

State Bar Court of California  
Hearing Department  
Los Angeles

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p><b>Mia R. Ellis</b> 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 228235</p>	<p>Case Number (s) 07-O-11208 07-O-11372</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p><b>FEB 03 2011</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>Arthur L. Margolis</b> 2000 Riverside Dr. Los Angeles, CA 90039 (323) 953-8996</p> <p>Bar # 57703</p>	<p>Submitted to: <b>Assigned Judge</b></p>	
<p>In the Matter Of: <b>Jeffrey P. Alpert</b></p> <p>Bar # 165997</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><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **November 24, 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 **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
  - case ineligible for costs (private reproof)
  - costs to be paid in equal amounts for the following membership years: **Costs to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Hearing Department Order.**  
(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
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **Avella was harmed by the dismissal of her case. She lost her opportunity to recover damages from the defendant.**
- (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. **Respondent's misconduct involved multiple acts of misconduct, including his failure to communicate with two clients, his abandonment of two clients, and his failure to cooperate in a State Bar investigation.**
- (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. **See "Additional Mitigating Circumstances" at p. 4.**

- (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:**

Respondent was diagnosed with a medical condition, after he voluntarily sought medical treatment. Respondent has provided proof from his treating physician that Respondent's condition contributed to his misconduct, and that Respondent does not show signs or symptoms of the condition at his recent examination. Respondent expressed his remorse to Avella for his misconduct and resolved the medical lien against her case, by having her doctor waive the lien. Respondent has no prior record of discipline since being admitted to the State Bar of California in November 1993. Considerable time has passed since Respondent's misconduct without any other misconduct by him. Coupled with Respondent's lengthy career without any prior discipline, which is entitled to great weight, Respondent's misconduct is deemed aberrational. Respondent was cooperative with the State Bar during its investigation of case number 07-O-11208. Respondent demonstrated recognition of wrongdoing by entering into this stipulation, thereby saving the resources of the State Bar.

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2)  During the condition period attached to the reproof, 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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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)  Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.

No MPRE recommended. Reason:

- (11)  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:**

None.

### **G. Supporting Authorities:**

Culpability 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 misconduct and the degree of harm to the client. (Standard 2.4(b), Standards for Attorney Sanctions for Professional Misconduct.) Culpability of a member of a violation of Business and Professions Code section 6068(a) shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. (Standard 2.6.)

However, the standards, while entitled to great weight, do not mandate a specific discipline. The court is "not bound to follow the standards in talismanic fashion. . .," but the Supreme Court is ". . . permitted to temper the letter of the law with considerations peculiar to the offense and the offender." [Citations.] ". . . [A]lthough the standards were established as guidelines, ultimately, the proper recommendation of discipline rest[s] on a balanced consideration of the unique factors in each case. [Citations.]" (In the Matter of VanSickle (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.)

Here, the mitigating factors outweigh the aggravating factors present such that a public reproof is appropriate.

Attachment language (if any):

Respondent admits that the following facts are true and that he is culpable of the following violations:

**Case No. 07-O-11208**

**I. A. FACTS:**

1. In May 2003, Elyse Avella ("Avella") and Erick Hauck ("Hauck") employed Respondent on a contingency fee basis to represent them in a claim for personal injuries arising from an automobile accident with Travon Nelson ("Nelson") on May 20, 2003. At the time of the accident, Avella was a passenger in a vehicle driven by Hauck and Nelson was driving a vehicle rented from Dollar Rent A Car ("Dollar"). York Claims Service ("York") was the claims adjuster for Dollar.
2. On or about October 28, 2003, Respondent sent a letter of representation on behalf of Avella and Hauck to York.
3. On May 19, 2005, Respondent filed a lawsuit on behalf of Avella and Hauck in the Los Angeles County Superior Court entitled, *Elyse Avella v. Travon Nelson, et al.*, case number 05K06978.
4. On May 24, 2005, the court set the matter for a case management review for October 20, 2005. The court issued a notice of the case management review to Respondent and ordered that he serve a copy of the notice on all parties and their attorneys of record forthwith, and meet and confer with all parties and their attorneys about the matters to be reviewed no later than 30 days before October 20, 2005. The court further ordered that a completed case management statement be filed at least 15 calendar days prior to October 20, 2005. In the notice, the court warned Respondent that sanctions may be imposed, including dismissal of the case, for failing to file a case management statement or to effectively participate at the case management review. On May 24, 2005, the clerk of the court served a copy of the notice on Respondent. Respondent received the notice.
5. On October 20, 2005, the court held the case management review. Respondent had not filed any proof of service, any request for entry of default and judgment, and/or a case management statement. As such, the court set the matter for a hearing on an order to show cause ("OSC") for May 1, 2006. On October 20, 2005, the clerk of the court served notice of the May 1, 2006 hearing on Respondent. Respondent received the notice.
6. In February 2006, York closed their file. Before closing the file, York repeatedly requested that Respondent forward evidence supporting the claims. Respondent never forwarded the medical records and bills supporting his clients' damages and York never received a demand letter or call from Respondent.
7. On May 1, 2006, the court continued the hearing on the OSC to June 2, 2006. Respondent did not appear for the hearing, but the court's minutes reflected that he had an emergency custody hearing at the Van Nuys court. The court ordered that the failure to appear and/or comply with the court's prior orders would result in the dismissal of the action. On May 1, 2006, the clerk of the court served notice of the June 2, 2006 hearing and the court's order on Respondent. Respondent received the notice.
8. On June 2, 2006, Respondent appeared for the hearing, but had not filed any proof of service with the court. The court continued the hearing on the OSC to July 5, 2006. The court ordered Respondent to file the proof of service of the summons and complaint as to each defendant prior to the July 5, 2006 hearing. The court further warned Respondent that the failure to appear or comply with the court's orders would result in the dismissal of the complaint. Respondent waived further notice of the hearing and the court's orders.
9. On July 5, 2006, Respondent appeared for the hearing, but had not filed any proof of service with the court. The court continued the hearing on the OSC to September 5, 2006. The court further warned Respondent that the failure to appear or comply with the court's orders would result in the dismissal of the complaint. Respondent waived further notice of the hearing.

10. On September 5, 2006, Respondent appeared for the hearing, but had not filed any proof of service with the court. The court continued the hearing on the OSC to November 13, 2006. The court further warned Respondent that the failure to appear or comply with the court's orders would result in the dismissal of the complaint. Respondent waived further notice of the hearing.

11. On November 13, 2006, Respondent appeared for the hearing, but had not filed any proof of service with the court. The court continued the hearing on the OSC to January 12, 2007. The court further warned Respondent that the failure to appear or comply with the court's orders would result in the dismissal of the complaint. Respondent waived further notice of the hearing.

12. On January 12, 2007, Respondent appeared for the hearing, but had not filed any proof of service with the court. The court continued the hearing on the OSC to February 26, 2007. The court further warned Respondent that the failure to appear or comply with the court's orders would result in the dismissal of the complaint. Respondent waived further notice of the hearing.

13. On February 26, 2007, Respondent did not appear for the hearing on the OSC. The court ordered the case dismissed, without prejudice, pursuant to section 68608 of the Government Code.

14. Respondent failed to prosecute the case by not serving the defendants with the summons and complaint.

15. Respondent effectively abandoned his representation of Avella in January 2007, after he appeared in court on January 12, 2007. Respondent did not inform Avella that he was ceasing work on her case, did not obtain the court's permission to withdraw as the attorney for Avella, and did not release the client file to Avella.

#### **I. B. CONCLUSIONS OF LAW:**

1. By failing to prosecute the case and by failing to submit evidence to York supporting the claims, Respondent failed to perform legal services with competence, in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

2. By abandoning his representation of Avella; by not informing Avella that he was ceasing work on her case; by not obtaining the court's permission to withdraw as the attorney for Avella; and by not releasing the client file to Avella, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, including giving due notice to the client, allowing time for employment of other counsel, complying with rule 3-700(D), and complying with applicable laws and rules, in wilful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.

#### **II. A. FACTS:**

1. Paragraphs I. A. 1 through 15 are incorporated by reference.

2. Between May 1 and December 19, 2006, Avella left numerous messages for Respondent in which she requested the status of her case. Respondent did not respond to Avella's messages.

3. On December 27, 2006, Avella left a message and sent a letter to Respondent in which she requested the status of the case. On December 28, 2006, Avella spoke with Respondent. Respondent told Avella that he would resolve the case in two weeks.

4. On or about January 2, January 10, January 13 and February 13, 2007, Avella made other requests to Respondent for the status of her case. Respondent did not provide the status of the case to Avella.

5. On February 26, 2007, the clerk of the court served notice of the court's dismissal on Respondent. Respondent received the notice.



6. On February 27, 2007, Avella made another request to Respondent for the status of her case. Respondent did not provide the status of the case to Avella.

7. Respondent did not promptly inform Avella about the dismissal of the case.

## II. B. CONCLUSIONS OF LAW:

1. By not providing the status of the case to Avella, Respondent failed to respond promptly to reasonable status inquiries of a client; and by not promptly informing Avella about the dismissal of the case, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in wilful violation of section 6068(m) of the Business and Professions Code.

### Case No. 07-O-11372

#### I. A. FACTS:

1. In April 2003, Jerri Wolf ("Wolf") employed Respondent to represent her in a dissolution of marriage pending in the Los Angeles County Superior Court and identified as case number BD381476. Wolf advanced \$3,350 to Respondent as fees for the representation.

2. On November 16, 2006, Respondent appeared for a trial setting conference in the matter. Prior to the conference, the parties entered into a partial stipulation regarding the dissolution. During the conference, the court terminated the marriage and directed Wolf, as the petitioner, to prepare and submit the judgment to the court. The court continued the trial setting conference to January 29, 2007. Respondent received notice of the court's rulings.

3. Respondent effectively abandoned his representation of Wolf after the November 16, 2006 trial setting conference. Respondent did not inform Wolf that he was ceasing work on her case. Respondent did not seek the court's permission to withdraw from the case.

4. On or about November 20, 2006, opposing counsel, Daniel Teola ("Teola") served discovery propounded to Wolf on Respondent. The response to the discovery was due on December 26, 2006. Respondent did not inform Wolf of the discovery.

5. In December 2006, Wolf requested a copy of the stipulation that she signed in court on November 16, 2006 from Respondent. Respondent informed Wolf that he would send her the copy within two weeks. Respondent did not send the copy to Wolf.

6. On or about January 10, 2007, Teola sent a letter to Respondent regarding the overdue discovery responses. In the letter, Teola warned Respondent that he would file a motion to compel and seek sanctions in the amount of \$1,700 if Wolf's responses, without objections, were not received by January 17, 2007. Respondent received the letter, but did not respond to the letter or request any extension for additional time to respond to the discovery on behalf of Wolf.

7. On January 19, 2007, Teola filed the judgment with the court as Respondent failed to do so.

8. On January 29, 2007, Respondent did not appear for the trial setting conference. The court set a hearing for May 9, 2007 on an order to show cause re: sanctions for the failure of petitioner's counsel to appear for the trial setting conference on January 29, 2007.

9. On February 26, 2007, Teola filed a motion to compel Wolf's response to the discovery as Respondent did not serve any response or objection to the discovery. The court set a hearing on the matter for March 21, 2007. Teola served a copy of the motion on Respondent and Wolf.

10. On February 27, 2007, Wolf sent e-mail to Respondent about the motion to compel filed by Teola and asked Respondent to call her. Wolf also told Respondent to send a substitution of attorney form if he did not plan to call her or to keep her informed about her case. Respondent did not respond to Wolf's e-mail or call Wolf or forward a signed substitution of attorney form to Wolf.

11. After Respondent failed to respond to Wolf's inquiries in February 2007, Wolf went to Respondent's office and discovered that he had vacated his office. Respondent did not inform Wolf of his new address and did not release the client file to Wolf.

12. On or about March 9, 2007, Wolf substituted attorney David Ingram ("Ingram") as her attorney for the dissolution. Ingram attempted to contact Respondent by telephone, but his voicemail box was full, so he could not leave any message for Respondent.

#### **I. B. CONCLUSIONS OF LAW:**

1. By not preparing and filing the judgment with the court on behalf of Wolf, by not informing Wolf of the discovery or seeking any extension for additional time to respond to the discovery on behalf of Wolf, and by not appearing for the January 29, 2007 trial setting conference, Respondent failed to perform legal services with competence, in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

2. By not responding to Wolf's e-mail of February 27, 2007, Respondent failed to respond promptly to reasonable status inquiries of a client, in wilful violation of section 6068(m) of the Business and Professions Code.

3. By abandoning his representation of Wolf; by not informing Wolf that he was ceasing work on her case; by not forwarding an executed substitution of attorney form to Wolf; by not obtaining the court's permission to withdraw as Wolf's attorney, and by not releasing the client file to Wolf, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, including giving due notice to the client, allowing time for employment of other counsel, complying with rule 3-700(D), and complying with applicable laws and rules, in wilful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.

#### **II. A. FACTS:**

1. Paragraphs I.A. 1 through 12 are incorporated by reference.

2. On March 21, 2007, the State Bar of California ("State Bar") opened an investigation identified as case number 07-O-11372 concerning a complaint submitted against Respondent by Wolf.

3. On or about August 6, 2007, a State Bar investigator sent a letter to Respondent regarding its investigation of Wolf's complaint at his then current membership records address of 16530 Ventura Blvd., #208, Encino, CA 91436 (the "membership records address"). The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the United States Postal Service ("USPS") in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter. In the letter, the investigator requested a response to the allegations raised by Wolf's complaint by August 20, 2007. Respondent did not provide a written response to Wolf's complaint.

4. On or about August 28, 2007, a State Bar investigator sent a letter to Respondent regarding its investigation of Wolf's complaint at the membership records address. The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter. In the letter, the investigator requested a response to the allegations raised by Wolf's complaint by September 11, 2007. Respondent did not provide a written response to Wolf's complaint.

**II. B. CONCLUSION OF LAW:**



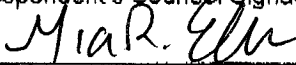
1. By not providing a written response to the allegations raised by Wolf's complaint, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in wilful violation of section 6068(i) of the Business and Professions Code.

(Do not write above this line.)

In the Matter of Jeffrey P. Alpert	Case number(s): 07-O-11208 and 07-O11372
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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.

1/15/11 Date	 Respondent's Signature	Jeffrey P. Alpert Print Name
1/26/11 Date	 Respondent's Counsel Signature	Arthur L. Margolis Print Name
1/27/11 Date	 Deputy Trial Counsel's Signature	Mia R. Ellis Print Name

(Do not write above this line.)

In the Matter Of <b>Jeffrey P. Alpert</b>	Case Number(s): <b>07-O-11208 and 07-O-11372</b>
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**ORDER**

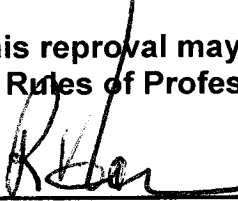
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

2/3/11  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
RICHARD A. FONN

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 3, 2011, I deposited a true copy of the following document(s):

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

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

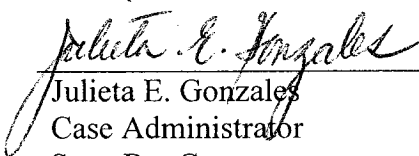
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR L MARGOLIS ESQ  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 3, 2011.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court