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**State Bar Court of California  
Hearing Department  
Los Angeles**

<p>Counsel For The State Bar</p> <p>Jean Cha Deputy Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 228137</p>	<p>Case Number (s)</p> <p>07-O-12622 &amp; 08-O-11058</p>	<p>(for Court's use)</p> <p align="center"><b>FILED</b> MAY 25 2010 <i>MC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center"><b>PUBLIC MATTER</b></p>
<p>In Pro Per Respondent</p> <p>Duane D. Dade 9388 Foothill Blvd. Rancho Cucamonga, CA 91730 (909) 989-7473</p>	<p>Submitted to: <b>Settlement Judge</b></p>	
<p>Bar # 140379</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Duane D'Roy Dade</p> <p>Bar # 140379</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 6, 1989.
- (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 16 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".



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- (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):
- 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: Two Billing Cycles Following the Effective Date of the Supreme Court Order.  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**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 95-O-18057, 96-O-03763 & 96-O-03673, Supreme Court Order S082044
  - (b)  Date prior discipline effective 12/19/1999
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 4-100(A)
  - (d)  Degree of prior discipline Two Years Stayed Suspension, Two Years Probation, 60 Days Actual Suspension with Restitution.
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.  
  
State Bar Case Number 05-O-02787 Cons. 07-O-10783, not yet effective as of the date of this stipulation, Decision filed December 16, 2009. Rules of Professional Conduct, rules 4-100(B)(1), 4-100(B)(4), Business and Professions Code sections 6103, 6106, 6068(a), 6125, 6126, 6068(d), and 6068(m). Recommended Discipline Three Years Stayed Suspension, Three Years Probation, and Two Years Actual Suspension, and until Std. 1.4(c)(ii) is satisfied.
- (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.

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- (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. Respondent cooperated during the pendency of the instant proceeding by stipulating. He also recognized his wrongdoing and admitted culpability. His candor and cooperation are mitigating factors. (Std. 1.2(e)(v).)
- (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. Respondent was suffering from the effects of depression and alcoholism at the time of his misconduct.
- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

- (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. Respondent has presented character letters from nine individuals in the community attesting to their respective faith in Respondent and his overall honesty. These character references expressed their belief in Respondent's integrity even with the knowledge of the misconduct and believe that the conduct will not recur. (Std. 1.2(e)(vi).)
- (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)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of Three Years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of Three 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 Two 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:

### E. Additional Conditions of Probation:

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

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

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.  
 No Ethics School recommended. Reason:
- (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:  
 Substance Abuse Conditions                       Law Office Management Conditions

Medical Conditions

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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 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 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 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

Attachment language begins here (if any):

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

IN THE MATTER OF:       DUANE D'ROY DADE, 140379  
CASE NUMBERS:           07-O-12622 & 08-O-11058

Respondent admits the facts set forth in the stipulation are true and that he is culpable of violations of the specified statutes and Rules of Professional Conduct.

**LEMLE MATTER (07-O-12622)**

**FACTS**

1.       At all times relevant, Respondent maintained a client trust account at Bank of America (BOA), account number ending in 0301 (the CTA).
2.       On October 26, 2004, Pernesia Lemle (Lemle), employed Respondent to represent her in a personal injury matter arising out of an October 15, 2004 auto accident. Lemle signed a 1/3 contingency fee retainer agreement.
3.       In 2004, Lemle received medical treatment from Hemet Family Chiropractic (Hemet Family) in relation to the automobile accident.
4.       In 2004, Respondent executed a lien in favor of Hemet Family and on behalf of Lemle.
5.       On March 11, 2005, Respondent received a bill from Hemet Family for \$3,740.00.
6.       On December 21, 2005, Respondent settled Lemle's personal injury case, and Progressive Insurance (Progressive), issued a settlement check to Respondent in the amount of \$4,922.00.
7.       On December 23, 2005, Respondent deposited the check for \$4,922.00 into the CTA.
8.       On December 24, 2005, Respondent disbursed \$1,500.00 to Lemle as her share of the settlement, with CTA check number 1028 payable to Lemle.
9.       On December 27, 2005, Respondent retained \$1,200.00 for his attorney fees and issued CTA check number 1027 payable to himself for the same amount. In addition,

Respondent retained \$2,222.00 of Lemle's funds at Lemle's request, which were to be used to pay the medical provider who provided medical services to Lemle arising out of the automobile accident.

10. On May 15, 2006, the CTA daily balance dipped to \$516.36 which was below the \$2,222.00 Respondent should have maintained in the CTA.

11. Prior to May 15, 2006, Respondent had not made any disbursements to the medical provider or any portion of the \$2,222.00 settlement funds to Lemle.

12. Throughout 2006, Hemet Family contacted Respondent's office by telephone and fax on numerous occasions requesting a status update.

13. On June 1, 2007, Hemet Family attempted to contact Respondent, but Respondent's number had been disconnected. Thereafter, in an effort to obtain a status on the case, Hemet Family contacted Progressive, who at that time advised them that the claim had been settled and the payment had been disbursed on December 21, 2005.

14. Thereafter, Hemet Family tried to collect from Lemle.

15. On September 28, 2009, Respondent's god-sister, Cynthia Dunning, on behalf of Respondent, obtained a reduction to the Hemet Family bill from \$3,740.00 to \$2,100.00 and paid Hemet Family \$500, thus leaving a \$1,600.00 outstanding balance.

16. On April 29, 2010, Respondent obtained a \$100.00 reduction and fully satisfied the remaining \$1,500.00 balance with Hemet Family. To date, Respondent has not disbursed the remaining \$222.00 (\$2,222 - \$2,000.00) to Lemle.

#### **CONCLUSIONS OF LAW**

17. By misappropriating at least \$1,705.64 (\$2,222.00 - \$516.36) of Lemle's settlement funds or funds being held for his client's benefit, Respondent committed an act involving moral turpitude in willful violation of Business and Professions Code section 6106.



18. By not maintaining the full \$2,222.00 received on behalf of Lemle in his CTA, Respondent failed to maintain client funds in a client trust account in willful violation of rule 4-100(A) of the Rules of Professional Conduct.

19. By not paying Lemle's funds held in his client trust account to Lemle or the medical provider at Lemle's request, Respondent failed to promptly pay client funds as requested by his client in willful violation of rule 4-100(B)(4), of the Rules of Professional Conduct.

20. By failing to promptly disburse payment sufficient to satisfy Lemle's medical provider's medical lien, or failing to disburse the funds to Lemle, failing to exercise due diligence in paying out the outstanding balance for medical services to Hemet Family on behalf of Lemle, Respondent failed to perform legal services with competence in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

### **BRYANT MATTER (08-O-11058)**

#### **FACTS**

21. On March 26, 2001, Sharon J. Halcromb, aka Bryant (Bryant) entered into a sale and purchase agreement with Kevin O'Neil Jackson (Jackson) for real property located at 1690 Club Drive, Pomona, California (the property) for \$85,000.

22. On April 9, 2001, in furtherance of escrow, Bryant executed a Grant Deed to Jackson granting a one-half interest in the property as a joint tenant. Jackson recorded the Grant Deed prematurely and without Bryant's consent. Jackson failed to complete the escrow as agreed and as a result escrow never closed. Nevertheless, Jackson took possession of the property in 2001 for management purposes.

23. In 2005, Bryant learned that Jackson was mismanaging the property and had 5 encumbrances on the property without her knowledge and that foreclosure was imminent. A dispute arose to the ownership over the property and Bryant retained Louis C. Novak (Novak). Jackson retained Respondent.

24. Bryant and Jackson, through an agreement brokered by their respective counsel, agreed to list the property for sale to salvage whatever remaining equity might be in the property and hold the net proceeds of the sale subject to division to be determined either by the parties or court order at a later date as entitlement to the funds was in dispute.

25. On July 5, 2005, Jackson and Bryant authorized Ontario Escrow Services to transfer 50% of the proceeds of the sale of the property to Respondent's trust account and 50% to Novak's client trust account and included these terms in the escrow instructions.

26. On the same day, Novak sent a letter to Respondent confirming the escrow instructions and the disbursement of the funds and confirmed that the disputed funds were to remain in each attorney's respective client trust accounts until a court order or other agreement between the parties.

27. On July 26, 2005, the property was listed and was sold for the sum of \$238,000.00. From the proceeds of the sale the total amount of the payoffs was \$156,164.13. The net proceeds to the seller (Bryant and Jackson) was the sum of \$47,148.50.

28. On July 27, 2005, Ontario Escrow Services sent a letter to Jackson advising him that \$25,760.25 had been wired to Respondent's client trust account and that his escrow was completed.

29. On July 28, 2005, Jackson accompanied Respondent to the bank to have Respondent withdraw \$9,500.00 in cash for him. Respondent disbursed \$9,500.00 to Jackson out of the net proceeds he was required to maintain in his CTA without advising Novak.

30. On July 29, 2005, Jackson requested an additional \$2,000.00 from Respondent. Respondent disbursed \$2,000 in cash to Jackson out of the net proceeds he was required to maintain in his CTA without advising Novak.

31. On August 12, 2005, Jackson requested an additional \$5,000.00 from Respondent. Respondent disbursed \$5,000 in cash to Jackson out of the net proceeds he was required to maintain in his CTA without advising Novak.

32. On August 23, 2005, Jackson made a formal demand for the remaining funds in trust. Respondent disbursed the remaining funds to Jackson out of the net proceeds he was required to maintain in his CTA without advising Novak.

33. On August 30, 2005, Jackson received an additional \$5,000.00 in cash from Respondent out of the net proceeds he was required to maintain in his CTA. Furthermore, Jackson and Respondent agreed to have Respondent retain \$4,260.00 for attorney fees out of the net proceeds he was required to maintain in his CTA without advising Novak.

34. In September 2005, Jackson terminated Respondent.

35. At no time did Respondent advise Novak of the disbursements of the disputed net proceeds. Nor did Respondent turn the money held in trust over to Novak or subsequent counsel for Jackson or bring it to the attention of a court.

36. On February 15, 2007, Bryant, through Novak, filed a civil complaint against Jackson in San Bernardino County Superior Court to determine ownership of the sale proceeds in Respondent's client trust account per the escrow instructions and the parties' agreement. Respondent was served with the complaint and did not advise Novak that he was no longer representing Jackson.

37. Sometime in September or October 2007, Jackson defaulted and judgment was ordered in favor of Bryant to recover the 50% of the sale proceeds being held in Respondent's CTA. Respondent was ordered to turn over all disputed funds from the sale proceeds payable to Bryant. Respondent failed to do so.

38. In early November 2007, Novak learned for the first time that Respondent had disbursed all of the disputed funds being held in his trust account from the sale proceeds.

39. Respondent claimed that due to there being no court order and a demand made by Jackson, Respondent had to disburse the funds to Jackson in 2005. Also, Respondent improperly withdrew \$4,260.00 of entrusted funds which were in dispute to cover his attorney fees without the knowledge or consent of Bryant or Novak.

40. To date, Novak has made numerous attempts to recover the funds from Respondent and Jackson without success.

### CONCLUSIONS OF LAW

41. By improperly disbursing disputed funds and withdrawing \$4,260 for his own personal use and benefit, Respondent committed acts involving moral turpitude in willful violation of section 6106 of the Business and Professions Code.

42. By failing to maintain \$25,760.25 in the CTA when Respondent owed a fiduciary duty to Bryant and by not promptly taking appropriate, substantive steps to resolve competing claims in order to disburse the funds, by disbursing disputed funds held in Respondent's client trust account to Jackson and exposing Jackson to a default judgment, Respondent failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A.)

### AUTHORITIES.

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.3.)

Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct, Rules Proc. Of State Bar, Title IV, provides that a violation of rule 4-100 shall result in at least a three-month suspension, irrespective of mitigation circumstances. Standard 2.4(b) provides for reproof or suspension for a failure to perform. The standards are guidelines (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628) and afforded great weight (*In re Silvertan* (2005) 36 Cal.4th 81, 91-92), they are not applied in a talismanic fashion (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994).

Standard 1.7(b) provides for deviation from disbarment where compelling mitigating circumstances clearly predominate. Here, Respondent was suffering from the effects of depression and alcoholism at the time of his misconduct and constitutes compelling mitigating circumstances surrounding the misconduct.

Here, the aggravating force of Respondent's prior discipline is diminished because the underlying misconduct occurred during the same time period and contemporaneous with the misconduct in the prior case. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal.State Bar Ct. Rptr. 602, 619.) Had the present misconduct addressed by this stipulation been heard and tried in the same disciplinary proceeding as State Bar Case Nos. 05-O-02787 & 07-O-10783, and in consideration of the totality of the findings, the purposes of attorney discipline does not necessitate imposing discipline in the current proceeding greater than 2 years actual suspension.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was April 27, 2010.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 27, 2010, the estimated prosecution costs in this matter are approximately \$2,602.00. Respondent acknowledges that this figure is an estimate only and that it might not include State Bar Court costs that will be included in any final cost assessment (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)), which will be included in any final cost assessment. 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. It is also noted that if Respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision(c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

#### **STATE BAR ETHICS SCHOOL.**

Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, Respondent will receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

In the Matter of  
**Duane D'Roy Dade**  
A Member of the State Bar

Case number(s):  
**07-O-12622**  
&  
**08-O-11058**

### Financial Conditions

#### 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
<b>Pernesia Lemle</b>	<b>\$222.00</b>	<b>09/28/2009</b>
<b>Sharon J. Bryant (Halcromb)</b>	<b>\$4,260.00</b>	<b>10/23/2007</b>

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
    1. the name of such client;
    2. the date, amount and source of all funds received on behalf of such client;
    3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    1. the name of such account;
    2. the date, amount and client affected by each debit and credit; and,
    3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**



- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of Duane D'Roy Dade	Case number(s): 07-O-12622 & 08-O-11058
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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>5-11-10</u> Date	 Respondent's Signature	<u>Duane D'Roy Dade</u> Print Name
<u>5/14/10</u> Date	 Deputy Trial Counsel's Signature	<u>Jean Cha</u> Print Name



(Do not write above this line.)

In the Matter Of Duane D'Roy Dade	Case Number(s): 07-O-12622 & 08-O-11058
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

→ Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment is enforceable as provided under Business and Professions Code section 6140.5. (Rules Proc. of State Bar, rule 291.)

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.)**

5/24/2010  
Date

  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 25, 2010, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

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:

**DUANE D. DADE  
DUANE D DADE & ASSOCIATES  
9333 BASELINE RD STE 150  
RANCHO CUCAMONGA, CA 91730**

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

**JEAN CHA, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 25, 2010.



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Tammy Cleaver  
Case Administrator  
State Bar Court