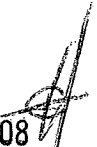


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**State Bar Court of California  
Hearing Department  
San Francisco**

<p>Counsel For The State Bar</p> <p><b>Tammy M. Albertsen-Murray</b>  180 Howard Street  San Francisco, CA 94105  (415) 538-2527</p> <p>Bar # <b>154248</b></p>	<p>Case Number (s)  <b>07-O-14038; 03-O-01831</b></p>	<p>(for Court's use) .....</p> <p align="center"><b>PUBLIC MATTER  FILED</b></p> <p align="center">APR 10 2008 </p> <p align="center">STATE BAR COURT CLERK'S OFFICE  SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>John E. Linneball</b>  41 Sutter Street, #1779  San Francisco, CA 94104  (415) 986-7355</p>	<p>Submitted to: <b>Settlement Judge</b></p>	
<p>Bar # <b>181795</b></p> <p>In the Matter Of:</p> <p><b>JOHN E. LINNEBALL</b></p> <p>Bar # <b>181795</b></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><b>ACTUAL SUSPENSION</b></p> <p><input 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 **March 18, 1996**.
- (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 **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(Do not write above this line.)

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years:  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case **99-O-12579, et al.**
  - (b)  Date prior discipline effective **August 1, 2002**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **3-110(A) - 6 counts; 4-100(B)(4) - 9 counts; 4-100(A) - 2 counts; 6106 - 7 counts; 3-200(A) - 1 count; 3-700(A)(2) - 1 count; 6103 - 1 count; 3-700(D)(2) - 2 counts; 6068(b) - 1 count; 6068(m) - 2 counts**
  - (d)  Degree of prior discipline **3 years suspension & until restitution is made, stayed; 3 years probation with conditions including 9 months actual suspension & until compliance with rule 1.4c(ii).**
  - (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.

(Do not write above this line.)

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(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 suffers financial difficulties other than as encompassed by circumstance (9) above.**

**D. Discipline:**

(1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of **five (5) 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: **Respondent hereby acknowledges and stipulates that he must fully complete the restitution requirement as previously ordered by the Supreme Court in case number S106171 [State Bar Court case number 99-O-12579, et al] prior to being relieved from actual suspension.**
- (b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **five (5) 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 **three (3) 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: **Respondent hereby acknowledges and stipulates that he must fully complete the restitution requirement as previously ordered by the Supreme Court in case number S106171 [State Bar Court case number 99-O-12579, et al] prior to being relieved from**

**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:**

**COMPLIANCE WITH LAWYER ASSISTANCE PROGRAM.**

Respondent shall comply with all provisions and conditions of his participation plan with the State Bar Lawyer's Assistance Program ("LAP"), and all modifications thereto, until such time as he graduates from LAP or until the expiration of this Stipulation, whichever is sooner. Within 14 calendar days from the effective date of this Stipulation, Respondent shall provide the Office of Probation with a copy of the waiver which he has signed with LAP that authorizes the LAP to provide Probation with information regarding his compliance with LAP. Revocation of this written waiver would be a violation of this Stipulation. In addition, each quarter and before the due date of his final report, Respondent shall request and obtain from LAP written proof of his compliance with LAP, and provide the original of the LAP compliance report to the Office of Probation with his written report. The written LAP compliance report shall be dated not sooner than 10 calendar days prior to the date Respondent submits his required written reports to the Office of Probation.

**STIPULATION ATTACHMENT**

**FACTS AND CONCLUSIONS OF LAW.**

**Facts.**

Case No. 07-O-14038 Bus. and Prof. Code, section 6068(k) [Failure to Comply With Conditions of Probation]

On July 2, 2002, the California Supreme Court filed an order in case number S106171 (State Bar Case number 99-O-12579 et al.) suspending respondent from the practice of law, staying imposition of suspension, placing respondent on probation for a period of three years, and requiring respondent to comply with specified conditions of probation.

The Supreme Court order became effective on or about August 1, 2002, and thereafter remained in full force and effect, except that the State Bar Court issued the following modification orders:

<u>Date Filed</u>	<u>Modification</u>
October 7, 2002	Extended deadline for compliance with former rule 955 (now Rule 9.20), California Rules of Court.
November 12, 2002	Modified restitution requirements.
February 17, 2004	Modified restitution requirements.
August 11, 2005	Extended probation for additional five years. Modified restitution conditions. Deleted probation monitor requirement. Deleted Alcoholics Anonymous condition. Added Lawyer's Assistance Program requirement.
May 17, 2006	Modified restitution requirements.

At all times pertinent hereto, respondent had notice of and was aware of the July 2, 2002 Supreme Court order and each of the modification orders mentioned above. Respondent has remained on probation at all times since August 1, 2002.

**QUARTERLY REPORTING CONDITIONS**

(a) One of the conditions of probation (and this condition was not modified by any of the State Bar Court orders mentioned above) required respondent to submit quarterly reports as follows:

“Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the condition period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the probation during the preceding calendar quarter. If the first report would cover less than 30 (thirty) days, that report shall be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the probation period.”<sup>1</sup>

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<sup>1</sup> After the stipulation was signed, the name of the Probation Unit was changed to the Office of Probation, in some documents, “OP.”

(b) Respondent violated this condition by failing to submit the following quarterly probation reports to the Office of Probation on time, as follows:

<u>Date Due</u>	<u>Date Filed with the Office of Probation</u>
1/10/2004	1/12/2004
4/10/2004	6/18/2004
7/10/2004	11/23/2004
10/10/2004	11/23/2004
1/10/2005	1/20/2005
4/10/2005	4/11/2005
7/10/2005	7/12/2005
10/10/2005	10/12/2005
1/10/2006	1/11/2006
4/10/2006	5/8/2006
7/10/2006	10/10/2006
4/10/2007	4/16/2007
7/10/2007	8/10/2007

**7. DRUG/ALCOHOL SCREENING**

(a) One of the conditions of probation (and this condition was not modified by any of the State Bar Court orders mentioned above) required respondent to comply with the following requirement:

“Respondent shall select a licensed medical laboratory approved by the Probation Unit. Respondent shall furnish to the laboratory blood and/or urine samples as may be required to show that respondent has abstained from alcohol and/or drugs. The samples shall be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent shall cause the laboratory to provide to the Probation Unit, at respondent’s expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of respondent’s blood and or/urine obtained not more than ten (10) days previously.”

(b) During the first nine months, respondent violated this condition of his probation by submitting the proof late, as follows:

Screening must have occurred within 20 days prior to:	Date screening occurred:	Deadline for submitting screening report to Probation Office:	Screening report was filed on:
9/10/2002	8/29/2002	9/10/2002	10/9/2002
11/10/2002	10/31/2002	11/10/2002	3/16/2003
2/10/2003	2/6/2002	2/10/2003	3/14/2003
3/10/2003	3/6/2003	3/10/2003	3/16/2003

(c) On May 2, 2003, respondent sent the Probation Unit a letter stating in part as follows:

“It is my understanding that the Lawyer’s Assistance Program will start random testing on May 19, 2003, and from our earlier conversations, that the LAP’s testing program will be accepted by the



State Bar in lieu of my being independently tested.”

The Office of Probation did not respond to this letter. Most of respondent’s subsequent quarterly reports recited that he was being randomly tested by the Lawyer’s Assistance Program, but respondent provided no proof of this random testing or of the results of the testing until November 13, 2006. The Office of Probation did not advise respondent that his participation in LAP did not comply with the language of the screening provision until October 25, 2006.

(d) On August 11, 2005, the State Bar Court issued an order modifying respondent’s probation to require him to participate in the Lawyer’s Assistance Program (LAP). The August 11, 2005 order contained no provision affecting the drug/alcohol screening condition quoted above. However, the Office of Probation amended its quarterly reporting form, which it supplied to respondent, to delete any reference to the screening condition.

(e) On or about October 25, 2006, the Office of Probation advised respondent that the alcohol/drug screening condition was still in effect. Thereafter, respondent violated the screening condition by failing to provide screening reports or failing to provide them on a timely basis, as follows:

Screening must have occurred within 20 days prior to:	Date screening occurred:	Deadline for submitting screening report to Probation Office:	Screening report was filed on:
11/10/2006	11/2/2006	11/10/2006	11/13/2006
12/10/2006	11/30/2006	12/10/2006	12/14/2007
1/10/2007	1/3/2007	1/10/2007	1/17/2007
3/10/2007	3/2/2007	3/10/2007	4/16/2007
4/10/2007	3/23/2007	4/10/2007	4/16/2007
5/10/2007	5/4/2007	5/10/2007	11/9/2007
6/10/2007	6/7/2007	6/10/2007	11/9/2007
7/10/2007	7/5/2007	7/10/2007	11/9/2007
8/10/2007	8/3/2007	8/10/2007	11/9/2007
9/10/2007	NOT PROVIDED*	9/10/2007	NOT PROVIDED*
10/10/2007	NOT PROVIDED*	10/20/2007	NOT PROVIDED*

\* Note: test results for dates outside the window period were provided on November 9, 2007.

#### 8. LAP PARTICIPATION.

The August 11, 2005, modification order required respondent to participate in LAP and to provide monthly LAP compliance reports to the OP, with each quarterly report, and execute any necessary waivers with LAP to comply with these orders. Respondent violated this requirement as shown in the following table. For the first four quarters, respondent failed to provide any LAP compliance reports. For the next five quarters, respondent provided some reports. However, respondent did not comply with LAP participation reporting requirement because (1) these reports were only provided at sporadic intervals, not on a monthly basis, (2) respondent never provided the three required monthly reports required for any quarter, (3) respondent provided no reports for some quarters, and (4) the reports did not describe respondent’s compliance for a given month but instead stated whether he was in compliance as of the date the report was signed.

Date Report Due	LAP Compliance Report
10/10/2005	Not provided
1/10/2006	Not provided
4/10/2006	Not provided
7/10/2006	Not provided

10/10/2006	Respondent provided LAP reports dated 8/24/2006, 9/25/2006
1/10/2007	Respondent provided LAP report dated 11/16/2006
4/10/2007	Respondent provided LAP reports dated 2/1/2007, 3/8/2007
7/10/2007	Respondent provided LAP report dated 7/5/2007
10/10/2007	Respondent provided LAP report dated 9/27/2007

**9. RESTITUTION REQUIREMENTS.**

(a) The original restitution (effective August 1, 2002, to November 12, 2002), provided as follows:

“Within three years from the effective date of discipline in this matter, Respondent must make restitution in the principal amounts set forth herein to Catherine Dombrowski (\$1,386.00), Edwina Terry (\$9,575.00), Joan Van de Weil (\$5,475.00), Donald Willis (\$8,000.00), Maxine Webb (\$2,237.00), Co Van Lu (\$2,500), Frank Darby (\$12,062.66), Lawrence Lynch (\$1,000.00) and Antonio Victa (\$2,500.00) or the Client Security Fund if it has paid plus interest at the rate of 10% per annum from April 30, 2001 in no fewer than equal quarterly installments until paid in full and furnish satisfactory evidence of such restitution to the Probation Unit. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him during that reporting period.”

(b) By order dated November 12, 2002, the State Bar Court modified respondent’s minimum restitution obligations to \$600.00 per quarter, but only for the first four calendar quarters of his probation, i.e., the quarters ending September 30, 2002, December 31, 2002, March 31, 2003, and June 30, 2003. Respondent made the following payments during the period in which the November 12, 2002 order remained in effect:

Quarter Ending	Minimum Amount Due	Amount Paid
September 30, 2002	\$600	\$599.30
December 31, 2002	\$600	\$599.24
March 31, 2003	\$600	\$599.24
September 30, 2003	over \$5,000	\$608.42
December 31, 2003	over \$6,000	Nothing

(c) By order filed February 17, 2004, the State Bar Court reduced respondent’s minimum restitution obligation to \$600 per calendar quarter for the quarters ending March 31, 2004, and June 30, 2004. As concerned the prior delinquencies, the February 17, 2004, order required respondent to make an additional payment of \$600 on or before June 30, 2003. The order further noted that respondent would be required to pay at least \$1,000 for each of the subsequent quarters. Respondent made the following payments during the time the February 17, 2004 order was in effect:

Quarter Ending	Minimum Amount Due	Amount Paid
March 31, 2004	\$600	Nothing
June 30, 2004	\$1,200	Nothing
September 30, 2004	\$1,000	Nothing
December 31, 2004	\$1,000	Nothing
March 31, 2005	\$1,000	Nothing
June 30, 2005	\$1,000	\$100

(d) By order filed August 11, 2005, based upon respondent’s stipulation with the Office of Probation, the State Bar Court set respondent’s future restitution payments at a minimum of \$1,000 per calendar quarter. Respondent made the following payments during the time the August 11, 2004 order was in effect:

Quarter Ending	Minimum Amount Due	Amount Paid
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September 30, 2005	\$1,000	\$1,700
December 31, 2005	\$1,000	\$800 (payment not cashed for several months).
March 31, 2006	\$1,000	\$300

Respondent violated the conditions of his probation by failing to make the minimum restitution payments ordered during the calendar quarters ending December 31, 2005 and March 31, 2006.

(e) By order filed May 17, 2006, based upon respondent's motion, the State Bar Court set respondent's future restitution payments at a minimum of \$1,200 per calendar quarter. At all times thereafter, this order has remained in effect. Respondent has made the following restitution payments during the quarters in which the May 17 order has been in effect:

Quarter Ending	Minimum Amount Due	Amount Paid
June 30, 2006	\$1,200	\$800
September 30, 2006	\$1,200	\$4,000
December 31, 2006	\$1,200	Nothing
March 31, 2007	\$1,200	Nothing
June 30, 2007	\$1,200	Nothing
September 30, 2007	\$1200	\$100

Respondent violated the conditions of his probation by failing to make the minimum restitution payments during the calendar quarters ending June 30, 2006, December 31, 2006, March 31, 2007, June 30, 2007, and September 31, 2007.

#### CONCLUSION OF LAW.

By his many and various failures to comply with conditions of his probation as described in detail above, respondent wilfully failed to comply with all conditions attached to any disciplinary probation, in violation of Business and Professions Code, section 6068(k).

#### PENDING PROCEEDINGS.

As of February 15, 2008, there are no pending proceedings which are not disposed of by way of this Stipulation.

#### COSTS OF DISCIPLINARY PROCEEDINGS.

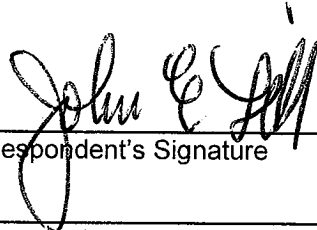
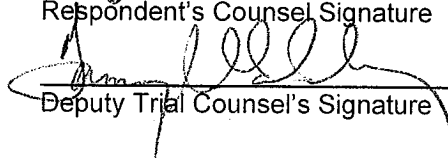
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 14, 2008, the estimated prosecution costs in this matter are approximately \$ 2915.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs 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.

(Do not write above this line.)

In the Matter of <b>JOHN E. LINNEBALL</b>	Case number(s): <b>07-O-14038; 03-O-01831</b>
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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>3/1/08</u> Date	 Respondent's Signature	<u>John E. Linneball</u> Print Name
<u>3/1/08</u> Date	 Deputy Trial Counsel's Signature	<u>Tammy M. Albertsen-Murray</u> Print Name

(Do not write above this line.)

In the Matter Of <b>JOHN E. LINNEBALL</b>	Case Number(s): <b>07-O-14038; 03-O-01831</b>
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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 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.)**

April 9, 2008  
Date

Pat McElroy  
Judge of the State Bar Court

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**DECLARATION OF SERVICE BY REGULAR MAIL**

**CASE NUMBER: 07-O-14038, 03-O-01831**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, on the date shown below, a true copy of the within

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

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


**John E. Linneball  
41 Sutter Street, # 1779  
San Francisco, CA 94104**

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 San Francisco, California, on the date shown below.

DATED: 3/12/08

SIGNED:   
Zane Halvorsen  
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 San Francisco, on April 10, 2008, 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:


- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JOHN E. LINNEBALL  
LINNEBALL & ASSOCIATES  
41 SUTTER ST PMB 1779  
SAN FRANCISCO, CA 94104**

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

**Mark Hartman, Enforcement, San Francisco  
Tammy Albertsen-Murray, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **April 10, 2008**.

  
**George Hue**  
Case Administrator  
State Bar Court