

ORIGINAL

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State Bar Court of California Hearing Department <b>NOT FOR PUBLICATION</b>		
Counsel For The State Bar CARLA L. GARRETT Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar #138472	Case Number (s) 07-O-11343	(for Court's use)  <div style="text-align: center;"> <p><b>FILED</b></p> <p>OCT 30 2008</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
WILLIAM A. SKOOG, JR., In Pro Per 1119 Kimberly Place Redlands, California 92373  Bar # 113978	Submitted to:  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <div style="text-align: center;"> <p><b>REPROVAL</b></p> </div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: WILLIAM ARTHUR SKOOG, JR.  Bar # 113978  A Member of the State Bar of California (Respondent)		

**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
- (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 (9) 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.



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- (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:  
(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.

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- (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.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. *See Attachment to Stipulation.*
- (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. *See Attachment to Stipulation.*

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- (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:**

*See Attachment to Stipulation.*

**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 Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **(1) 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 reproof. 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 reproof 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.

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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: *Misconduct was not the result of a lack of education regarding any particular problem or issue.*
- (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:**

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

IN THE MATTER OF:        William A. Skoog, Jr.

CASE NUMBER:            07-O-11343

**A.     FACTS AND CONCLUSIONS OF LAW**

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

**FACTS**

1.        Respondent was admitted to the practice of law in the State of California on June 14, 1984, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

2.        At all relevant times, Respondent represented Mr. Randall Hickman, dba Ranlin Construction Company, Inc, which was a successor in interest to the assets and liabilities of Cal Crest Landscape, in Riverside County Superior Court case no. INC048558, entitled *Cal Crest Landscape v. GRD Contractors, Inc., et al* ("Cal Crest matter").

3.        On December 13, 2006, the Riverside County Superior Court held a hearing on the defendants' motion to dismiss the Cal Crest matter.

4.        On January 17, 2007, the Court granted the motion to dismiss and ordered sanctions against Cal Crest Landscape and Respondent in the amount of \$900.00 ("January 17<sup>th</sup> order").

5.        At no time did Respondent pay the sanctions order in compliance with the January 17<sup>th</sup> order.

6.        On March 13, 2007, the State Bar opened an investigation, case no. 07-O-11343, pursuant to a complaint filed by Gary Day regarding Respondent's failure to comply with the January 17<sup>th</sup> order.

7.        On October 4, 2007, a State Bar investigator sent a letter to Respondent at his official membership records address, via first class mail, informing him of the allegations against him and requesting a written response to the allegations by October 22, 2007.

8.        On October 9, 2007, the United States Postal Service returned said letter as undeliverable with a label that read, "MOVED LEFT NO ADDRESS UNABLE TO FORWARD RETURN TO SENDER."

## CONCLUSIONS OF LAW

9. By not paying the sanctions as set forth in the Court's January 17<sup>th</sup> order, Respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

10. By failing to update his State Bar membership address during the aforementioned period, Respondent failed to comply with the requirements of section 6002.1, which requires a member of the State Bar to maintain on the official membership records of the State Bar, the member's current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes of the agency charged with attorney discipline in willful violation of Business and Professions Code, section 6068(j).

## MITIGATION

1. In December 2006, Respondent's client, Randall Hickman, advised Respondent that he was having "cash flow" problems and that he could not continue to pay Respondent's fees. As a result, Respondent went into a deep financial tailspin, as Mr. Hickman had been Respondent's primary, if not sole, client at that time. Respondent became unable to meet his financial obligations and was ultimately evicted from his residence and place of business in April 2007.

2. At the same time that the foregoing was taking place, Respondent was the primary custodial parent of his two sons, then ages 8 and 9 years old, having 72% custody of them per court order, due to their mother's substance abuse problems. In early December 2006, Respondent had to seek a restraining order and modification of the custody order to 100% due to the allegations of physical and emotional abuse his sons were making regarding their mother, which resulted in the involvement of Child Protective Services. Consequently, the Court granted Respondent 100% custody. (See San Diego Superior Court Case No. DN 109866 (Vista Courthouse).

3. Having lost Mr. Hickman's account, and despite efforts to seek new employment, Respondent was unemployed for almost all of 2007. In March 2008, Respondent was able to secure employment as a trial attorney for the Allstate Insurance Company, a position Respondent currently holds.

4. Thereafter, Respondent contacted legal counsel for GRD Contractors, Hart, King & Coldren, with respect to Respondent meeting his obligation to pay the \$900.00 sanctions to them. They, with the consent of their client, Gary Day, agreed to accept payments of \$100 per month from Respondent, commencing November 1, 2008.

5. Respondent has been practicing law for over 24 years with no prior record of discipline.

**B. PENDING PROCEEDINGS**

The disclosure date referenced on page one, paragraph A(7), is October 9, 2008.

**C. SUPPORTING AUTHORITIES**

Standard 2.6 of the Standards For Attorney Sanctions For Professional Misconduct provides that culpability of a member of a violation of the Business and Professions Code, including 6103 and 6068(j), 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.

“Although a willful violation of section 6103 is stated by statute to be a ground of disbarment or suspension...discipline within that range is not mandated.” In the Matter of Respondent X (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, 605. In the Matter of Respondent X, Respondent admitted to deliberately violating the confidentiality provision of a superior court order, thereby violating section 6103 of the Business and Professions Code. Respondent X, like the Respondent in the instant matter, had several factors in mitigation, including a long practice without prior discipline. Specifically, Respondent X had been practicing 18 years, while the Respondent in the instant matter had been practicing 24 years. The Review Department agreed with the hearing judge’s conclusion that a private reproof was the appropriate level of discipline.

Given the applicable case law, as well as Respondent’s mitigation, the parties submit that a deviation from the Standards is appropriate, and that the imposition of a private reproof is sufficient to protect the public, the courts, and the legal profession.

**D. DISMISSAL**

No counts were dismissed.

**E. COSTS**

This case is ineligible for costs, as resolution of this matter is a private reproof.

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In the Matter of WILLIAM ARTHUR SKOOG, JR. Member #113978	Case number(s): 07-O-11343
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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>10/23/08</u> Date	<u>William A. Skoog Jr.</u> Respondent's Signature	<u>WILLIAM A. SKOOG, JR.</u> Print Name
<u>10/23/08</u> Date	<u>Carla L. Garrett</u> Deputy Trial Counsel's Signature	<u>CARLA L. GARRETT</u> Print Name

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In the Matter Of WILLIAM ARTHUR SKOOG, JR. Member #113978	Case Number(s): 07-O-11343
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**ORDER**

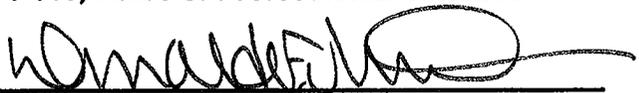
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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 125(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.**

10/27/08  
Date

  
Judge of the State Bar Court

**DONALD F. MILES**

**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 October 30, 2008, 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:

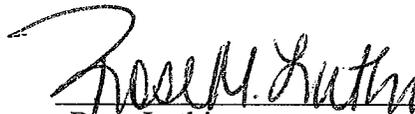
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WILLIAM ARTHUR SKOOG, JR.  
1119 KIMBERLY PL  
REDLANDS, CA 92373

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

CARLA GARRETT, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 30, 2008.



Rose Luthi  
Case Administrator  
State Bar Court