

**State Bar Court of California
Hearing Department
Los Angeles**

<p>Counsel For The State Bar</p> <p>ELINA KREDITOR DEPUTY TRIAL COUNSEL 1149 S. HILL STREET LOS ANGELES, CA 90015 T: 213-765-1714 F: 213-765-1319</p> <p>Bar # 250641</p>	<p>Case Number (s) 07-O-14920</p>	<p>(for Court's use)</p> <p>FILED</p> <p>AUG 25 2010 <i>YJC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>Counsel For Respondent</p> <p>EDWARD HAASE 4809 CLAREMONT DRIVE, #176 SAN DIEGO, CA 92117 T: 619-507-2546 F: 858-270-7866</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 189819</p> <p>In the Matter Of: TIMOTHY C. BRYSON</p> <p>Bar # 140798</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 **June 7, 1989**.
- (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 **10** 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".



(Do not write above this line.)

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **three membership cycles following the effective date of the discipline.**
(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 **97-O-14291**
 - (b) Date prior discipline effective **November 23, 2001**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Failure to Perform and Supervise**
 - (d) Degree of prior discipline **30 days suspension, stayed, one year probation.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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

SEE DISCUSSION ON PAGES 8 and 9 (ATTACHMENT TO STIPULATION)

D. Discipline:

(1) **Stayed Suspension:**

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

The above-referenced suspension is stayed.

(2) **Probation:**

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

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

(Do not write above this line.)

- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TIMOTHY C. BRYSON

CASE NUMBER(S): 07-O-14920

FACTS AND CONCLUSIONS OF LAW

Timothy C. Bryson ("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.

I. Facts

1. On April 3, 2006 Pietro and Raquel Corrao (hereinafter "the Corraos") employed Respondent to represent them in a probate matter.
2. On October 4, 2006, Respondent filed a Petition for Guardianship ("the Petition") on behalf of the Corraos in the Superior Court of California, County of San Diego, Case No. P191939. Respondent subsequently assigned a paralegal in his office to work on the case under Respondent's supervision.
3. On October 25, 2006, the probate examiner issued a decision specifying the defects to be corrected in the Petition.
4. As of January 10, 2007, the defects in the petition were not corrected by Respondent or the paralegal employed by the Respondent. On the same date, Respondent did not appear at a Probate hearing on behalf of the Corraos. As a result, the Corraos' matter was taken off calendar by the court.
5. Between December 2006 and September 2007, the Corraos placed numerous telephone calls to Respondent seeking a status report on their probate matter. Respondent did not respond to the Corraos telephone calls during this time period.
6. In or about August 2007, Respondent's paralegal stopped appearing for work at Respondent's office. Respondent was unable to locate the paralegal. At this time, Respondent reviewed the Corrao case file and discovered that the necessary work on the Corraos' Petition was not performed.
7. In or about September 2007, Mr. Corrao called Respondent and requested a status update on his case. Respondent told Mr. Corrao that he would call him back with the status of his probate matter. Respondent did not call Mr. Corrao back and provide him with a status update.
8. On October 1, 2007, Mr. Corrao sent a letter to Respondent requesting a response from him within ten days. Mr. Corrao sent this letter to three known addresses for the Respondent. Respondent did not respond to the October 1, 2007 letter.
9. In December 2007, Respondent hired a new paralegal whose duties included assisting with the Corraos' matter. On July 10, 2008, Respondent filed a new

Petition behalf of the Corraos. On June 15, 2009, the Petition was granted by the court.

10. On January 2, 2008, a State Bar Investigator sent Respondent a letter to his State Bar Membership Record address requesting his response to the Corraos' allegations. This letter was returned as undeliverable by the United States Postal Service to the State bar on January 10, 2008.
11. On January 15, 2008, the State Bar Investigator sent two identical letters to Respondent at two separate addresses obtained from the Corraos. The letters requested Respondent to contact the Investigator regarding the Corraos' complaint. On January 23, 2008, both letters were returned to the State Bar by the United States Postal Service as undeliverable.
12. On January 15, 2008, the State Bar Investigator placed a telephone call to Respondent at his State Bar Membership Record telephone number. The State Bar Investigator left a message for Respondent to return his call. Respondent did not return the Investigator's call or otherwise respond to the phone message.
13. On February 1, 2008, the State Bar Investigator sent an e-mail to Respondent at the address listed on his State Bar Membership Record. Respondent replied to the e-mail on February 1, 2008 and provided a correct mailing address.
14. Between January 2, 2008 and February 4, 2008, Respondent did not maintain, with the official membership records of the State Bar, the member's current office address and telephone number or, the address to be used for State Bar purposes or purposes of the agency charged with attorney discipline.

II. Conclusions of Law

By not responding to the Corraos' phone calls and October 1, 2007 letter, Respondent failed to respond to client inquiries, in willful violation of Business and Professions Code, section 6068(m). By failing to adequately supervise the work of his paralegal and timely address the failure to complete work on the Corraos' Petition, Respondent failed to perform with competence in violation of rule 3-110(A) of the Rules of Professional Conduct. By failing to maintain his current office address and telephone number with the official membership records of the State Bar, Respondent willfully violated Business and Professions Code, section 6068(j), by failing to comply with the requirements of section 6002.1, which requires a member of the State Bar to maintain on the official membership records of the State Bar, the member's current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes or purposes of the agency charged with attorney discipline.

PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), was August 2, 2010.

DISMISSALS

The parties respectfully request that the Court dismiss, in the interest of justice, the following counts contained in the Notice of Disciplinary Charges filed in the instant matter:

Count 2-- Business and Professions Code, section 6068(i), Failure to Cooperate with a State Bar Investigation.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 2, 2010, the costs in this matter are \$4,920.00. 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.

AGGRAVATING CIRCUMSTANCES

Standard 1.2(b)(i) provides that the existence of prior record of discipline and the nature and extent of that record must be considered in aggravation. Respondent was suspended from the practice of law for 30 days, stayed, on October 24, 2001 in State Bar Case No. 97-O-14291. The discipline stemmed from Respondent's filing of an Application for Adjustment of Status in 1995 on behalf of a client who was not in fact eligible for adjustment of status at that time. Respondent failed to review the Application and failed to adequately supervise a paralegal in his office. As a result, the client obtained a work permit which she was not authorized to have and was subsequently deported from the United States.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standard(s)") provides that the primary purpose of discipline is the protection of the public, the courts and legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 2.4(b) of the Standards provides that "Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6 (a) of the Standards provides that "Culpability of a member of a violation of [section 6068] the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, of any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3"

Standard 1.6 states provides that where two or more acts of professional misconduct are found and different sanctions are prescribed by the Standards, the sanction imposed shall be the more severe of the different applicable sanctions.

Standard 1.7(a) of the Standards provides that where a member has previously been found culpable of any misconduct, the degree of discipline imposed shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

A stayed suspension of one year, coupled with two years probation, is consistent with the range of discipline dictated by the Standards articulated above. Moreover, a stayed suspension of one year is greater than the 30 day stayed suspension previously imposed on Respondent in State Bar Case No. 97-O-14291 and therefore consistent with the requirements of Standard 1.7(a).

It should be noted that the standards are guidelines (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628) and afforded great weight (*In re Silvertan* (2005) 36 Cal.4th 81, 91-92), but they are not applied in a talismanic fashion (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994). The appropriate discipline is determined in light of all relevant facts, including mitigating and aggravating circumstances. (*Gary v. State Bar* (1988) 44 Cal.3d 820, 828.) Here, such relevant facts further support discipline consisting of one year stayed suspension.

Respondent's misconduct must be evaluated in light of the fact that he took steps to complete and file the Petition for Guardianship on behalf of the Corraos after he learned that his paralegal had not performed the requisite work on the matter. Further, Respondent cooperated with the State Bar by signing the instant Stipulation.

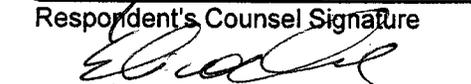
Finally, although Respondent's prior discipline is an aggravating circumstances, its force is diminished by the fact that the conduct at issue in State Bar Case No. 97-O-14291 took place in 1995, over a decade prior to the misconduct in the instant matter.

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In the Matter of TIMOTHY C. BRYSON	Case number(s): 07-0-14920
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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>8/13/2010</u> Date	 Respondent's Signature	<u>TIMOTHY C. BRYSON</u> Print Name
<u>8/13/2010</u> Date	 Respondent's Counsel Signature	<u>EDWARD HAASE</u> Print Name
<u>8/16/2010</u> Date	 Deputy Trial Counsel's Signature	<u>ELINA KREDITOR</u> Print Name

(Do not write above this line.)

In the Matter Of TIMOTHY C. BRYSON	Case Number(s): 07-0-14920
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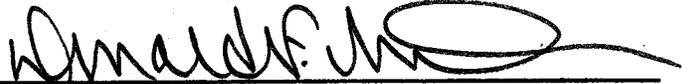
ORDER

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.)**

8/25/10
Date


Judge of the State Bar Court

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 August 25, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION

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:

**EDWARD W. HAASE
LAW OFC EDWARD HAASE
4809 CLAIREMONT DR #176
SAN DIEGO, CA 92117**

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

ELINA KREDITOR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 25, 2010.



Tammy Cleaver
Case Administrator
State Bar Court