



ORIGINAL

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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar

HughG. Radigan
Deputy Trial Counsel
1149 S. Hill St.
Los Angeles, Ca. 90015
213-765-1206

Case Number (s)

08-O-10110
08-O-10537
08-O-13045

(for Court's use)

PUBLIC MATTER

FILED

DEC 10 2009

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Bar # 94251

In Pro Per Respondent

Walter J. Roberts, IV
1625 W. Olympic Blvd.
Suite 1045
Los Angeles, Ca. 90015
323-988-3956

Submitted to: **Settlement Judge**

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

Bar # 225339

In the Matter Of:

Walter James Roberts, IV

ACTUAL SUSPENSION

☐ PREVIOUS STIPULATION REJECTED

Bar # 225339

A Member of the State Bar of California
(Respondent)

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 3, 2003.
- (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 19 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."
- (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: two billing cycles following the effective date of the Supreme Court order.
(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 04-O-11044
 - (b) ☒ Date prior discipline effective July 30, 2005
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-110(A) and Business and Professions Code section 6090.5.
 - (d) ☒ Degree of prior discipline thirty days stayed suspension and two years probation.
 - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below.

State Bar Court case # 06-O-10128; Date prior discipline effective March 15, 2007; Violation of Rules of Professional Conduct, rule 3-110(A), Business and Professions Code sections 6068(m) and 6068(k); degree of discipline two years probation, one year stayed suspension and a thirty day actual suspension.

- (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. Respondent's failure to advise either his client or opposing counsel of his suspended status while

appearing at and defending a deposition caused significant harm to the client and the administration of justice.

- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. Respondent's conduct evidences a lack of understanding of the gravity of the earlier misconduct and the import of the State Bar's regulatory function.
- (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. Throughout the course of this matter Respondent has been candid and cooperative with the State Bar.
- (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

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 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:
- | | |
|---|---|
| <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 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:**

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Attachment language begins here (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

Walter J. Roberts, IV

CASE NUMBER(S):

08-O-10110, 08-O-10537 and 08-O-13045

FACTS AND CONCLUSIONS OF LAW.

Case No. 08-O-10110:

1. On July 1, 2005, the California Supreme Court filed an order, S133040, in *In re Walter James Roberts, IV, on Discipline*, regarding State Bar Court case number 04-O-11044. In the order, the California Supreme Court suspended Respondent from the practice of law in California for 30 days, stayed execution of the suspension, and placed Respondent on probation for two years with conditions. Further, Respondent was ordered by the California Supreme Court to take and pass the Multistate Professional Responsibility Examination ("MPRE") within one year after the effective date of the order. The effective date of the order was July 31, 2005. On or about July 1, 2005, the clerk of the California Supreme Court served Respondent with a copy of the order. Respondent received the order.

2. On October 6, 2006, Respondent filed a motion with the State Bar Court for an extension of time to take and pass the MPRE. On October 23, 2006, the State Bar Court granted Respondent's motion and extended the time for Respondent to take and pass the MPRE until the results from the November 2006 MPRE were posted.

3. On January 4, 2007, Diedra Williams ("Williams") filed a petition for legal separation in the Los Angeles County Superior Court, entitled *In the Matter of Diedra Denise Williams and Walker Williams, Jr.*, case number BD458328 (the "action").

4. On January 18, 2007, Williams amended the petition to a petition for dissolution.

5. On January 23, 2007, the State Bar Court Review Department issued an order, S133040, suspending Respondent from the practice of law in California, effective February 20, 2007, because Respondent had not passed the MPRE within the time prescribed by the California Supreme Court's order filed July 1, 2005, and as extended by the State Bar Court on October 23, 2006. On January 23,

2007, a State Bar Court Case Administrator served Respondent with a copy of the order. Respondent received the order.

6. On February 1, 2007, Walker Williams, Jr. ("Mr. Williams") employed Respondent to represent him in the action.

7. On February 14, 2007, the California Supreme Court filed an order, S148761, in *In re Walter James Roberts, IV, on Discipline*, regarding State Bar Court case number 06-O-10128. In the order, the California Supreme Court suspended Respondent from the practice of law in California for one year, stayed execution of the suspension, and placed Respondent on probation for two years with conditions, including the condition that he be actually suspended for 30 days. The effective date of the order was March 16, 2007. On February 14, 2007, the clerk of the California Supreme Court served Respondent with a copy of the order. Respondent received the order.

8. On March 5, 2007, and while suspended from the practice of law in California by the order, S133040, filed on January 23, 2007, Respondent mailed a letter to Williams on his law office letterhead as the attorney for Mr. Williams. In the letter, Respondent stated that he represented Mr. Williams in the action and proposed a settlement to resolve issues in the action. With the letter, Respondent enclosed a proposed marital settlement agreement drafted by Respondent.

9. On March 27 and 30, 2007, and while suspended from the practice of law in California by the orders, S133040 and S148761, filed on January 23, 2007 and February 14, 2007, respectively, Respondent mailed letters on his law office letterhead to Williams regarding the settlement agreement as the attorney for Mr. Williams.

10. On April 4, 2007, and while suspended from the practice of law in California by the orders filed on January 23, 2007 and February 14, 2007, Respondent had a telephone conference with Williams and Mr. Williams regarding the settlement agreement as the attorney for Mr. Williams.

11. On April 13, 2007, the State Bar Court Review Department issued another order, S133040, terminating the suspension imposed on Respondent by its order filed January 23, 2007, effective April 13, 2007, as Respondent had passed the MPRE on March 10, 2007. At no time did Respondent disclose the material fact to Williams that he was not entitled to practice law in California on March 5, 27 and 30, 2007 and on April 4, 2007.

Legal Conclusion:

12. By performing the legal services for Mr. Williams on March 5, 27, and 30, 2007 and on April 4, 2007, as described in paragraphs 8, 9 and 10, above, Respondent willfully engaged in the unauthorized practice of law when he knew he was not entitled to do so in violation of Business and Professions Code sections 6125 and 6126, thereby violating section 6068(a). Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, by failing to disclose to his client his suspended status. Additionally, by performing the legal services for Mr. Williams on or about March 5, 2007 as described in paragraphs 8, above, Respondent wilfully disobeyed and violated a court order, S133040, filed on January 23, 2007, requiring him to forbear an act connected with or in the course of Respondent's profession which he ought in good faith to have forborne, in violation of Business and Professions Code section 6103. Comparably, by performing the legal services for Mr. Williams on or about March 27 and 30, 2007 and on or about April 4, 2007 as described in paragraphs 9 and 10, above, Respondent wilfully disobeyed and violated court orders, S133040 and S148761, filed on January 23, 2007 and February 14, 2007, respectively, requiring him to forbear an act connected with or in the course of Respondent's profession which he ought in good faith to have forborne, in violation of Business and Professions Code section 6103.

Case No. 08-O-10573:

13. At all times herein mentioned, Respondent was the attorney of record for Lien Eun Oh ("Mr. Oh") in a matter filed on September 14, 2005, and pending in the Orange County Superior Court entitled, *In re Marriage of Michelle Oh and Linn Eun Oh*, case number 05D008592 (the "action").

14. On March 9, 2007, and while suspended from the practice of law in California by the order, S133040, filed on January 23, 2007, Respondent provided legal representation to Mr. Oh during Mr. Oh's deposition in the action. Attorney Jack Kayajanian ("Kayajanian") represented Michelle Oh during the deposition. At no time did Respondent disclose the material fact to Kayajanian that he was not entitled to practice law in California on March 9, 2007.

Legal Conclusion:

15. By performing the legal services for Mr. Oh on March 9, 2007, as described in paragraph 14, above, Respondent willfully engaged in the unauthorized practice of law in violation of Business and Professions Code sections 6125 and 6126, thereby violating section 6068(a). By performing the legal services for Mr. Oh on March 9, 2007, as described in paragraph 14, above, without disclosing to Kayajanian that he was not entitled to practice law in California at that time, Respondent concealed a material fact from Kayajanian in violation of Business and Professions Code section 6106. By performing the legal services for Mr. Oh on March 9, 2007 as described in paragraph 14, above, Respondent wilfully disobeyed and violated court order S133040, filed on January 23, 2007, requiring him to forbear an act connected with or in the course of Respondent's profession which he ought in good faith to have forborne, in violation of Business and Professions Code section 6103.

Case No. 08-O-13045:

16. As a condition of probation imposed by order S148761, the California Supreme Court ordered Respondent to develop a law office management/organization plan ("LOMP"), which must be approved by Office of Probation of the State Bar of California ("Probation"), within 60 days of the effective date of the discipline, or by May 15, 2007; and to include in the LOMP procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding (the "LOMP condition").

17. As conditions of the probation ordered by the California Supreme Court by order S148761, Respondent was to do the following:

- a. Submit written quarterly reports to Probation on each January 10, April 10, July 10 and October 10 during the period of probation, stating under penalty of perjury whether Respondent had complied with all the State Bar Act, the Rules

of Professional Conduct, and all conditions of probation during the preceding calendar quarter; and,

b. Subject to a proper or good faith assertion of any applicable privilege, fully, promptly, and truthfully answer any inquiries of Probation directed to him, whether personally or in writing, relating to whether he is complying or has complied with the conditions of his probation.

18. Additionally, in August 2006, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition with the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") in State Bar Court case number 06-O-10128. In the stipulation, Respondent agreed to comply with the probation conditions, as described in paragraphs 16 and 17, above, in order to resolve the case.

19. On or about March 14, 2007, Probation mailed a letter to Respondent at his then current Membership Records address of 3325 Wilshire Blvd., Ste. 1350, Los Angeles, CA 90010-1709 (the "membership records address"), reminding Respondent of the probation conditions imposed by order S148761. In the letter, Probation also informed Respondent that his compliance with the LOMP condition was due by May 15, 2007. Respondent received the letter.

20. On or about March 29, 2007, Probation discussed all of the probation conditions required by the California Supreme Court in its order, S148761, including the LOMP condition, with Respondent.

21. Respondent did not submit a LOMP for Probation's approval by May 15, 2007.

22. On or about July 23, 2007, Probation left a telephone message that his LOMP was due on May 15, 2007 and requested that Respondent contact Probation. Respondent did not contact Probation.

23. On August 15, 2007, Probation telephoned Respondent about the LOMP condition. Respondent told Probation that he thought he had sent his LOMP to Probation in May 2007. Respondent told Probation that he would check his records and call Probation back on August 16, 2007. Respondent did not contact Probation on August 16, 2007.

24. On or about October 10, 2007, Respondent filed a quarterly report with Probation. In the report, Respondent stated that he had submitted his LOMP to Probation on October 9, 2007. Probation did not receive Respondent's LOMP.

25. On or about October 12, 2007, Probation left a telephone message that his LOMP was due on May 15, 2007 and that Probation had not received the LOMP that he stated was submitted to Probation on October 9, 2007.

26. On or about October 17, 2007, Probation received a LOMP from Respondent.

27. On or about October 17, 2007, Probation mailed a letter to Respondent at the membership records address. In the letter, Probation informed Respondent that his LOMP was rejected because he did not identify how Respondent structured his work to meet deadlines; did not set forth how Respondent supervised his personnel and how often he supervised his personnel; and did not satisfactorily address any subject area or deficiency that caused or contributed to Respondent's misconduct. In the letter, Probation requested that Respondent submit an amended LOMP immediately as the LOMP was due on May 15, 2007. Respondent received the letter.

28. On or about November 1, 2007, Probation had a telephone conversation with Respondent and gave recommendations to him about how he was to amend his LOMP. Respondent informed Probation that he would submit his amended LOMP by November 5, 2007. Respondent did not submit his amended LOMP by November 5, 2007.

29. On November 15, 2007, Respondent sent an e-mail to Probation. In the e-mail, Respondent stated that he was having trouble completing the LOMP and requested a consultation to discuss the LOMP condition.

30. On November 19, 2007, Probation sent an e-mail to Respondent. In the e-mail, Probation asked Respondent to make the changes as outlined in Probation's October 17, 2007 letter and as recommended by Probation on November 1, 2007.

31. On November 26, 2007, Respondent sent an e-mail to Probation. In the e-mail, Respondent stated that he would deliver the LOMP in the morning of November 27, 2007.

32. On or about November 28, 2007, Probation received Respondent's amended LOMP.

33. On or about November 29, 2007, Probation mailed a letter to Respondent at his then current Membership Records address of 12661 S. Hoover St., Los Angeles, CA 90044. In the letter, Probation informed Respondent that his amended LOMP was rejected because it did not identify who documented telephone messages sent and how such documentation occurred, and if such documentation was placed

in the client's file; and did not identify how Respondent structured his work to meet his deadlines. Respondent received the letter.

34. On December 4, 2007, Respondent sent an e-mail to Probation with his amended LOMP as attachment. In the e-mail, Respondent stated that he would deliver the original, signed amended LOMP to the State Bar on December 5, 2007.

35. On December 5, 2007, Probation approved Respondent's unsigned, amended LOMP, and received his signed LOMP on December 6, 2007.

36. As conditions of the probation ordered by the California Supreme Court by orders S133040 and S148761, Respondent was to do the following:

- a. During the period of probation, comply with the State Bar Act and the Rules of Professional Conduct; and,
- b. Submit written quarterly reports to the State Bar of California's Office of Probation ("Probation") on each January 10, April 10, July 10 and October 10 during the period of probation, stating under penalty of perjury whether Respondent had complied with all the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter.

37. Additionally, in March 2005, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition with the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") in State Bar Court case number 04-O-11044. In the stipulation, Respondent agreed to comply with the probation conditions, as described in paragraph 36, above, in order to resolve the case.

38. Also, in August 2006, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition with the State Bar in State Bar Court case number 06-O-10128. In the stipulation, Respondent agreed to comply with the probation conditions, as described in paragraph 36, above, in order to resolve the case.

39. On or about April 9, 2007, and pursuant to order S133040, Respondent filed his quarterly report due April 10, 2007, and covering the reporting period of January 1 to March 31, 2007, with

Probation. In the report, Respondent represented under penalty of perjury to Probation that he had complied with all provisions of the State Bar Act and Rules of Professional Conduct.

40. On or about July 10, 2007, and pursuant to orders S133040 and S148761, Respondent filed his quarterly reports due July 10, 2007, and covering the reporting period of April 1 to June 30, 2007, with Probation. In the reports, Respondent represented under penalty of perjury to Probation that he had complied with all provisions of the State Bar Act and Rules of Professional Conduct.

41. Respondent's representation to Probation in his quarterly report filed on or about April 9, 2007 was false in that Respondent had not complied with all provisions of the State Bar act by performing the legal services for Mr. Williams on or about March 5, 2007, as described in paragraph 8, above, and for Mr. Oh on March 9, 2007, as described in paragraph 14, above, when he was not entitled to practice law in California.

42. Respondent's representations to Probation in his quarterly reports filed on or about July 10, 2007 were false in that Respondent had not complied with all provisions of the State Bar act by performing the legal services for Mr. Williams on or about March 27 and 30, 2007 and on or about April 4, 2007, as described in paragraphs 9 and 10, above, and for Mr. Oh on March 9, 2007, as described in paragraph 14, above, when he was not entitled to practice law in California.

43. Respondent's representation in his quarterly report filed on or about October 10, 2007, that he had submitted his LOMP to Probation on October 9, 2007 was false as he had not submitted his LOMP to Probation. Respondent did not file his quarterly report with Probation for the period of October 1 through December 31, 2008 by January 10, 2009 (the "quarterly report"). Respondent filed the quarterly report with Probation on January 13, 2009.

44. As a condition of probation, the California Supreme Court ordered Respondent to report to the Membership Records Office of the State Bar ("Membership Records") and to 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 ("section 6002.1"), within 10 days of any change of information.

///

45. On November 10, 2008, Respondent notified Probation of his change of information as prescribed by section 6002.1.

46. On December 31, 2008, Probation sent an e-mail to Respondent. In the e-mail, Probation reminded Respondent to report his change of information to Membership Records.

47. On February 3, 2009, Membership Records received Respondent's change of information.

Legal Conclusion:

48. By not developing an LOMP which was approved by Probation by May 15, 2007, Respondent wilfully failed to comply with all conditions attached to any disciplinary probation. Also, by not contacting Probation about his LOMP as requested on or about July 23, 2007, and by not contacting Probation on August 16, 2007 about his LOMP, Respondent did not fully and promptly answer any inquiry of Probation relating to whether he had complied with the conditions of his probation and wilfully failed to comply with all conditions attached to any disciplinary probation. By not submitting his amended LOMP to Probation by November 5 and 27, 2007 as represented, Respondent did not truthfully answer any inquiry of Probation relating to whether he had complied with the conditions of his probation and wilfully failed to comply with all conditions attached to any disciplinary probation, all in willful violation of Business and Professions Code section 6068(k). Additionally, by misrepresenting to Probation in his quarterly reports filed on or about April 9 and July 10, 2007 that he had complied with all provisions of the State Bar Act on or about March 5, 27, and 30, 2007 and on or about April 4, 2007, and by misrepresenting that he had submitted his LOMP to Probation on October 9, 2007, Respondent wilfully failed to comply with all conditions attached to any disciplinary probation, in violation of Business and Professions Code section 6068(k). By not timely filing the quarterly report on January 10, 2009, Respondent wilfully failed to comply with all conditions attached to any disciplinary probation, in violation of Business and Professions Code section 6068(k). By not notifying Membership Records of his change of information until on or about February 3, 2009, 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.

The disclosure date referred to, on page 2, paragraph A(6), was November 13, 2009.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
08-O-10110 and 08-O-10573	Four	Moral turpitude-Misrepresentations to the State Bar, Business and Professions Code section 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 13, 2009, the prosecution costs in this matter are approximately \$ 3654.00. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

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

Standard 1.6(a) provides that where two or more acts of misconduct occur within a single proceeding, the more severe sanction is to be imposed.

Standard 2.3 provides for disbarment or actual suspension for those acts of moral turpitude depending upon the extent to which the victim of the act has been harmed and the magnitude of the act of misconduct.

Standard 2.6(a) provides for disbarment or suspension depending upon the gravity of the offense or harm for a violation of Business and Professions Code section 6068(a) and 6068(k). This same standard is applicable with respect to Respondent's repeated failure to obey a court order in violation of Business and Professions code section 6103.

A one year actual suspension together with a three year stayed suspension, in conjunction with the probationary conditions set forth herein, is consistent with the above referred Standards. The parties submit that given Respondent's recognition of wrongdoing, together with his belated remorse and candor and cooperation throughout this matter, that the stipulated discipline and probationary conditions in this matter are sufficient to assure that Respondent will conform his future conduct to ethical standards and therefore, protect the public, courts and legal profession.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of
Walter J. Roberts, IV

Case number(s):
08-O-10110, 08O-10537 and 08-O-13045

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.

11-24-09

Date



Respondent's Signature

Walter J. Roberts, IV
Print Name

Date

November 24, 09

Date

Respondent's Counsel Signature

Print Name



Deputy Trial Counsel's Signature

Hugh G. Radigan
Print Name

(Do not write above this line.)

In the Matter Of
WALTER J. ROBERTS, IV

Case Number(s):
08-O-10110, 08-O-10573 AND 08-O-13045

ORDER

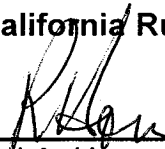
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ 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.
- 1) On page 1, delete the case number 08-O-10537 and its place insert 08-O-10573.
 - 2) On page 2, paragraph 1.(8), delete the words, "two billing cycles following the effective date of the Supreme Court order" and in its place insert "2011 and 2012."

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.)**

Date

12/8/09


Richard A. Honn
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 December 10, 2009, 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:

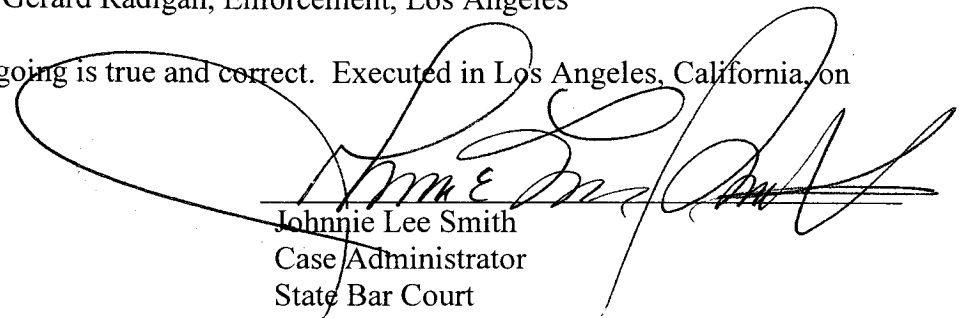
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WALTER J. ROBERTS IV
LAW OFC WALTER J ROBERTS IV
1625 W OLYMPIC BLVD STE 1045
LOS ANGELES, CA 90015

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

Hugh Gerard Radigan, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 10, 2009.



Johnnie Lee Smith
Case Administrator
State Bar Court