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State Bar Court of California
Hearing Department
Los Angeles

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| <p>Counsel For The State Bar</p> <p>Diane J. Meyers 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 146643</p> | <p>Case Number (s) 07-O-13701</p> | <p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>OCT 06 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> |
| <p>In Pro Per Respondent</p> <p>Clifford A. Dover 1634 Fern St. San Diego, CA 92102 (619) 677-2967</p> <p>Bar # 169838</p> | <p>Submitted to: Settlement Judge</p> | |
| <p>In the Matter Of: Clifford A. Dover</p> <p>Bar # 169838</p> <p>A Member of the State Bar of California (Respondent)</p> | <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **December 30, 1993**.
- (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 **15** 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: **2012 and 2013** (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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (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 was suffering from work-related stress and depression at the time of his misconduct which led to and contributed to his misconduct. Respondent voluntarily sought treatment for his depression beginning in February 2008, which continues to date. Respondent has no prior record of discipline since being admitted to the State Bar in December 1993, and there is no evidence of further misconduct by Respondent. As such, Respondent's misconduct is deemed to be

aberrational and not likely to be repeated. Respondent expressed remorse for his misconduct and acknowledged his misconduct to the State Bar. Respondent provided evidence of his dedication to providing legal services to indigent and low income people victimized by housing discrimination. Two directors of non-profit agencies that Respondent has worked with for several years provided letters attesting to Respondent's extraordinary good character. They confirmed that Respondent has provided valuable legal services, mostly at low or no cost, to victims of housing discrimination, and that there is a substantial lack of attorneys that are willing to provide similar services to the community. Respondent presented a letter from an attorney and a letter from a former co-worker at FHF who also attested to Respondent's good character.

Respondent further demonstrated recognition of wrongdoing by entering into this stipulation, thereby saving the resources of the State Bar.

Respondent did not delay payment of the settlement to Ms. Thomas, the victim of the alleged housing discrimination. As such, there was no harm to Mr. Thomas caused by Respondent's misconduct.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law 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:

(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 **one 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:

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 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:**

G. SUPPORTING AUTHORITY:

Standard 2.2(a), Standards for Attorney Sanctions for Professional Misconduct, provides that culpability of a member of wilful misappropriation of entrusted fund or property shall result in disbarment. Only if the amount of funds misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances. However, the standards, while entitled to great weight, do not mandate a specific discipline. The court is "not bound to follow the standards in talismanic fashion. . .," but the Supreme Court is ". . . permitted to temper the letter of the law with considerations peculiar to the offense and the offender." [Citations.] ". . . [A]lthough the standards were established as guidelines, ultimately, the proper recommendation of discipline rest[s] on a balanced consideration of the unique factors in each case. [Citations.]" (In the Matter of VanSickle (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.)

Respondent's misconduct is distinguishable from disbarment cases involving attorneys who concealed their misappropriation of funds:

In the Matter of Spaith (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511

Spaith represented vulnerable clients, a widow and minor children surviving their husband and father who was killed in an automobile accident. Spaith withdrew nearly \$40,000 belonging to his clients from his trust account to pay office expenses, and then repeatedly lied to the widow and put her off for about one year concerning the location and availability of the funds. He was found to have committed multiple acts of misconduct. Spaith presented evidence of financial and related marital problems he was experiencing at the time of the misconduct. However, the Review Department did not find these problems mitigating. Spaith's

financial problems were not extreme or the result of circumstances beyond Spaith's control, but were reasonably foreseeable. Spaith's marital problems were also not extreme and his psychiatrist testified that his marital problems were not the cause of the misappropriation.

Spaith had 15 years of blemish-free practice prior to his misconduct. He did not commence restitution until after his client threatened to file a State Bar complaint. He did not complete restitution until after the client filed the complaint. He admitted his wrongdoing when first contacted by a State Bar investigator, and stipulated to facts and to culpability. He offered letters from 10 people attesting to his good character, but nine of the letter writers did not indicate that they had any knowledge of Spaith's misconduct, and the tenth letter writer indicated that Spaith had borrowed the client's money. None of the letter writers changed their view of Spaith even after learning of the extent of his misconduct. The court gave mitigation credit for the letters, and for his community service and pro bono activities.

Spaith's mitigation was insufficient to warrant deviation from standard 2.2(a) and he was disbarred.

Respondent's misconduct is distinguishable from Spaith. Particularly, Spaith took advantage of particularly vulnerable clients; Spaith misappropriated a substantially larger sum of money; and Spaith was unable to establish that his financial difficulties and marital problems were proper mitigating factors or the cause of his misconduct. Here, Respondent has established that his work-related stress and depression led to and contributed to his misconduct.

Grim v. State Bar (1991) 53 Cal.3d 21

The Supreme Court disbarred Grim who willfully misappropriated \$ 5,546 from a client. Although Grim displayed good character, candor and cooperation, the Supreme Court concluded that this "[did] not constitute compelling mitigation in view of the various circumstances in aggravation," which included a prior reproof for commingling and failing to competently perform six years earlier, failure to timely pay restitution, and uncharged misconduct involving taking advantage of an out-of-state client and mismanagement of his trust account. (Id. at pp. 35-36.) Furthermore, the Supreme Court found that "The misappropriation in this case . . . was not the result of carelessness or mistake; petitioner acted deliberately and with full knowledge that the funds belonged to his client. Moreover, the evidence supports an inference that petitioner intended to permanently deprive his client of her funds. . ." (Id. at p. 30.) In aggravation, the Supreme Court found that Grim took advantage of a family friend who was living in another state and thus was at a disadvantage with respect to protecting her interests. Also, Grim had failed to make restitution by the time of the disciplinary hearing. The Supreme Court also did not find Grim's financial problems to be a mitigating factor because they were neither unforeseeable nor beyond his control.

Respondent's misconduct is distinguishable from Grim. Particularly, Grim took advantage of a vulnerable client. Grim was unable to establish that his financial difficulties was a proper mitigating factor or the cause of his misconduct. Grim had a prior record of discipline involving a trust account violation. Respondent has no prior discipline. Respondent has established that his work-related stress and depression led to and contributed to his misconduct. Respondent has made full restitution with interest to FHF, the victim of his misconduct.

A one-year actual suspension is appropriate here, consistent with the following cases:

McKnight v. State Bar (1991) 53 Cal.3d 1025

McKnight misappropriated \$17,000 as a combination of unjustified attorney fee and an excess loan from his client. McKnight did not make restitution of half of the funds. McKnight established that he suffered from a manic-depressive condition at the time of his misconduct which caused a higher need of spending. Yet, he established no causal connection between his affliction and the actual misconduct. However, McKnight did not conceal his misconduct. The Supreme Court imposed a one-year actual suspension. The Supreme Court gave great weight to McKnight's mental disorder which had a profound impact on his behavior and from which he had been successfully recovering.

While there was no concealment of misconduct by McKnight, Respondent has established that his work-related stress and depression led to and contributed to his misconduct. Respondent voluntarily sought medical treatment to deal with these problems. Also, Respondent has made full restitution with interest of the funds misappropriated. Further, Respondent has presented more mitigating factors than McKnight.

Hipolito v. State Bar (1989) 48 Cal.3d 621

Hipolito had engaged in a single act of misappropriation of \$2,000 from a client. He also abandoned another client. His misconduct significantly harmed two clients. At the time of the misconduct, Hipolito encountered severe financial difficulties, filed for bankruptcy, was involved in a bitter and protracted dissolution, and was hospitalized for a stress-related condition. He was candid and cooperative with the victims of the misconduct and the State Bar. He made an extraordinary demonstration of good character, including a history of community service and pro bono work. He also hired a management company to avoid the problems resulting in his misconduct. The Court imposed a three-year stayed suspension and probation and only the minimum actual suspension of one year called for by standard 2.2(a), despite the fact that the amount misappropriated was not "insignificantly small."

The Supreme Court noted, "This conclusion is consistent with our prior cases, in which 'only the most serious instances of repeated misconduct and multiple instances of misappropriation have warranted actual suspension, much less disbarment. [Citations.] A year of actual suspension, if not less, has been more commonly the discipline imposed in our published decisions involving but a single instance of misappropriation.'" (Id. at p. 628.)

Attachment language begins here (if any):

Respondent admits that the following facts are true and that he is culpable of the following violations:

Case No. 07-O-13701

Facts:

1. On June 12, 2002, Respondent was employed by the Fair Housing Foundation, Inc. ("FHF") on a contract basis as a consulting attorney.
2. On August 19, 2004, Respondent filed a discrimination case in the United States District Court on behalf of FHF, Yvonne Thomas ("Thomas"), and Thomas's daughters, Kshovan Miles and Shenice Jones, entitled *Thomas, et al. v. Housing Authority of the County of Los Angeles, et al.*, case number 2:04-cv-06970 (the "action").
3. On February 28, 2006, the court granted the defendants' motion to dismiss the action for failure to state a claim and entered judgment in favor of the defendants.
4. On March 30, 2006, Respondent filed a notice of appeal of the dismissal of the action.
5. In October 2006, Respondent settled the action with the defendants. Thomas and her daughters entered into a settlement of their claims in the action and executed a written agreement memorializing the settlement. Thomas and her daughters executed a written agreement memorializing the settlement. Respondent also executed the written agreement on behalf FHF, thereby settling FHF's claims, without FHF's knowledge or approval. Respondent directed the defendants' counsel to issue the settlement check for \$25,000 in the names of Thomas and Respondent only, but the \$25,000 check represented payment for all of the plaintiffs' claims.
6. In October 2006, the appeal of the action was voluntarily dismissed by Respondent without FHF's knowledge or approval.
7. On October 27, 2006, Respondent deposited the \$25,000 settlement draft payable to Thomas and Respondent into his client trust account at Bank of America, account number xxxxxx8128 (the "CTA")¹, and withdrew \$100 cash for his own purposes. At the time of the deposit, the balance in the CTA was \$64.56.
8. On October 30, 2006, check number 568 to Thomas for \$18,000 was paid from the CTA as her and her daughters' portion of the settlement.
9. On November 14, 2006, Respondent misrepresented to FHF that the deadline for filing the opening brief for the appeal was extended to December 4, 2006, when he knew that the appeal had been dismissed by the Court of Appeal.
10. On December 14, 2006, Respondent misrepresented to FHF that the deadline for filing the opening brief for the appeal was extended to February 15, 2007, when he knew that the appeal had been dismissed by the Court of Appeal.
11. Respondent was not entitled to unilaterally determine or withdraw his fee from the \$25,000 settlement without FHF's consent. Respondent did not maintain the balance of \$7,000 from the settlement in the CTA for Thomas, Thomas's daughters or FHF. Instead, Respondent unilaterally withdrew the \$7,000 from the CTA for his own use and purposes, without FHF's consent, starting with the \$100 cash withdrawal on October 27, 2006 and ending with the payment of a \$1,000 check to FHF for an unrelated matter on December 22, 2006. The ending balance in the CTA on December 22, 2006 was \$13.22.

¹ The full account number is omitted for privacy purposes.

12. On February 15, 2007, Respondent misrepresented to FHF that he had filed a request for a 60-day extension to file the opening brief for the appeal, when he knew that the appeal had been dismissed by the Court of Appeal.
13. On February 27, 2007, FHF gave written notice to Respondent that FHF was terminating his employment. Respondent received the notice.
14. On March 8, 2007, Respondent notified FHF that he was resigning from his employment by FHF and terminating his contract, retroactive to February 27, 2007. However, Respondent requested that FHF enter into a contingency fee agreement with him so that he could continue his representation in the appeal of the action, without disclosing to FHF that the appeal had been dismissed and that he had already settled the action for \$25,000 and converted \$7,000 from the settlement for his own use and purposes.
15. On April 19, 2007, Respondent misrepresented to FHF that the opening brief for the appeal was filed and that the opposition brief was due on May 30, 2007, when he knew that the appeal had been dismissed by the Court of Appeal.
16. On June 12, 2007, Respondent misrepresented to FHF that no opposition brief was filed as the parties were seeking to settle the matter, when he knew that the appeal had been dismissed by the Court of Appeal and that he had settled the matter in October 2006.
17. On June 25, 2007, Respondent sent correspondence to FHF regarding the status of the action. In the letter, Respondent advised FHF to dismiss all of FHF's claims, but did not disclose that he had already dismissed the appeal or entered into the settlement on behalf of FHF in October 2006.
18. Respondent misrepresented the status of the appeal to FHF in order to conceal his prior settlement of the action without FHF's knowledge or approval and his misappropriation of the settlement funds.
19. On or about January 17, 2008, after FHF submitted a complaint to the State Bar of California, Respondent returned \$7,500 to FHF via a check from his personal account, which included the \$7,000 he misappropriated from the \$25,000 settlement.

Conclusions of Law:

1. By misrepresenting the status of the appeal to FHF, by concealing his settlement of the action from FHF, and by misappropriating \$7,000 from FHF, Respondent committed acts involving moral turpitude and dishonesty, in wilful violation of section 6106 of the Business and Professions Code.
2. By not maintaining \$7,000 in the CTA on behalf of FHF and/or Thomas, Respondent wilfully failed 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, in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

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Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. 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 _____ 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 _____ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Respondent presently visits a psychiatrist on a regular basis for medication maintenance. Respondent must continue his visits to the psychiatrist and must furnish evidence to the Office of Probation that he is complying with this condition with each quarterly report. Respondent's visits

(Medical Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004. 12/13/2006.)

must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If Respondent's treating psychiatrist determines that there has been a substantial change in respondent's condition, respondent or the Office of the Chief Trial Counsel may file a motion for modification with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, by affidavit or under penalty of perjury, in support of the proposed modification.

In the Matter of
Clifford A. Dover

Case number(s):
07-O-13701

A Member of the State Bar

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 |
|-------|------------------|-----------------------|
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- 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 |
|---------------------------|------------------------|-------------------|
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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


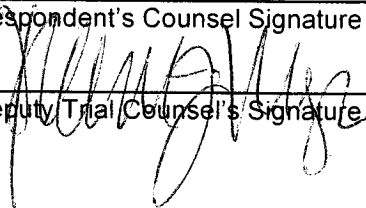
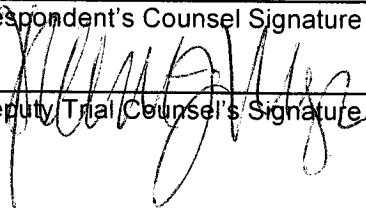
- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

| | |
|---------------------------------------|-------------------------------|
| In the Matter of Clifford A. Dover | Case number(s): 07-O-13701 |
|---------------------------------------|-------------------------------|

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>9-10-10</u> Date |  Respondent's Signature | <u>Clifford A. Dover</u> Print Name |
| <u>9/15/10</u> Date |  Respondent's Counsel Signature | <u>Print Name</u> |
| <u>9/15/10</u> Date |  Deputy Trial Counsel's Signature | <u>Diane J. Meyers</u> Print Name |

(Do not write above this line.)

In the Matter Of
Clifford A. Dover

Case Number(s):
07-O-13701

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.)**

10/6/2010
Date


Judge of the State Bar Court

DONALD F. MILES

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 6, 2010, I deposited a true copy of the following document(s):

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

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

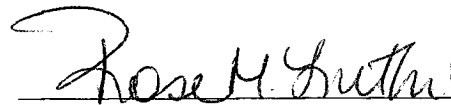
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CLIFFORD A. DOVER
LAW OFFICE OF CLIFFORD A. DOVER
1634 FERN ST
SAN DIEGO, CA 92102

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

DIANE MEYERS, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 6, 2010.



Rose Luthi
Case Administrator
State Bar Court