

State Bar Court of California  
Hearing Department

ALTERNATIVE DISCIPLINE PROGRAM

Counsel For The State Bar  
  
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Case Number (s)  
07-O-14372

(for Court's use)

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JAN 21 2010

STATE BAR COURT  
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LOS ANGELES

PUBLIC MATTER

Bar # 212469

In Pro Per Respondent

ROBERT DAVIS BILLS, JR.  
Law Ofc of Robert D. Bills, Jr.  
321 3rd Street  
Laguna Beach, California 92651-2306  
949-497-2603

Bar # 147012

In the Matter Of:  
ROBERT DAVIS BILLS, JR.

Bar # 147012

A Member of the State Bar of California  
(Respondent)

Submitted to: Program Judge

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

PREVIOUS STIPULATION REJECTED

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 11, 1990.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 7 pages, excluding 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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**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 03-O-04916
  - (b)  Date prior discipline effective June 2, 2004
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rule 3-110(A)
  - (d)  Degree of prior discipline Private Reprimand
  - (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:**

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

IN THE MATTER OF:        ROBERT DAVIS BILLS, Bar # 147012

CASE NUMBERS:            07-O-14372

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

The parties hereby waive any variance between the Notice of Disciplinary Charges (“NDC”) filed on October 27, 2008 in Case No. 07-O-14372 , and the facts and conclusions of law contained in this stipulation.

Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges relating to the case that is the subject matter of this stipulation.

**INCORPORATION OF PRIOR STIPULATION**

This stipulation is an addendum intended to supplement the Stipulation re: Facts and Conclusions of Law in Case Nos. 04-O-15533 et al., which the parties lodged with this Court on February 28, 2008, and the Stipulation re: Facts and Conclusions of Law in Case No. 07-O-10084, which the parties lodged on September 9, 2008 (the “Prior Stipulations”). The Prior Stipulations are also incorporated as if fully set forth herein.

**FACTS AND CONCLUSIONS OF LAW IN CASE NO. 07-O-14372**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**FACTS**

1. Between October 20, 2007 and October 31, 2007, Respondent repeatedly issued checks drawn upon his client trust account against insufficient funds, including:
  - (i) Check no. 99 from Respondent’s client trust account at Washington Mutual, account no. 492-252778-8, (“CTA”) in the amount of \$1,400.00, which was returned without payment on November 1, 2007;
  - (ii) Check no. 502 from Respondent’s CTA in the amount of \$1,400.00, which was returned without payment on October 26, 2007; and

- (iii) Check no. 531 from Respondent's CTA in the amount of \$1,000.00, which was returned without payment on October 23, 2007.
2. Respondent issued the checks set forth above when he knew or in the absence of gross negligence should have known that there were insufficient funds in his client trust account to pay them.
3. On November 16, 2007, the State Bar opened an investigation, case no. 07-O-14372, concerning Respondent's issuance of insufficient funds checks (the "NSF checks matter")
4. On January 17 and May 2, 2008, a State Bar Investigator wrote to Respondent regarding the NSF checks matter. The Investigator's letters were properly mailed to Respondent at his State Bar of California membership records address. The United States Postal Service did not return the Investigator's letter as undeliverable.
5. The Investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the NSF checks matter. Respondent did not respond to the Investigator's letters or otherwise communicate with the Investigator.

#### CONCLUSIONS OF LAW

6. By repeatedly issuing checks drawn on a client trust account when he knew or in the absence of gross negligence should have known that there were insufficient funds in the client trust account to pay the checks, Respondent committed acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.
7. By not providing a written response to the allegations in the NSF checks matter or otherwise cooperating in the investigation of the NSF checks matter, Respondent failed to cooperate in a disciplinary investigation, in willful violation of Business and Professions Code section 6068(i).

#### **RULE 133 NOTICE OF PENDING PROCEEDINGS**

Respondent was notified in writing of any pending investigations not included in this stipulation, pursuant to Rule 133(12), on December 1, 2008.

**POTENTIAL INCREASE IN DISCIPLINE**

Respondent understands that the matter in this addendum, being additional misconduct, may result in the Office of Chief Trial Counsel seeking – and/or the State Bar Court recommending – additional ADP conditions or increased discipline in the underlying cases, up to and including disbarment. In addition, his length of participation in the court’s Alternative Discipline Program may be extended.

**OPPORTUNITY TO SEEK COUNSEL**

Respondent acknowledges that he has had full opportunity to read and understand this agreement, and to seek counsel if necessary, prior to signing.

(Do not write above this line.)

In the Matter of ROBERT DAVIS BILLS, JR. Bar No. 147012	Case number(s): 07-O-14372
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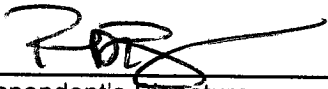
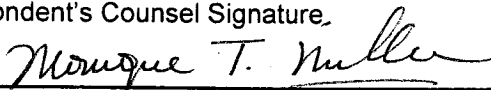
**SIGNATURE OF THE PARTIES**

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 Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

<u>12/15/08</u> Date	 Respondent's Signature	Robert Davis Bills, Jr. Print Name
<u>Dec. 15, 2008</u> Date	 Deputy Trial Counsel's Signature	Monique T. Miller Print Name

(Do not write above this line.)

In the Matter Of  
**ROBERT DAVIS BILLS, JR.**  
Bar No. 147012

Case Number(s):  
**07-O-14372**

### 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(a), Rules of Procedure.)

Date

*1/24/10*

Judge of the State Bar Court

*[Signature]*  
**RICHARD A. PLATEL**



**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 January 21, 2010, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

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:

ROBERT D BILLS JR  
LAW OFC ROBERT D BILLS JR  
301 FOREST AVE  
LAGUNA BEACH CA 92651

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

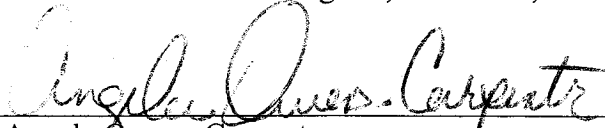
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 21, 2010.

  
Angela Owens-Carpenter  
Case Administrator  
State Bar Court