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State Bar Court of California Hearing Department San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar Mark Hartman Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 (415) 538-2000 Bar # 114925	Case Number (s) 08-C-12809-PEM	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED  SEP 23 2009 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
Counsel For Respondent Edward O. Lear Century Law Group LLP 5200 W. Century Blvd. #345 Los Angeles; CA 90045 Bar # 132699	Submitted to: Program Judge	
In the Matter Of: JAGROOP S. GILL Bar # 113696 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> 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 **March 19, 1957**.
- (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, if Respondent is not accepted into the Lawyer Assistance 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 6 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".



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- (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
 - (b) Date prior discipline effective .
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice. see page 5.
- (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. see page 5.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

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- (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. See page 5.
- (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

In the Matter of: **Jagroop Singh Gill**
Membership No. **11396**
State Bar Case No.: **08-C-12809-PEM**

FACTS

Respondent admits that the following facts are true:

Case No. 08-C-1280

1. On May 30, 2007, respondent was arrested by the California Highway Patrol for driving under the influence of alcohol.
2. A blood test determined that respondent's blood alcohol level was .34 percent.
3. On July 13, 2007, respondent was charged in Placer County Superior Court with felony violations of Vehicle Code section 23153(a) [driving under the influence of alcohol] concurrent with Vehicle Code section 22350 [to wit, proximately caused bodily injury to Michael Kirkman). Respondent was also charged with felony violations of Vehicle Code section 23152(b) [driving with a blood alcohol content of 0.08 percent or higher] concurrent with Vehicle Code section 22350 [to wit, proximately causing bodily injury to Michael Kirkman). In addition, he was charged with a further allegation of a violation of Vehicle Code section 23578, a blood alcohol content of 0.15% or higher.
4. On May 14, 2008, respondent entered into a no contest plea to violating Vehicle Code section 23153(b), driving a vehicle while having a .08 percent or more, by weight, of alcohol in his blood and causing bodily injury, one count, a felony; with an admitted allegation that defendant had a blood alcohol level of .34 percent within the meaning of Vehicle Code section 23578. The other charges were dismissed.
5. Respondent was sentenced to 300 days in jail and placed on formal probation for five years.

CONCLUSIONS OF LAW

Respondent acknowledges that by the conduct underlying those convictions, he willfully violated Business and Professions Code section 6068(a).

MITIGATING CIRCUMSTANCES

Candor and cooperation: Respondent has been candid and cooperative with the State Bar and self-reported his felony conviction, pursuant to the self-reporting requirement of Business and Professions Code 6068 (o)(5).

AGGRAVATING CIRCUMSTANCES

Multiple Acts of Misconduct: By the misconduct stipulated to above, respondent committed multiple acts of misconduct.

Significant Harm: The crime involved the threat of great bodily harm, significant emotional and mental harm as well as financial harm to the victim's vehicle.

Additional Aggravating Circumstances.

High blood alcohol level: Respondent's blood alcohol level at the time of the accident was determined to be .34 percent.

DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION

On March 4, 2009, the State Bar faxed a disclosure letter to respondent's counsel. In this letter, the State Bar advised him of any pending investigations or proceedings against him.

COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER.

Respondent shall comply with all conditions of his probation imposed in the underlying criminal matters and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.

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In the Matter of JAGROOP S. GILL No. 11396 A Member of the State Bar	Case number(s): 08-C-12809
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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, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

3-12-09
 Date

3/18/09
 Date

3/24/09
 Date

Jagroop S. Gill
 Respondent's Signature

Jagroop S. Gill
 Print Name

[Signature]
 Respondent's Counsel Signature

Edward O. Lear
 Print Name

Mark Hartman
 Deputy Trial Counsel's Signature

Mark P. Hartman
 Print Name

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In the Matter Of JAGROOP S. GILL No. 113696 A Member of the State Bar	Case Number(s): 08-C-12809
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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 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.)

September 23, 2009 Pat McElroy
 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 San Francisco, on September 23, 2009, 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 San Francisco, California, addressed as follows:

EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045

- 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:

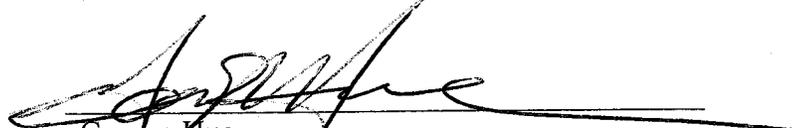
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- 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:

Erica Dennings, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 23, 2009.


George Hue
Case Administrator
State Bar Court