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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Bitu Shasty 1149 S. Hill Street Los Angeles, California 90015-2299 Bar # 225177	Case Number (s) 07-O-13125-DFM Submitted to: Assigned Judge Amended	(for Court's use) PUBLIC MATTER FILED MAR 19 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Lewis James Ross 1288 Hadden Drive P.O. Box 1170 Cambria, California 93428 Bar # 116165	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: LEWIS JAMES ROSS Bar # 116165 A Member of the State Bar of California (Respondent)		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 3, 1984**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- costs added to membership fee for calendar year following effective date of discipline.
- costs to be paid in equal amounts prior to February 1 for the following membership years: **Three 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-C-15850**
 - (b) Date prior discipline effective **October 16, 1996**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **B & P code, section 6068(a)**
 - (d) Degree of prior discipline **Public Reproval**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline. **See Attachment**
- (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. **Respondent submitted to the State Bar evidence of physical disabilities which established a nexus with the misconduct in questions. Should the Hearing Department wish to view the evidence, the State Bar would make the documents available to the Court in camera.**
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **1 year**.

- 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **2 years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) 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.

- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (8) 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.
- (9) 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 within one year. **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) **Other Conditions:**
- Respondent must pay restitution to the payee McCormick, Barstow LLP, in the amount of \$5,288.00, unless a lesser amount is agreed to, in writing, by McCormick, Barstow LLP. (and proof of such writing is submitted to the State Bar), for court ordered sanctions within 30 days of the effective Supreme Court Order. If the Client Security Fund ("CSF") has reimbursed the payee for all or any portion of the principal amount, Respondent must also pay restitution to CSF in the amount paid, plus applicable interest and costs.**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **LEWIS JAMES ROSS**

CASE NUMBER: **07-O-13125**

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that he is culpable of violation of the specified statute and/or Rules of Professional Conduct:

1. In 2006, Respondent filed a civil action on behalf of his client, Mark Tracey (Tracey), entitled, Mark Tracey v. Mid-State Fair et. al. San Luis Obispo County Superior Court, case no. CV 050939 (the "civil action").
2. On January 4, 2007, Daniel Lyons, defense counsel in the civil action, served Respondent with the following discovery requests: Form Interrogatories, Set One, a Request for Production of Documents, Set One and a Request for Statement of Damages. Respondent received the discovery requests but failed to timely respond.
3. On February 21, 2007, Lyons served Respondent with a second set of discovery requests. Specifically, on or about February 21, 2007, Lyons served Respondent with the following discovery requests: Form Interrogatories, Set Two, a Request for Production of Documents, Set Two and Special Interrogatories, Set One. Respondent received the second set of discovery requests but failed to respond.
4. As of February 23, 2007, Respondent had not provided any responses to the first set of discovery and wrote Lyons regarding outstanding discovery. In the February 23, 2007 letter to Lyons, Respondent acknowledged that he owed the discovery responses and stated that "[n]ext week, we will respond without objection."
5. As of March 2, 2007, Respondent had not provided any discovery responses in the civil action. Therefore, on or about March 2, 2007, defense counsel left a message for Respondent asking Respondent to call him back.
6. On March 6, 2007, Respondent returned Lyons's call and represented that the overdue responses would be produced shortly.
7. On March 8, 2007, Lyons wrote Respondent regarding the overdue discovery responses. In the March 8, 2007 letter, Lyons told Respondent that since the discovery responses were overdue, Respondent had waived his right to object. Lyons also told Respondent that if the responses were not provided via facsimile by March 12, 2007, Lyons would file a motion to compel discovery and request sanctions. On or about March 8, 2007, Lyons sent the letter to Respondent via facsimile and U.S. Mail. Respondent received the March 8, 2007 letter but failed to respond and failed to provide the discovery responses.

8. As a result, on or about March 19, 2007, Lyons filed a motion to compel responses to the first set of discovery requests. The hearing regarding the motion to compel was scheduled for April 24, 2007. Respondent was properly served with the motion to compel.

9. On March 23, 2007, Respondent provided incomplete responses to the first set of discovery requests. Respondent did not inform the court that he had provided the incomplete responses. Respondent also failed to file opposition to the motion to compel.

10. On April 5, 2007, Lyons wrote Respondent about the second set of discovery requests served on February 21, 2007. In the April 5, 2007 letter, Lyons noted that the responses were overdue, and Respondent had waived his right to object. Lyons asked Respondent to provide the discovery responses within five days of the April 5, 2007 letter. On or about April 5, 2007, Lyons sent the letter to Respondent via facsimile. Respondent received the April 5, 2007 letter but failed to provide discovery responses to the second set of discovery requests.

11. On April 11, 2007, Respondent wrote Lyons regarding the outstanding discovery. In his April 11, 2007 letter, Respondent stated that he “[w]ill have verified responses, without objections, to you by end of week.” Thereafter, Respondent failed to provide responses to the second set of discovery requests.

12. On April 19, 2007, Lyons’s law office filed a motion to compel responses to the second set of discovery requests. The hearing regarding the second motion to compel was scheduled for May 22, 2007. Lyons properly served Respondent with the second motion to compel. Respondent received the second motion to compel but failed to file opposition to the motion.

13. On April 24, 2007, the court held a hearing in the civil action regarding the defendant’s motion to compel responses to the first set of discovery requests. Respondent appeared at the April 24, 2007 hearing.

14. On April 24, 2007, the court found plaintiff’s discovery responses to be “inadequate” and “incomplete” and granted the defendant’s motions to compel. In addition, the court ordered sanctions in the amount of \$1,776.00 against Respondent and Tracey. The court also ordered the parties to “meet and confer” regarding further discovery responses. The next hearing in the civil action was scheduled on May 22, 2007 to coincide with the second discovery dispute.

15. As of May 11, 2007, Respondent had not provided further responses to the first set of discovery requests. As a result, on or about May 11, 2007, Lyons’s law office filed a Statement Regarding Further Responses with the court regarding responses to discovery. In the Statement, defense counsel stated that Respondent had not responded to attempts to “meet and confer” and had failed to provide additional discovery responses. Defense counsel requested \$784.00 in monetary sanctions as well as terminating sanctions in the civil action.

17. On May 22, 2007, the court held a hearing in the civil action regarding the defendant’s motions to compel discovery responses. Respondent did not appear at the May 22, 2007 hearing. On or about May 22, 2007, the court ordered further responses to the first set of discovery requests be provided within ten days of service of the court’s ruling. In addition, the court issued sanctions in the amount of \$784.00 against Respondent and Tracey.

18. During the May 22, 2007 hearing, the court also granted the defendant's second motion to compel discovery responses and issued an additional \$1,608 in sanctions against Respondent and Tracey. The court again ordered the parties to "meet and confer" regarding both motions to compel. The court set the next hearing regarding terminating sanctions and dismissal of the civil action for June 19, 2007.

19. On June 18, 2007, Shane M. Cahill, counsel for the defense, filed a declaration regarding Respondent's failure to meet and confer as ordered by the court. In his declaration, counsel stated that he had called Respondent on May 29, 2007 and left a voicemail message asking Respondent to respond and to provide further responses to discovery. Respondent received the May 29, 2007 voicemail message but failed to respond and failed to provide additional discovery responses.

20. On June 19, 2007, the court held an OSC regarding sanctions and dismissal of the civil action. Respondent did not appear at the June 19, 2007 hearing. In the June 19, 2007 hearing, the court awarded the defendant an additional \$1,120 in sanctions. The court stated that Respondent's "utter failure" to meet and confer, respond to discovery or appear in court, "leads the Court to conclude that the failure to provide discovery has been frivolous and in bad faith."

21. To date, Respondent has not paid any of the sanctions ordered by the court in the civil action.

CONCLUSIONS OF LAW (COUNT ONE)

22. By failing to appear at hearings on May 22, 2007 and June 19, 2007 in the civil action, by failing to provide discovery responses, by failing to respond to the motions to compel, and by failing to respond to inquiries from opposing counsel in the civil action, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

CONCLUSIONS OF LAW (COUNT THREE)

23. By disobeying the court's orders to meet and confer, by disobeying the court's order to provide further responses to the first set of discovery, and by disobeying the court's order to pay sanctions to opposing counsel in the civil action, Respondent wilfully violated Business and Professions Code section 6103.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed on October 2, 2008 in case no. 07-O-13125, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

PENDING PROCEEDINGS

The disclosure date referred to on Page 2, paragraph A.(7), was made on February 11, 2009.

DISMISSALS

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

<u>Case No.</u>	<u>Count</u>
07-O-13125	2

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 11, 2009, the costs in this matter are approximately \$3,731.12 . 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 costs of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system are: “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.”

Recently, the Supreme Court emphasized the importance of the standards and held that great weight should be given to the application of the standards in determining the appropriate level of discipline. The Court indicated that unless it has “grave doubts as to the propriety of the recommended discipline,” it will uphold the application of the standards. *In re Silverton* (2005) 36 Cal. 4th 81, 91-92.

However, the Court in *Silverton* also indicated that the State Bar may deviate from the Standards where there exists grave doubt as to the propriety of applying them in a particular case. (*Silverton* 36 Cal. 4th at 92.) For example, deviation from the *Standards* may be appropriate where extraordinary circumstances exist or where the imposition of discipline called for by the Standards would be manifestly unjust.

The parties submit it would be manifestly unjust to apply Standard 1.7(b) in this matter with out deviation for the following reasons.

First, the Respondent's priors are remote in time in that they occurred in 1993 through 1995. Second, case nos. 93-O-12592 and 93-C-13771 occurred during a period where Respondent was battling alcohol addiction. Respondent has been sober now for numerous years.

In addition, Respondent has submitted compelling mitigating evidence establishing a nexus between his physical disabilities and the misconduct in question in the current case. Respondent has fully recovered from the physical disabilities. His disabilities were not due to any drug and/or alcohol abuse. As such, Respondent's conduct does not present a significant concern that he poses a future threat to the public or his clients.

Standard 2.4(b) provides that a member's culpability for wilfully failing to perform services in a individual matter or matters not demonstrating a pattern of misconduct shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm, if any, to the victim.

Standard 2.6(b) provides that a member's violation of Business and Professions Code section 6103 shall result in disbarment or suspension depending upon the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

AGGRAVATING CIRCUMSTANCES

Prior Record of Discipline

Case No.: 94-H-16252
Effective Date: October 21, 1995
Violations: Rule of Professional Conduct, rule 1-110(A)
Discipline: 90 days actual suspension

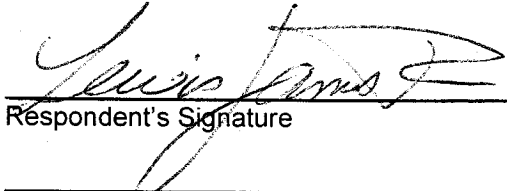
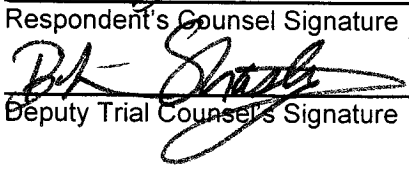
Case No.: 93-C-13771, 93-O-12592 (consolidated)
Effective Date: March 3, 1994
Violations: 3-700(A)(1), 3-700(A)(2), 3-700(D)(1); in 93-C-13771 was a Driving Under the Influence of Alcohol violation.
Discipline: Private Reproof

(Do not write above this line.)

In the Matter of LEWIS JAMES ROSS (No. 116165)	Case number(s): 07-O-13125-DFM
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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>3/13/09</u> Date	 Respondent's Signature	<u>LEWIS JAMES ROSS</u> Print Name
<u>3/16/09</u> Date	 Deputy Trial Counsel's Signature	<u>BITA SHASTY</u> Print Name

(Do not write above this line.)

In the Matter Of LEWIS JAMES ROSS (No. 116165)	Case Number(s): 07-O-13125-DFM
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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.

The specific disclosure date (February 11, 2009) identified in the amended stipulation is more than 30 days prior to the date this amended stipulation was received by the court. (cf. Rules Proc. of State Bar, rule 134(c)(8).) The State Bar is hereby ordered to supplement the prior disclosure in writing within ten (10) days of the service of this order, using a disclosure date of March 18, 2009. A declaration of timely service of that supplemental disclosure is to be filed with this court and served within that same ten day period, but the disclosure itself is not to be filed. The amended stipulation will then be deemed modified to reflect the March 18, 2009 disclosure date.

In the event there is any additional information disclosed by the State Bar pursuant to rule 134(c)(8) because of the new disclosure date, the time, specified below, for respondent to file a motion to withdraw or modify the stipulation will be extended for an additional ten (10) days.

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.)**

3/18/09
Date


Judge of the State Bar Court

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DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 07-O-13125-DFM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

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

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

**Lewis James Ross
1288 Hadden Drive
P.O. Box 1170
Cambria, California 93428**

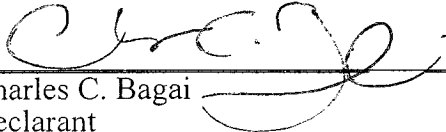
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: March 16, 2009

Signed: _____


Charles C. Bagai
Declarant

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 March 19, 2009, I deposited a true copy of the following document(s):

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

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

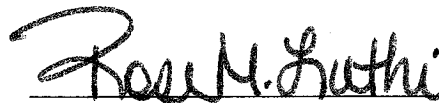
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LEWIS JAMES ROSS, ESQ.
LAW OFC JAMES ROSS
1288 HADDON DR
PO BOX 1170
CAMBRIA, CA 93428

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

BITA SHASTY, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 19, 2009.



Rose Luthi
Case Administrator
State Bar Court