

State Bar Court of California
Hearing Department
San Francisco

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Counsel For The State Bar Tammy M. Albertsen-Murray 180 Howard Street San Francisco, CA 94105 (415) 538-2527 Bar # 154248	Case Number (s) 07-O-12606; 07-O-12879; and 07-H-10444-LMA and unfiled case numbers 08- O-13822; 08-O-13520	(for Court's use) PUBLIC MATTER FILED <i>KDS</i> MAR 26 2009 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Jonathan I. Arons 101 Howard Street, #310 SAN FRANCISCO, CA 94105 (415) 957-1818	Submitted to: Assigned Judge	
Bar # 111257 In the Matter Of: ROBERT H. JACKSON	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
Bar # 213433 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <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 3, 2001**.
- (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 **22** 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."

(Do not write above this line.)

- (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 **07-O-10018**
 - (b) ☒ Date prior discipline effective **August 14, 2007**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code, section 6068(m); Rules of Professional Conduct 3-700(D)(1), 4-100(B)(3) and 3-700(D)(2).**
 - (d) ☒ Degree of prior discipline **Public reproof with duties and conditions.**
 - (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.
- (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.
- (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 has made restitution in the following amounts after the initiation of State Bar proceedings:

Respondent issued check number 1020 dated February 21, 2008 to David Gardener in the amount of \$1,175.00 which cleared respondent's account on February 28, 2008.

Respondent issued check number 1159 dated February 7, 2009 to Ingrid Samayoa in the amount of \$2,000.00 which cleared respondent's account on February 26, 2009.

Respondent issued check number 1158 dated December 29, 2008 to Alex Smulo in the amount of \$3,000.00 which cleared respondent's account on January 14, 2009.

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: **Pays to Rex and Melba Hardin, or the Client Security Fund if it has paid, in the principal amount of \$1,500.00 plus \$250.00, for a total of \$1,750.00, plus interest at the rate of 10% per annum from July 23, 2007 (the date the Hardins' complaint was opened), until paid in full and furnish satisfactory evidence of restitution to the State Bar Court and/or Probation Department.**

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **three (3) 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 **six (6) months**.

- 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: **Please see page Section F(5).**

E. Additional Conditions of Probation:

(Do not write above this line.)

- (1) ☒ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:

<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:
- (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:** Respondent's actual suspension will continue until he pays restitution to Rex and Melba Hardin, or the Client Security Fund if it has paid, in the principal amount of \$1,500.00 plus \$250.00, for a total of \$1,750.00, plus interest at the rate of 10% per annum from July 23, 2007 (the date the Hardins' complaint was opened), until paid in full and furnish satisfactory evidence of restitution to the State Bar Court and/or Probation Department.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT H. JACKSON

CASE NUMBERS: 07-O-12606; 07-O-12879-LMA; 07-H-10444; and unfiled
case numbers 08-O-13822 and 08-O-13520

FACTS AND CONCLUSIONS OF LAW.

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

Case no. 07-O-12879 (The Hardin Matter)

General Background Allegations For Counts One Through Seven

1) On November, 2004, Rex and Melba Hardin ("Hardins") hired respondent to represent them in a civil dispute regarding their purchase of a modular home. They believe that the wrong modular home was delivered to them, and that the seller failed to install concrete work, a carport, and a closet as indicated in their purchase contract. The Hardins paid respondent \$1,500.00 by way of check dated November 16, 2004, for respondent's services. They made an additional payment of \$250.00 to him on May 1, 2006.

2) On November 23, 2004, respondent made a demand to Showplace Homes, for \$38,175.00, on behalf of the Hardins.

3) On June 10, 2005, respondent filed suit on the Hardin's behalf, entitled, *Hardin vs. Showplace Homes, Dupar and Angel, and Skyline Homes*, case no. CNG 0594818, filed in Mendocino County Superior Court.

4) On June 10, 2005, the Court issued a Notice of Reduction Rules and Case Management Conference ("Notice of Reduction"), setting a case management conference for November 4, 2005 at two p.m. in Department E. The Court clerk duly served respondent with the Notice of Reduction. Respondent received the Notice of Reduction and was aware of its contents. In the Notice of Reduction, respondent was reminded to comply with local rules of court for Mendocino County and California Rules of Court, rule 201.7, and that respondent must serve each defendant within sixty days and file written proof of service with the court. Respondent was also ordered to serve a copy of the Court's Notice of Reduction on each defendant and to file proof of service with the Court that he had done so.

5) On October 17, 2005, one of the defendants, Dupar and Angel, d.b.a. Showplace Homes (hereinafter, "Showplace Homes") filed an Answer to respondent's complaint. Attorney Michael Mattecucci (hereinafter, "Mattecucci") represented Showplace Homes.

6) On November 4, 2005, the Court held the first case management conference as scheduled. Respondent appeared on behalf of the Hardins. The matter was continued to February 3, 2006. Respondent was aware of the new case management conference.

7) On January 21, 2006, Mattecucci, on behalf of Showplace Homes, served respondent with special interrogatories, form interrogatories, and a request for production of documents in the *Hardin* litigation. All three discovery items were due by Monday, February 27, 2006.

Respondent received the January 21, 2006 discovery from Matteucci and was aware of its contents.

8) On February 3, 2006, the Court held the second case management conference. Respondent failed to appear. Respondent failed to file the proof of service on all defendants as required in the Notice of Reduction issued on June 10, 2005.

9) On February 14, 2006, the Court issued an Order to Show Cause ("OSC") against respondent as to why he had not served the defendants. The hearing on the OSC was set for March 3, 2006. On February 21, 2006, the Court clerk duly served respondent with the February 14 OSC by mail, postage prepaid, to respondent at Jackson Law Office, P.O. Box 1449, Willits, CA 95490 (hereinafter, "served by mail to the Willits address"). The OSC ordered the Hardins to appear on March 3, 2006 to show cause why they should not be held in contempt for failure to complete service and stated that it would impose monetary sanctions up to \$250.00 for failure to comply. Respondent received the February 14 OSC and was aware of its contents.

10) Respondent failed to provide the discovery responses to Mantteucci, or otherwise object to the discovery or communicate with Manteucci regarding the discovery by February 27, 2006.

11) On March 3, 2003, respondent appeared at the hearing on the OSC on behalf of the Hardins. Respondent did not advise the Hardins of the hearing, and therefore they did not appear. The Court continued the matter to April 7, 2006. Respondent was present in court and aware of the new April 7 court date. The Court advised that the Hardin's case would be dropped if no proof of service or Answer was filed by that date.

12) On March 15, 2006, and again on March 16, 2006, Matteucci telephoned respondent regarding the outstanding discovery requests. Matteucci left telephone messages on respondent's answering machine on March 15 and 16, and sent respondent an email message on March 16, 2006, regarding the discovery. Respondent received Matteucci's telephone and e-mail messages and failed to respond or otherwise respond to the discovery.

13) On March 22, 2006, Matteucci filed a motion to compel responses to his discovery. The motion was calendared for April 21, 2006. Matteucci served his pleadings by mail to the Willits address. Respondent received the motion to compel and was aware of its contents. Respondent did not respond to the Motion to Compel or otherwise respond to the discovery.

14) On April 7, 2006, the Court held a hearing on the continued OSC. Respondent appeared and requested a two week continuance. The Court again continued the matter to April 21, 2006. Respondent was present in court and was aware of the April 21, 2006 date.

15) On April 21, 2006 the Court called the continued OSC and the motion to compel discovery in the *Hardin* matter as scheduled. Respondent failed to appear. The Court imposed a \$250.00 sanction against plaintiffs (Hardins) for failure to provide proof of service as to the Skyline defendant and ordered the sanctions to be paid within thirty days.

16) On April 28, 2006, the Court issued another OSC against respondent for failure to complete service of the complaint. The hearing on the OSC was set for May 26. On May 2, 2006, the Court clerk duly served respondent with the April 28, 2006 OSC by mail to the Willits address. The OSC specified the new court date of May 26, 2006. Respondent received the April 28 OSC and was aware of its contents.

17) During the April 21, 2006 hearing, the Court also granted Matteucci's Motion to Compel, and awarded sanctions of \$1,000 against respondent and/or the Hardins payable within ninety days. On April 24, 2006, Matteucci served respondent with Notice of Entry of Order Granting Motion to Compel, including notice of the \$1,000 in sanctions, by mail to the Willits address.

18) On May 26, 2006, the Court held a hearing on the second OSC as duly scheduled. Respondent failed to appear. The Court sanctioned the plaintiffs (Hardins) \$250.00 for failure to provide proof of service as to defendant Skyline, which were to be paid to the Court within thirty days. The Court clerk duly served respondent with the Court's order, respondent received notice of the sanctions and was aware of its contents.

19) On June 2, 2006, the Court issued a third OSC against the Hardins, and ordered them to appear on June 16, 2006 to show cause why they should not be held in contempt of court for failure to complete service on all defendants. The Court order advised that sanctions of \$250 might be imposed and that the Court might dismiss the complaint for repeated failures to comply with the its orders. The Court clerk duly served respondent with the June 2, 2006 OSC by mail to the Willits address. Respondent received notice of the OSC and was aware of its contents.

20) On June 5, 2006, Matteucci filed a motion for terminating and monetary sanctions. The hearing date for the motion was scheduled and noticed for July 14, 2006. In his pleadings, Matteucci advised the Court that respondent had failed to respond to the discovery as ordered by the Court on April 21, 2006 and that Matteucci had received no correspondence or other communication from respondent. Matteucci requested \$540.00 in sanctions for the cost of preparing the motions. On June 2, 2006, Matteucci served respondent with his motion by mail to the Willits address. Respondent received the motion and was aware of its contents.

21) On June 16, 2006, the Court called the further OSC as scheduled. Respondent failed to appear. The Hardins were not notified of the hearing and therefore did not appear. The Court continued the matter to July 14 for possible dismissal.

22) On July 14, 2006, the Court held a hearing on Matteucci's Motion for Terminating Sanctions and Monetary sanctions. Respondent failed to appear. The Hardins, who were not notified of the hearing, did not appear. The Court continued the matter to August 18, 2006. On July 14, 2006, Matteucci served respondent with the Court's Order Continuing Motion for Terminating Sanctions by mail to the Willits address. The Order advised respondent of the new scheduled date of August 18, 2006. Respondent received the Order continuing the Motion for Terminating Sanctions and Monetary Sanctions and was aware of its contents.

23) On August 18, 2006, the Court held the continued hearing on the Motion for Terminating Sanctions. Respondent failed to appear. The Court granted the Motion.

24) On August 23, 2008, the Court entered an Order Granting Motion for Terminating Sanctions. The Court simultaneously issued a Judgment of Dismissal with prejudice against the Hardins.

Legal Conclusions - Case No. 07-O-12879.

Count One - Rules of Professional Conduct, rule 3-110(A) [Failure to Perform with Competence]

25) By failing to serve the complaint against the Skyline Home defendants, resulting in a \$250 fine against the Hardins, and the dismissal of the complaint; by failing to appear in court

when ordered to do so, and/or when noticed by opposing counsel (regarding the Motion to Compel Discovery and the Motion for Terminating Sanctions) in the *Hardin* matter on February 3, 2006, April 21, 2006, May 26, 2006, June 16, 2006, and July 14, 2006, and by failing to respond to Matteucci's discovery, resulting in sanctions of \$1,000 against the Hardins, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3110(A).

Count Two - Business and Professions Code, section 6103 [Failure to Obey a Court Order]

26) By failing to serve the Skyline Home defendants, as respondent was repeatedly ordered to do, on behalf of the Hardins, by the Court's orders of June 10, 2005, February 14, 2006, April 8, 2006, and June 2, 2006; by failing to respond to Matteucci's discovery as he was ordered to do, on behalf of the Hardin's on April 21, 2006; and by failing to pay the \$1,000.00 in discovery sanctions which the Court ordered against him and jointly against his clients, respondent failed to abide by court orders in a matter in which he agreed to perform legal services, in wilful violation of Business and Professions Code, section 6103.

Count Four - Business and Professions Code, section 6068(m) [Failure to Inform Client of Significant Development]

27) By failing to advise the Hardins of the court's orders, the court's sanctions, the failure to serve the Skyline defendants, the discovery, the discovery sanctions, and the dismissal of the case, respondent failed to keep his clients reasonably informed of significant developments in a case in which he agreed to perform legal services, in wilful violation of Business and Professions Code, section 6068(m).

Count Five - Rules of Professional Conduct, rule 3-700(A)(2) [Improper Withdrawal From Employment]

28) By his defacto withdrawal of April 7, 2006, resulting in sanctions and dismissal of the suit against the Hardins, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Count Six - Rules of Professional Conduct, rule 3-700(D)(2) [Failure to Refund Unearned Fees]

29) Respondent wrote one demand letter on behalf of the Hardins, filed a civil complaint, and then failed to complete service on all the party defendants. As a result of his conduct, the complaint was dismissed. Respondent's actions were preliminary in nature and provided no benefit to the Hardins. Therefore, his initial \$1,500.00 fee and the additional \$250.00 were unearned. On November 26, 2005, respondent sent one invoice to the Hardins, indicating that he worked a total of 1.30 hours on their case. Having performed virtually no services of value to the Hardins, respondent failed, upon his defacto termination of employment, to refund any fees to the Hardins, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case number 07-O-12606 – The Schmitz Matter
Background facts for Counts Eight through Twelve

30) On May 23, 2005, David Schmitz (hereinafter, "Schmitz") hired respondent to defend him in imminent litigation, a case entitled, *Norma Tree Kosar v. David Schmitz*, case no. CV401501, filed in Superior Court, County of Lake. Schmitz, doing business as Mountain Wood Works, designed and constructed some cabinets for the Kosars. The Kosars claimed that the design and workmanship was defective. Schmitz paid respondent the sum of \$1,000. The parties did not have a formal written attorney fee agreement. Schmitz was assisted by Eden

Morrill (hereinafter, "Morrill"), who contacted respondent on his behalf. At the inception of the litigation, Morrill was Schmitz's girlfriend. Thereafter, Schmitz and Morrill married.

31) On June 8, 2005, the plaintiff in the litigation, Norma Kosar, through her attorney, James Cobb (hereinafter, "Cobb"), served Schmitz with the complaint. Schmitz promptly forwarded the complaint to respondent to prepare a response.

32) Respondent failed to timely file an Answer in the *Kosar* matter.

33) On September 26, 2005, Cobb, on behalf of Kosar, filed a Request for Entry of Default against Schmitz, for Schmitz's failure to file a timely Answer to the complaint.

34) On October 31, 2005, the Court held a status conference in the *Kosar* matter. Respondent failed to appear.

35) On November 23, 2005, Cobb filed a case management statement with the court. In his case management statement, Cobb advised that he signed a Stipulation to Vacate the Default, at the request of respondent, and returned the signed stipulation to respondent. However, he never heard from the respondent after that, nor did he receive any notice that the Stipulation was filed. He had not received an Answer to the complaint.

36) On December 9, 2005, respondent filed a Notice of Unavailability of Counsel, for November 25, 2005 through December 12, 2005; and January 13, 2006 through January 30, 2006.

37) On December 12, 2005, respondent filed the Stipulation to Vacate the Default, which was signed by Cobb on October 27, 2005.

38) On December 12, 2005, respondent filed an Answer to the complaint on behalf of Schmitz.

39) On May 15, 2006, the matter was set for arbitration for May 21, 2006. The arbitrator served respondent with a notice of the setting of the arbitration hearing at the Willits address. This address was the address respondent provided on his Answer to the complaint, and was then respondent's official membership records address, maintained by the State Bar pursuant to Business and Professions Code, section 6002.1. Respondent received the notice of the setting of the arbitration hearing and was aware of its contents. However, respondent failed to appear for arbitration.

40) On June 30, 2006, the Arbitrator issued an award to the plaintiffs and against David Schmitz in the sum of \$34,299.67. The arbitrator served respondent with the written "Arbitrator's Award" on respondent via mail at Lakeport, California, addressed to respondent at the Willits address. Respondent received notice of the arbitrator's award.

41) On August 3, 2006, the Court entered a Judgment consistent with the arbitrator's award. Respondent received notice of the Judgment.

42) On August 11, 2006, respondent moved to set aside the default judgment due to attorney mistake, inadvertence, surprise or excusable neglect. Respondent did not include a declaration, a memorandum of facts, nor any supporting authorities for his motion.

43) On September 11, 2006, the Court denied respondent's motion to set aside the default judgment. The Court served respondent with its ruling on respondent at the Willits address. Respondent received notice of the court's ruling.

44) On June 7, 2007, Cobb served Schmitz with an Application and Order for Appearance and Examination, ordering Schmitz to furnish information to aid enforcement of a money judgment.

45) On June 18, 2007, Schmitz wrote Cobb and advised that he was unaware of any judgment against him.

46) Schmitz had the Judgment vacated. However, Cobb filed an appeal of the decision that vacated the default Judgment. As of the date of the filing of this Notice, the appeal was still pending.

Count Eight - Rules of Professional Conduct, rule 3-110(A) [Failure to Perform with Competence]

47) By failing to file a timely answer to the complaint; by failing to promptly file the stipulation to set aside the default; by failing to appear at the case management conference; by failing to appear at the arbitration, resulting in a default judgment against his client; by failing to file a supporting declaration and memorandum of points and authorities with his motion to set aside the default, which was denied, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Count Nine - Business and Professions Code, section 6068(m) [Failure to Respond to Client Inquiries and Failure to Inform Client of Significant Development]

48) On September 28, 2005, Edin Morrill, on behalf of Schmitz, called respondent twice regarding the outstanding Notice of Default. Respondent received the phone messages and failed to return the calls or otherwise contact Schmitz.

49) On September 30, 2005, Morrill sent both a letter and an email to respondent, again advising respondent of the Notice of Default and requesting information about respondent's conduct on the case.

50) On October 17, 2005, respondent sent Morrill an email with a copy of the stipulation to set aside the default.

51) On October 28, 2005, Morrill again emailed respondent asking for the status of Schmitz's case. She re-sent the email of September 30, 2005, because she had sent it to respondent's then membership records address email (jackson@lawyers.com) which was no longer viable. She resent it to respondent at his new email address. She again advised that Schmitz received a Notice of Default and requested information on how to proceed. She complained that respondent had not filed the stipulation to set aside the default, nor an Answer on behalf of Schmitz. She advised respondent that she received a copy of the case management conference statement from Cobb, not respondent, advising of the case management conference scheduled for October 31, 2005. Morrill asked to hear from respondent by October 30, 2005. She demanded a refund of the retainer. Respondent received the email and was aware of its contents.

52) Respondent attempted to contact Morrill on the following weekend. He left two telephone messages for her.

53) On November 3, 2005, Morrill sent an email to respondent, stating she received two messages from respondent and that she expected a call on Friday, November 4, 2005. This is after respondent failed to appear at the October 31, 2005 status conference. She requested the refund of the \$1,000.00 retainer. She wrote again on November 9, 2005.

54) Respondent received the November 3, 2005 and November 9, 2005 email from Morrill, and responded on November 10, 2005. Morrill withdrew her request for a refund.

55) Respondent did not advise Schmitz of the arbitration date of May 21, 2006.

56) On June 22, 2006, Morrill again sent an email to respondent. She advised that she had no update on the status of Schmitz's case in four months. She advised that if she did not receive a response by the end of the day, he should return Schmitz's file and refund his retainer.

57) Respondent sent Morrill an email on June 26, 2006. He promised to send a substitution of attorney and refund all but the filing fee. Respondent did not advise Morrill of the default judgment against Schmitz. Respondent did not send Schmitz a substitution of attorney, nor did he refund his \$1,000.00 fee.

58) Respondent did not advise Schmitz of the arbitrator's award of June 30, 2006 or the August 3, 2006 default judgment of \$34,299.67 against Schmitz.

59) Respondent did not advise Schmitz of respondent's August 11, 2006 motion to set aside the default, nor the Court's September 11, 2006 order denying his motion to set aside the default.

60) On April 23, 2007, respondent relocated his law offices from Willits to Sacramento, California. Respondent did not advise Schmitz of the new address.

61) By failing to advise Schmitz of the arbitration date, the arbitration award, the judgment against Schmitz of \$34,299.67 due to the default, his failed motion to set aside the default, and the relocation of his law offices, respondent failed to keep his client informed of significant developments in a matter in which he agreed to perform legal services, in wilful violation of Business and Professions Code, section 6068(m).

62) By failing to respond to Morrill's numerous faxes and emails, on behalf of Schmitz, requesting the status of their case, respondent failed to respond to the reasonable status inquiries of a client in a matter in which he agreed to perform legal services, in wilful violation of Business and Professions Code, section 6068(m).

Count Ten - Rules of Professional Conduct, rule 3-700(A)(2) [Improper Withdrawal From Employment]

63) Respondent took no further action on the *Kosar* matter after he filed an Answer on behalf of Schmitz on December 12, 2005.

64) By taking no further action on Schmitz's legal matter after December 12, 2005, respondent defacto withdrew from representing Schmitz.

65) Respondent failed to advise the Court or Schmitz of his withdrawal.

66) Respondent's actions of withdrawing without notifying Schmitz or the Court caused reasonably foreseeable harm to Schmitz. He suffered a default judgment in excess of \$30,000.00.

67) By his defacto withdrawal after December 12, 2005, resulting in a default judgment against his client, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Count Eleven - Rules of Professional Conduct, rule 3-700(D)(2) [Failure to Refund Unearned Fees]

68) Respondent filed one stipulation, and filed one Answer on behalf of Schmitz. As a result of his conduct, there was a default judgment against his clients.

69) Respondent's actions provided no benefit to Schmitz. Therefore, his fees of \$1,000.00 were unearned.

70) Respondent failed to refund his unearned fee in response to Morrill's June 22, 2005 request that he return the file and the fees if he did not respond to her by close of business on June 22, 2005. On June 26, 2005, he stated, in an email to Morrill, that he would refund all but the filing fee, but he failed to do so.

71) Respondent failed, upon his defacto termination of employment, and Morrill's June 22, 2005 termination of his services, to refund any fees to the Schmitz, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Count Twelve - Rules of Professional Conduct, rule 3-700(D)(1) [Failure to Release File]

72) Respondent failed to return Schmitz's file after receiving Morrill's request of June 22, 2005, and after indicating to Morrill that he would do so.

73) By failing to promptly return Schmitz's file to him, respondent failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in wilful violation of Rules of Professional Conduct, rule 3700(D)(1).

Count Thirteen - Business and Professions Code, section 6068(i) [Failure to Cooperate in State Bar investigation]

74) On July 25, 2007, State Bar Investigator John Matney wrote to respondent at his official membership records address, maintained by the State Bar pursuant to Business and Professions Code, section 6002.1, via United States Mail, postage prepaid. In his letter, Investigator Matney advised respondent of the Schmitz complaint to the State Bar. Investigator Matney requested a written response to the complaint.

75) Respondent received the July 25, 2007 letter from the State Bar, and failed to respond to the letter.

76) Investigator Matney sent a second letter on October 15, 2007, again to respondent at his official membership records address, maintained by the State Bar pursuant to Business and Professions Code, section 6002.1, via United States Mail, postage pre-paid. In his letter, Investigator Matney again advised respondent of Schmitz's complaint to the State Bar. Investigator Matney requested a written response to the complaint.

77) Respondent received the October 15, 2007 letter from the State Bar, and failed to respond to the letter.

78) By failing to respond to the State Bar's letters of July 25, 2007, and October 15, 2007, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent, in wilful violation of Business and Professions Code, section 6068(i).

Case No. 08-H-10444 – Violation of Reproval

Count Fourteen - Rules of Professional Conduct, Rule 1-110(A) [Violation of Reproval Conditions]

79) On June 27, 2007, respondent signed a stipulation in which he admitted professional misconduct, agreed to receive a public reproval, and agreed to comply with conditions attached to the reproval for a period of one year. The conditions attached to the reproval were specified in the stipulation that respondent signed.

80) On July 20, 2007, acting under the authority of Business and Professions Code section 6077, the State Bar Court of California issued an order imposing a public reproval upon respondent in case number 07-O-10018. Pursuant to California Rule of Court 956, the State Bar Court Order required respondent to comply with the stipulated conditions attached to the reproval. The Court found that the stipulation "...protects the public and that the interests of Respondent will be served by any conditions attached to the reproval..."

81) The July 20, 2007, State Bar Court Order and reproval conditions became final on August 14, 2007, and at all times thereafter have remained in full force and effect. Soon after July 20, 2007, respondent received notice of the State Bar Court Order and reproval conditions.

82) On July 31, 2007, the Office of Probation mailed respondent a reminder letter setting forth the conditions of the reproval. Respondent received this letter shortly thereafter.

83) On January 18, 2008, the Office of Probation mailed respondent a second reminder letter, which respondent received shortly thereafter, noting respondent's failures to comply with the reproval conditions.

84) Quarterly Reporting Condition.

- (a) One of the conditions of the reproval required respondent to submit quarterly reports as follows:

"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 reproval 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 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."

- (b) Respondent was therefore required to submit quarterly reports on: October 10, 2007; January 10, 2008; April 10, 2008; July 10, 2008; and August 15, 2008. Respondent violated this condition by failing to submit his October 10, 2007 and January 10, 2008 quarterly reports in a timely fashion. Respondent submitted both his October 10, 2007 and his January 10, 2008 quarterly report on January 23, 2008. Respondent has also failed to submit his April 10, 2008 quarterly report in a timely fashion. As of April 24, 2008, respondent has not submitted his April 10, 2008 quarterly report.

85) Restitution.

- (a) One of the conditions of the reprobation required respondent to pay restitution and provide proof of payment to the Office of Probation, as follows:

"a. Restitution

Respondent must pay restitution (including the principal amount plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs."

Payee	Principal Amount	Interest Accrues From
David L. Gardener	\$1,000.00	08/21/06

"[x] Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 12/31/07. "

- (b) Respondent violated this condition by failing to provide proof of restitution prior to the December 31, 2007 deadline. Respondent paid restitution two months later, on February 25, 2008.

86) Medical Conditions.

- (a) One of the conditions of the reprobation required respondent to obtain psychiatric or psychological help, as follows:

"Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of two (2) times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for days or months or one (1) years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final."

- (b) Respondent violated this condition of his reprobation because he failed to submit his medical report in a timely fashion. He first submitted a medical report on January 25, 2008, and failed to submit the information on October 10, 2007 and January 10, 2008 as required. Furthermore, respondent has failed to submit his April 10, 2008 medical report. As of April 24, 2008, respondent has not submitted this report.

87) By failing to comply with the above conditions, respondent failed to comply with conditions attached to a public reproof administered by the State Bar pursuant to Business and Professions Code sections 6077 and 6078 and former rule 956 (now 9.19), California Rules of Court.

Unfiled Case number 08-O-13520 [The Samayoa Matter]

Facts.

Ingrid Samayoa ("Samayoa") retained respondent in November 2007 to represent her in a family law matter, specifically, to file papers to modify the existing custody and visitation order regarding Samayoa's minor daughter. Samayoa paid respondent two payments of \$1,500, for a total of \$3,000 for the representation.

On November 5, 2007, respondent executed a substitution of counsel form as counsel for Samayoa in Sacramento Superior Court case no. 02FL05973.

On February 4, 2008, respondent filed a request for an order to show cause regarding child custody modification Sacramento Superior Court case no. 02FL05973. Although a mediation and court hearing were triggered by this filing, respondent failed to serve the February 4 OSC on the minor's counsel, Ms. Wasznicky ("Wasznicky") or on the child's father. Following Wasznicky's objection, respondent dropped the matter from the court's calendar.

On April 25, 2008, respondent filed another request for an order to show cause regarding child custody modification Sacramento Superior Court case no. 02FL05973. Again, the filing triggered a mediation and court hearing and again respondent failed to serve the April 25 OSC on Wasznicky or the child's father.

Respondent failed to respond to Wasznicky's multiple letters and phone calls made to meet and confer over the various issues related to the custody matter and the improperly noticed and unserved requests for orders to show cause.

Mediation was ultimately held. A court hearing to discuss the mediation report and then existing custody order was scheduled for July 14, 2008. Despite being noticed with the hearing date and time, respondent failed to appear at the July 14 hearing, nor did respondent inform Samayoa of the July 14 hearing date. Samayoa did not learn of the July 14 hearing from respondent; her failure to appear resulted in a sanctions order against her.

Beginning in November, 2007, Samayoa telephoned respondent numerous times to request status updates. For the first few months of the representation, respondent returned most of Samayoa's telephone calls. Later, however, respondent's rate of returned phone calls was reduced to the point of not returning her calls nor otherwise providing her with status updates.

In March, 2008, respondent assured Samayoa that he would properly file the custody papers. Samayoa called respondent numerous times in March to see whether he had in fact filed the papers and, if so, what was the status. The only response Samayoa received during March from respondent was to tell her that he had not yet had a chance to get to the filing

because he was too busy.

Samayoa terminated respondent's services by telephone in August, 2008. In September, 2008, Samayoa's newly hired counsel twice wrote to respondent, seeking *inter alia*, his signature on a substitution of counsel and the return of Samayoa's file. To date, respondent has failed to reply to subsequent counsel's correspondence, nor has he signed the substitution of counsel. Respondent did not return Samayoa's file until December 4, 2008, approximately four months after his termination and subsequent counsel's demand for the client file.

Respondent telephoned subsequent counsel on January 5, 2009, and promised to deliver unearned attorney's fees the next day (January 6). Respondent did not appear at subsequent counsel's office on January 6 or any other day.

On October 10, 2008, State Bar investigator John Matney wrote to respondent regarding Samayoa's allegations, requiring a response by October 20. Having received no response, Investigator Matney again wrote to respondent on November 3, 2008. To date, respondent has never provided a written response to the October 10 and November 3 investigation letters.

Conclusions of Law.

1. By failing to properly file and properly serve an order to show cause re: custody, and by failing to provide Samayoa with the mediator's report, and by persisting in his failure to notify minor's counsel resulting in minor's counsel's motion for sanctions and attorney's fees, respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.
2. By failing to refund any portion of the \$3,000 fee Samayoa paid in November, 2007, after failing to perform any services of value, after being terminated from the representation and after specifically promising subsequent counsel after demand for the unearned fees had been made that he would deliver the unearned fees directly to counsel on January 6, 2009, respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by failing to refund promptly any part of a fee paid in advance that has not been earned.
3. By failing to return the majority of Samayoa's numerous phone calls requesting status updates and by not informing Samayoa of the date of the court hearing to consider the custody and visitation issues, respondent wilfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client, and by failing to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services.

Unfiled case number 08-O-13822 [The Smulo Matter]

Facts.

Alexandra Smulo ("Smulo") hired respondent in July, 2007, to represent her in a divorce proceeding. Smulo paid respondent a total of \$11,000 in advance fees for the representation. Respondent did not provide Smulo with a written fee agreement. Respondent told Smulo that he

would maintain the advance fees in his client trust account and provide Smulo with a monthly statement reflecting work performed and balance remaining of fees advanced. Respondent did not maintain any of Smulo's advance fees in a client trust account.

Respondent and Smulo agreed to meet at respondent's office to discuss Smulo's case on March 10, 2008. Smulo arrived at respondent's office, but it was closed and respondent never showed up. Respondent later stated that he had forgotten about the meeting.

On March 17, 2008, respondent was to appear for Smulo at a court hearing regarding her divorce. Respondent failed to appear at the hearing. Respondent did not contact Smulo or the court to inform that he would not appear at the hearing. After waiting over three hours at the court, Smulo asked the judge to reschedule the hearing. The hearing was rescheduled to March 25, 2008.

On March 25, 2008, respondent again failed to appear at the court for the hearing, nor did he contact Smulo or the court to notify either that he would not appear. The hearing went forward; Smulo was unrepresented for the hearing.

Smulo went directly to respondent's office after the March 25 hearing. Respondent was not in his office. Smulo asked an office assistant to transmit Smulo's termination of respondent's representation. Smulo and respondent agreed that he would refund \$3,000 of the fees paid Smulo paid in advance.

On January 5, 2009, respondent told Smulo that he would hand deliver a refund check to her at her home on that date. On January 7, 2009, respondent told Smulo that because a State Bar complaint had been filed, he was required to mail the payment. Respondent was not required to mail the payment. His statement to that effect to Smulo was false.

On January 5, 2009, respondent spoke to Investigator Matney by telephone. Respondent told Investigator Matney that he had mailed the payment to Smulo "a few days ago." Respondent's statement to the investigator about when he mailed a payment to Smulo was false.

Over nine months after Smulo terminated respondent's services, by check number 1158 dated December 29, 2008 (but mailed in envelope bearing a postmark of January 6, 2009), respondent paid \$3,000 to Smulo.

Conclusions of Law.

1. By failing to appear at the March 25, 2008 scheduled court hearing, failing to notify Smulo or the court that he would not appear and leaving Smulo unrepresented, respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.
2. By failing to deposit into a client trust account the fees Smulo paid to him in advance of any work performed, respondent wilfully violated Rules of Professional Conduct, rule 4

100(A), by failing to maintain the balance of funds received for the benefit of a client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

3. By failing to return Smulo's file to her promptly upon being terminated from employment in March, 2008, respondent wilfully violated Rules of Professional Conduct, rule 3700(D)(1), by failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property.
4. By failing to wait until January, 2009 to mail the agreed upon \$3,000 refund to Smulo, respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by failing to refund promptly any part of a fee paid in advance that has not been earned.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
07-O-12879	Seven	Bus. & Prof. Code, § 6068(i) [Failure to Cooperate in State Bar investigation]
07-O-12879	Three	Bus. & Prof. Code, § 6068(o)(3) [Failure to Report Judicial Sanctions]

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was March 9, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 9, 2009, the prosecution costs in this matter are \$6,375.06. 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.

RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amount of restitution set forth below.

Respondent must make restitution as follows:

Rex and Melba Hardin, or the Client Security Fund if it has paid, in the principal amount of \$1,500.00 plus \$250.00, for a total of \$1,750.00, plus interest at the rate of 10% per annum from July 23, 2007 (the date the Hardins' complaint was opened), until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards 1.7, 2.3, 2.4, 2.6, and 2.9 Rules of Procedure of the State Bar of California;
Lister v. State Bar (1990) 51 Cal.3d 1117.

(Do not write above this line.)

In the Matter of
ROBERT H. JACKSONCase number(s):
07-O-12606; 07-O-12879; 07-H-10444

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.

March 10, 2009
DateMarch 10, 2009
Date3/9/09
DateRobert H. Jackson
Respondent's SignatureJonathan I. Arons
Respondent's Counsel SignatureTammy M. Albertsen-Murray
Deputy Trial Counsel's SignatureROBERT H. JACKSON
Print NameJONATHAN I. ARONS
Print NameTAMMY M. ALBERTSEN-MURRAY
Print Name

(Do not write above this line.)

In the Matter Of
ROBERT H. JACKSON
No. 213433

Case Number(s):
07-O-12606; 07-O-12879;
07-H-10444

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.

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.)**

Date

March 25, 2009

Judge of the State Bar Court

W. J. Anderson

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 March 26, 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:

JONATHAN IRWIN ARONS
LAW OFC JONATHAN I ARONS
101 HOWARD ST #310
SAN FRANCISCO, CA 94105

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

TAMMY ALBERTSEN MURRAY, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 26, 2009.



Laine Silber
Case Administrator
State Bar Court