suspension; no prior record of discipline]; *Bach v. State Bar* (1987) 43 Cal.3d 848 [60 days' actual suspension; prior public reproof]; see also *Codiga v. State Bar* (1978) 20 Cal.3d 788 [one year actual suspension; prior public reproof]; *In the Matter of Chestnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166 [six months' actual suspension; prior record of discipline]; *In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490 [six months' actual suspension; prior record of discipline].)

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Based on respondent's extensive mitigation and the lack of aggravating circumstances, a 30-day actual suspension is appropriate in this matter.

(Do not write above this line.)

In the Matter of Vincent J. McGraw	Case number(s): 07-O-11014
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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.

3/5/2009  
Date

Vincent J. McGraw  
Respondent's Signature

Vincent J. McGraw  
Print Name

\_\_\_\_\_  
Date

[Signature]  
Respondent's Counsel Signature

\_\_\_\_\_  
Print Name

3/12/09  
Date

[Signature]  
Deputy Trial Counsel's Signature

Susan I. Kagan  
Print Name

(Do not write above this line.)

In the Matter Of <b>Vincent J. McGraw</b>	Case Number(s): <b>07-O-11014</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:

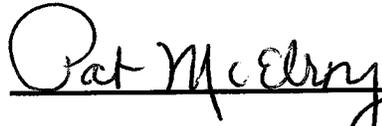
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 6, section F(3), the "x" inserted in the box, indicating a conditional 9.20 is deleted as there are no circumstances under which this condition can occur given that respondent's actual time is thirty days with no and until condition.

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.)**

March 30, 2009

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 April 1, 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:

VINCENT JOSEPH MCGRAW  
3869 SMOKEMIST TRCE  
LAWRENCEVILLE, GA 30044

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:

Susan Kagan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 1, 2009.

  
George Hue  
Case Administrator  
State Bar Court