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

<p>Counsel For The State Bar</p> <p>Mark Hartman Deputy Trial Counsel 180 Howard Street, 7th Floor San Francisco, CA 94105 Telephone: (415) 538-2558</p> <p>Bar # 114925</p>	<p>Case Number(s): 07-O-14171 09-O-12378</p>	<p>For Court use only</p> <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b> <i>LS</i></p> <p align="center">MAR 01 2011</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Jonathan I. Arons 221 Main Street, suite 740 San Francisco, CA 94105</p> <p>Bar # 111257</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p>SCOTT S. FURSTMAN</p> <p>Bar # 76476</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 21, 1977.
- (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."

(Effective January 1, 2011)

Actual Suspension

- (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):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are 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 04-O-10156; 04-O-13227; 04-O-15145; 04-O-15425; 05-O-00597 and 06-O-11170 ("the prior cases").
  - (b)  Date prior discipline effective Because the California Supreme Court has not yet acted on the prior cases, there is no effective date of discipline for them.
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Three violations of rule 3-110(A), two violations of rule 3-700(A)(2), one violation of rule 3-700(D)(2), two violations of section 60680(m), and four violations of section 6103.
  - (d)  Degree of prior discipline In a decision filed on November 29, 2010, the State Bar Court recommended a one-year stayed suspension and a two-year probation, conditioned on a nine-month actual suspension and other requirements.
  - (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.

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- (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. Respondent's ethical violations in the current case involved multiple acts of wrongdoing. See page 8.
- (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. Since the filing of the Notice of Disciplinary Charges ("NDC"), respondent has displayed candor to, and cooperation with, the State Bar in resolving the current cases. See page 8.
- (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.

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- (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's culpability of willfully violating section 6068, subdivision (i) of the Business and Professions Code) receives no weight in determining discipline in the current cases because respondent reasonably relied on respondent's counsel to provide a response to Ziegler's inquiry letter. See page 9.

**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 the 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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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

In the Matter of:     **Scott Smith Furstman**  
Membership No.:     **76476**  
State Bar Case Nos.: **07-O-14171 and 09-O-12378**

**DISMISSALS**

The State Bar of California (“the State Bar”) dismisses Counts One and Two of the Notice of Disciplinary Charges (“NDC”) against respondent in case numbers 07-O-14171 and 09-O-12378 (“the current cases”).

**WAIVERS**

The parties waive all variances between the facts and conclusions of law asserted in the NDC and the facts and conclusions of law contained in this Stipulation.

**FACTS**

Respondent admits that the following facts are true:

1. Between June 2007 and December 2009, respondent maintained an attorney client trust account (“trust account”), into which he deposited client funds. He regularly deposited personal funds into the trust account and regularly made withdrawals from the trust account for personal and business expenses.
2. Between November 2007 and December 2009, respondent let the trust account be overdrawn 13 times through electronic debits, when he knew, or was grossly negligent if he failed to know, that the trust account had insufficient funds to cover the electronic debits.
3. On April 29, 2009, the State Bar opened its investigation of State Bar Court case number 09-O-12378.
4. On July 20, 2009, State Bar Investigator Dolores Ziegler (“Ziegler”) sent respondent an inquiry letter regarding respondent’s conduct in case number 09-O-12378. The letter requested that respondent respond in writing to allegations against him. Respondent received the letter.

5. On July 23, 2009, respondent employed attorney Jonathan Arons (“respondent’s counsel”) to represent him in case number 09-O-12378. On the same day, respondent counsel’s staff informed the State Bar that respondent’s counsel would provide a written response to the allegations by August 13, 2009. On the next day, respondent’s counsel received a letter confirming that he was granted an extension until August 17, 2009, to provide a written response to the allegations against respondent.

6. Thereafter, neither respondent nor respondent’s counsel provided the State Bar with a written response to the allegations against respondent in case number 09-O-12378.

## CONCLUSIONS OF LAW

Respondent admits that the following conclusions of law are true:

1. In violation of rule 4-100(A) of the Rules of Professional Conduct, respondent wilfully deposited and commingled his personal funds in a bank account labeled “Trust Account” by using his trust account as a general business account and as personal account between June 2007 and December 2009.

2. In violation of section 6106 of the Business and Professions Code, respondent committed acts involving moral turpitude by making 13 electronic debits from his trust account between November 2007 and December 2009, when he knew, or was grossly negligent if he failed to know, that the trust account had insufficient funds to cover the electronic debits.

3. In violation of section 6068, subdivision (i) of the Business and Professions Code, respondent willfully failed to cooperate and participate in a disciplinary investigation by not providing a written response to Ziegler’s inquiry letter.

## AGGRAVATION

**Prior Record of Discipline:** In a decision filed on November 29, 2010, the State Bar Court found respondent culpable of misconduct of misconduct in case numbers 04-O-10156, 04-O-13227, 04-O-15145, 04-O-15425, 05-O-00597, and 06-O-11170 (“the prior cases”). The Court recommended a one-year stayed suspension and a two-year probation, subject to a nine-month actual suspension and other conditions. The California Supreme Court has not yet acted on the prior cases.

**Multiple Acts:** Respondent’s misconduct included multiple acts of wrongdoing.

## MITIGATION

**Candor/Cooperation:** Respondent has displayed candor to, and cooperation with, the State Bar in resolving the current cases by entering into this Stipulation.



**No Weight Given to Culpability of Willfully Violating Section 6068, Subdivision (i) of the Business and Professions Code:** Respondent's culpability of willfully violating section 6068, subdivision (i) of the Business and Professions Code) receives no weight in determining discipline in the current cases because respondent reasonably relied on respondent's counsel to provide a response to Ziegler's inquiry letter.

## SUPPORTING AUTHORITY

The determination of discipline begins "by looking to the purpose of sanctions for attorney misconduct." (*In re Morse* (1995) 11 Cal.4th 184, 205.) Standard 1.3 provides: "The primary purposes of disciplinary proceedings . . . 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."

The standards provide guidance and deserve "great weight." (*In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.) "[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar misconduct." (*In re Naney, supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has "grave doubts" about the recommendation's propriety. (*In re Morse, supra*, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.)

Standard 1.7(a) requires greater discipline in a second disciplinary proceeding than the discipline in a first disciplinary proceeding. Because the disciplinary recommendation in respondent's prior cases was a one-year stayed suspension and a two-year probation, subject to a nine-month actual suspension and other conditions, standard 1.7(a) calls for more severe discipline in the current cases.

Standard 2.2(b) provides that culpability of a member of commingling of entrusted funds or property with personal property or some other violation of rule 4-100 of the Rules of Professional Conduct shall result in at least a three-month actual suspension from the practice of law, irrespective of mitigating circumstances. Pursuant to standard 2.2(b), respondent's commingling warrants at least a three-month actual suspension.

Standard 2.3 provides in part that an act of moral turpitude, fraud, or intentional dishonesty toward a client shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law. Pursuant to standard 2.3, respondent acts of moral turpitude require actual suspension or disbarment.

Similar cases can indicate appropriate discipline. (*In re Morse, supra*, 11 Cal.4th at pp. 207-208; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.) *In the Matter of Heiser* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr 47 ("*Heiser*") is instructive for the current cases.

In *Heiser*, an attorney willfully violated rule 4-100(A) of the Rules of Professional Conduct and section 6106 of the Business and Professions Code by writing seven non-sufficient-funds ("NSF")

checks between June 1987 and April 1988. Four of these checks were drawn on a personal account, and three were drawn on a client trust account. Also, the attorney willfully violated section 6068, subdivision (i) of the Business and Professions Code by failing to cooperate with the disciplinary investigation against him and section 6068, subdivision (j) of the Business and Professions Code by failing to maintain a current address with the State Bar. The State Bar Court Review Department recommended a one-year stayed suspension and a two-year probation, conditioned on a six-month actual suspension and restitution. The Supreme Court adopted this recommendation.

Respondent committed misconduct similar to Heiser's misconduct. Unlike Heiser, respondent cooperated with the State Bar by entering into this stipulation; and his culpability of willfully violating section 6068, subdivision (i) of the Business and Professions Code deserves no weight in determining discipline. Yet respondent has a prior disciplinary recommendation. In the prior cases, the State Bar Court recommended a one-year stayed suspension and a two-year probation, conditioned on a nine-month actual suspension and other requirements. Based on this prior disciplinary recommendation, the facts and culpability in the current cases, the standards, and *Heiser*, the appropriate discipline in the current cases is a two-year stayed suspension and a three-year probation, subject to a one-year actual suspension.

#### **DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION OR PROCEEDING**

On January 25, 2011, the State Bar sent a disclosure letter by e-mail to respondent's counsel. In this letter, the State Bar advised respondent's counsel of any pending investigations or proceedings against respondent other than the current cases.

#### **OVERLAP OF DISCIPLINE IN THE CURRENT AND PRIOR CASES**

The parties recognize that the discipline in the current cases is likely to overlap the discipline in the prior cases. They intend the following:

**Starting Date of Discipline:** The discipline in the current cases shall start on the effective date of the Supreme Court's order in the current cases regardless of any overlap with the discipline in the prior cases.

**Ethics School:** In the prior cases, the Supreme Court is likely to require that within one year after the effective date of the discipline in the prior cases, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of Ethics School and passage of the test given at the end of that session. If respondent complies with such a requirement within one year after the effective date of the discipline in the current cases, this compliance shall satisfy the Ethics School condition in the current cases, as well as the Ethics School condition in the prior cases.

**MPRE:** In the prior cases, the Supreme Court is likely to require that within one year after the effective date of the discipline in the prior cases, respondent must provide proof of passage of the MPRE to the Office of Probation. If respondent complies with such a requirement within one year after the effective date of the discipline in the current cases, this compliance shall satisfy the MPRE condition in the current cases, as well as the MPRE condition in the prior cases.

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In the Matter of  
**SCOTT S. FURSTMAN**  
No. 76476

Case number(s):  
07-O-14171; 09-O-12378

### 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.

2/1/2011  
Date  
February 1, 2011  
Date  
2/1/11  
Date

[Signature]  
Respondent's Signature  
[Signature]  
Respondent's Counsel Signature  
Mark Hartman  
Deputy Trial Counsel's Signature

SCOTT S. FURSTMAN  
Print Name  
JONATHAN I. ARONS  
Print Name  
MARK HARTMAN  
Print Name

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In the Matter of: SCOTT S. FURSTMAN State Bar No. 76476	Case Number(s): 07-O-14171; 09-O-12378
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### ACTUAL SUSPENSION 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.

On page 4 of the stipulation, the "X" in box D(1)(a)(i) is DELETED to remove the "and until" standard 1.4(c)(ii) condition. (It is inappropriate to attach an "and until" condition to a period of *stayed* suspension.)

On page 5 of the stipulation, the "X" in box E(1) is DELETED to remove the conditional standard 1.4(c)(ii) requirement. (Because no "and until" condition is attached to respondent's one-year suspension, he will not and cannot be "actually suspended for two years or more." Thus, it is inappropriate to "attach" the conditional standard 1.4(c)(ii) requirement in paragraph E(1) to respondent's one-year suspension.")

On page 5 of the stipulation, the "X" in box E(8) is DELETED to remove the probation condition requiring that respondent attend and complete Ethics School.

On page 5 of the stipulation, in paragraph E(8), an "X" is INSERTED in the second box to provide that "No Ethics School [is] Recommended" in this proceeding, and the following text is INSERTED after the word "Reason:"

On January 19, 2011, the State Bar Court transmitted its discipline recommendation in respondent's prior disciplinary proceeding to the Supreme Court in case number S189928, styled *In re Scott Smith Furstman on Discipline* (hereafter *Furstman I*). The State Bar Court's discipline recommendation in *Furstman I* already includes a probation condition requiring that respondent complete Ethics School.

On page 6 of the stipulation, the "X" in box F(1) is DELETED to remove the requirement that respondent take and pass the Multistate Professional Responsibility Examination.

On page 6 of the stipulation, in paragraph F(1), an "X" is INSERTED in the second box to provide that "No MPRE [is] recommended" in the present proceeding, and the following text is INSERTED after the word "Reason:"

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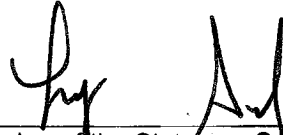
The State Bar Court's discipline recommendation in *Furstman I*, which was filed in the Supreme Court on January 19, 2011, already includes a requirement that respondent take and pass the MPRE.

On page 10 of the stipulation, the last two paragraphs, which are titled "Ethics School" and "MPRE," respectively, are DELETED in their entirety.

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 5.58(E) & (F), 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.)**

March 1, 2011

Date



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Judge of the State Bar Court  
LUCY ARMENDARIZ

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on March 1, 2011, I deposited a true copy of the following document(s):

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

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

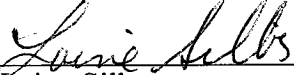
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JONATHAN IRWIN ARONS  
LAW OFC JONATHAN I ARONS  
221 MAIN ST STE 740  
SAN FRANCISCO, CA 94105

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

MARK HARTMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 1, 2011.

  
\_\_\_\_\_  
Laine Silber  
Case Administrator  
State Bar Court