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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Charles T. Calix Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar # 146853	Case Number (s) 07-O-11437	(for Court's use) <div style="text-align: center;"> FILED SEP 25 2008 <i>SM</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>
In Pro Per Respondent Richard P. Curtin 44323 Lowtree Avenue Lancaster, California 93534 Bar # 90865	Submitted to:	
In the Matter Of: Richard P. Curtin Bar # 90865 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <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 **November 29, 1979**.
- (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 **11** 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:
(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.
- (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. **Respondent has been a member of the State Bar since November 29, 1979.**
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. **Although Respondent failed to provide a detailed accounting to the complaining witness; once it was prepared, it established that the complaining witness owed additional attorney fees to Respondent.**
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **Respondent has been extremely cooperative with the State Bar.**
- (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. **Respondent did not provide a detailed accounting to the complaining witness, because he believed that the complaining witness had withdrawn his request for it. Respondent believed the complaining witness had withdrawn the request because Respondent told the complaining witness that it would likely establish that the complaining witness owed additional attorney fees to Respondent.**
- (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. **Respondent failed to provide a detailed accounting and**

update his current telephone number with the State Bar after receiving notices of the failures, in part, because he had been dignosed with serious medical condition the in late April of 2007 and underwent surgery for the condition in early July of 2007.

- (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:

D. Discipline:

- (1) **Private reprovral (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 reprovral (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproval for a period of **one (1) year**.
- (2) During the condition period attached to the reproval, 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 reproval. 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. 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 reproof.
- (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 reproof.
- No MPRE recommended. Reason:
- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

Within ninety (90) days from the effective date of discipline, Respondent must provide proof to the Office of Probation that he has updated his billing system to reflect at least the following information on each bill: (a) the date the legal service was provided; (b) a description of the legal service provided; (c) the identity of the person providing the legal service; (d) the amount of time spent providing the legal service; and (e) the total cost for providing that particular legal service.

In the Matter of
Richard P. Curtin

Case number(s):
07-O-11437

A Member of the State Bar

Law Office Management Conditions

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

At least six (6) hours of the MCLE should concern Client Trust Accounting and may not be self-study.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Richard P. Curtin

CASE NUMBER(S): 07-O-11437

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

FACTS.

1. On or about December 22, 2005, Glenn Timmons (“Timmons”) hired Respondent to represent him in a dissolution of marriage from his spouse, Lydia Timmons.
2. On or about January 19, 2006, Respondent filed, *inter alia*, a Petition for Dissolution on behalf of Timmons in the Superior Court of California, County of Los Angeles, titled *Glenn Timmons v. Lydia Timmons*, Case No. MD032128 (the “*Timmons Dissolution*”).
3. On or about February 5, 2007, Respondent mailed a “Statement” to Timmons that identified legal services provided in January of 2007 concerning the *Timmons Dissolution* (“January Statement”). The statement listed: (a) the date that services were provided; (b) a brief description of the services; and (c) the total cost of all services provided that month, but did not provide: (d) the identity of the person providing the service; (e) the amount of time that person spent providing the service; or (f) the billing rate for that person. Timmons received the statement.
4. On or about March 3, 2007, Timmons met with Respondent to discuss concerns that Timmons had with the January Statement.
5. On or about March 4, 2007, Timmons hand-delivered a letter to Respondent briefly setting forth Timmons’ concerns and demanding an accounting setting forth the time spent on each service. Respondent received the letter.
6. On or about March 19, 2007, Timmons faxed a letter to Respondent setting forth in detail his specific concerns with the January Statement and demanding a detailed accounting by March 26, 2007. Respondent received the letter.

7. On or about April 3, 2007, Timmons hired attorney Kenneth B. Frank ("Frank") to represent him in the *Timmons Dissolution*.

8. On or about April 3, 2007, Frank mailed a Substitution of Attorney to Respondent substituting Frank as attorney of record for Timmons, and in place of Respondent, in the *Timmons Dissolution*. Respondent signed the Substitution of Attorney on or about April 5, 2007 and it was filed on or about April 6, 2007.

9. On or about April 3, 2007, Timmons picked up his file at Respondent's office. At that time, Respondent and Timmons discussed Timmons' request for a detailed accounting. Respondent told Timmons that Respondent would prepare a detailed accounting, but that he anticipated that it would reveal that Timmons owed additional attorney fees to Respondent. Respondent believed that Timmons withdrew his request for the accounting for that reason.

10. On or about April 9, 2007, the State Bar opened an investigation, Case No. 07-O-11437, pursuant to a complaint filed by Timmons (the "Timmons matter").

11. On or about April 27, 2007 and May 16, 2007, a State Bar Investigator prepared letters to Respondent regarding the Timmons matter. The letters requested that Respondent provide a written response explaining, *inter alia*, why Respondent failed to provide a detailed accounting to Timmons and refund unearned fees. The letters were placed in sealed envelopes correctly addressed to the Respondent at his then State Bar membership records address. The letters were properly mailed by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the ordinary course of business. The letters requested written responses by May 14, 2007 and May 29, 2007, respectively. Respondent received the letters.

12. Respondent did not provide a detailed accounting to Timmons upon receipt of the letters from the State Bar informing Respondent that Timmons had not withdrawn his request for a detailed accounting.

13. Between on or before June 26, 2007, and on or after July 28, 2008, Respondent failed to list a telephone number with the State Bar where he could be contacted by the State Bar.

14. On or about June 26, 2007, a State Bar Deputy Trial Counsel prepared a letter to Respondent regarding the Timmons matter. The letter warned Respondent that the State Bar was considering filing a Notice of Disciplinary Charges concerning the Timmons matter and because Respondent "failed to comply with Business and Professions Code, section 6002.1(a)(1) by failing to list a telephone number with the State Bar where [he] could be contacted by the State Bar." The letter was placed in a sealed envelope correctly addressed to the Respondent at his then State Bar membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the ordinary course of

business. Respondent received the letter.

15. Respondent did not update his official membership information to list a telephone number where he could be contacted by the State Bar upon receipt of the letter dated June 26, 2007.

CONCLUSIONS OF LAW.

16. By failing to provide an accounting to Timmons after receiving Timmons' letters dated March 3 and 19, 2007, Respondent wilfully failed to render appropriate accounts to a client regarding all funds securities and other properties of the client coming into Respondent's possession in violation of Rules of Professional Conduct, rule 4-100(B)(3).

17. By failing between on or before June 26, 2007, and on or after July 28, 2008, to list a telephone number with the State Bar where he could be contacted by the State Bar, Respondent wilfully 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 or purposes of the agency charged with attorney discipline in violation of Business and Professions Code section 6068(j).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was August 22, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 22, 2008, the costs in this matter are \$1,983.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of Richard P. Curtin	Case number(s): 07-O-11437
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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.

August 29, 2008
Date _____ Respondent's Signature _____ Richard P. Curtin
Print Name

_____ NONE _____
Date _____ Respondent's Counsel Signature _____ Print Name

August 29, 2008
Date _____ Deputy Trial Counsel's Signature _____ Charles T. Galix
Print Name

(Do not write above this line.)

In the Matter Of Richard P. Curtin	Case Number(s): 07-O-11437
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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 reproof, 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 reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

9/23/08
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 September 25, 2008, I deposited a true copy of the following document(s):

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

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:

RICHARD P. CURTIN
44323 LOWTREE AVE
LANCASTER, CA 93534

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

CHARLES CALIX, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 25, 2008.



Tammy Cleaver
Case Administrator
State Bar Court