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State Bar Court of California Hearing Department San Francisco		
Counsel For The State Bar Robin Brune 180 Howard Street San Francisco, California 94105 Bar # 149481	Case Number (s) 08-O-11366; 09-O-11660	(for Court's use) <div style="text-align: center;">PUBLIC MATTER</div> <div style="text-align: center;">FILED</div> <div style="text-align: center;">JUN 17 2010</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel For Respondent Sam Bellicini Fishkin & Slatter LLP 1111 Civic Drive Ste 215 Walnut Creek, Ca 944596 Bar # 152191	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: John Pettis Bar # 51334 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 January 5, 1972.
- (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 15 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."

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- (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:
(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 01-O-3213
 - (b) Date prior discipline effective 2/26/2004
 - (c) Rules of Professional Conduct/ State Bar Act violations: 4-100(A)(2)
 - (d) Degree of prior discipline private reproof
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

In case no. 90-O-12491, resulting in Supreme Court Order S052653, respondent received a one year suspension, stayed, with sixty days actual, for fee splitting with a non-attorney, in violation of rules 1-310 and 1-320(A) of the Rules of Professional Conduct. This discipline was effective 7/07/1996.

- (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. Respondent was unable to account for \$2,000 in funds in the Etter matter.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. Respondent committed misconduct in two matters.

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(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. The settlement funds in the Guitierrez matter were deposited and did clear the account so that all client funds were restored; respondent made payment to Etter in the sum of \$2,000.
- (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. Respondent has been cooperative in reaching a stipulation in this matter.
- (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 four 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 five 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 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:

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.

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- (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 checked="" 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:

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- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: John A. Pettis
CASE NUMBER(S): ET AL. 08-O-11366; 09-O-11660

FACTS AND CONCLUSIONS OF LAW.

Case no. 09-O-11660 (Gutierrez matter)

In February, 2009, respondent settled the personal injury claims of two clients, Gilbert and Christina Gutierrez. On February 24, 2009, AAA insurance issued two settlement drafts for the Gutierrez cases, for \$6,500 a client, check numbers 452566 and 452565, for a total of \$13,000. On March 13, 2009, respondent received check numbers 452566 and 452565 from AAA in the combined sum of \$13,000 and deposited them into his attorney-client trust account, account number 043-5185XXX at Wells Fargo Bank (hereinafter, "CTA account").

However, prior to depositing the settlement drafts from AAA, respondent issued the following checks regarding the Gutierrez matter: (i) on March 9, 2009, respondent issued check no. 7011, to Christina Gutierrez, in the sum of \$2,140.68, for payment in settlement; (ii) on March 9, 2009, respondent issued check no. 7012, to Gilbert Gutierrez, in the sum of \$2,102.81, in payment in settlement; (iii) on March 12, respondent issued check no. 7010, to John Quesada, DC (chiropractor) in the sum of \$1,386.66, for payment on behalf of Christina Gutierrez. At the time respondent issued the checks, on or between March 9 and March 12, 2009, there were no Gutierrez funds deposited into respondent's CTA account to correspond to the payments respondent made on behalf of Gutierrez. Respondent had not yet deposited the Gutierrez settlement checks from AAA, and there were no other Gutierrez funds in his CTA account.

Shortly after he deposited the AAA check nos. 452566 and 452565 on March 13, 2009, respondent also issued to himself two checks. On March 14, 2009, respondent issued, to himself, check no. 7015 in the sum of \$4,243.47 as payment to himself on the Gutierrez matter, and on March 16, 2009, respondent issued, to himself, check no. 7016 for \$156.20, also noted as payment in the Gutierrez

matter. At the time respondent issued to himself check numbers 7015 and 7016, the March 13, 2009 checks, AAA check nos. 452566 and 452565, which respondent deposited on March 13, 2009, had not yet cleared.

Respondent issued checks to himself against the Gutierrez matter when there were insufficient Gutierrez funds in the account to cover the distributions that he made to himself.

On March 6, 2009, prior to issuing the checks in the Gutierrez matter, respondent had \$9,753.99 in his CTA account. These funds belonged to other clients. These funds were diverted to cover the checks, check numbers 7010, 7011, 7015 and 7016, which respondent issued on behalf of the Gutierrez matter. Check no. 7012, to Gilbert Gutierrez, in the sum of \$2,102.81, was honored by the bank, but honored as issued against insufficient funds. At the time that check no. 7012 was presented for payment, on March 12, 2009, respondent had -\$716.15 in his CTA account.

By issuing check numbers 7010, 7011, and 7012, on or between March 9, 2009 and March 12, 2009 in the Gutierrez matter, prior to depositing the Gutierrez settlement checks, check numbers 452566 and 452565 from AAA, respondent misappropriated client funds from other clients, and paid these funds to the Gutierrez recipients. Respondent knew or should have known that he was issuing check no. 7012 against insufficient funds. Respondent mistakenly believed that he had already deposited the Gutierrez settlement funds into trust, when he issued check numbers 7010, 7011, 7015 and 7016. Respondent's acts were at minimum, grossly negligent and improper, placing other clients' funds at risk.

By issuing check no. 7015 in the sum of \$4,243.47 as payment to himself on the Gutierrez matter, and check no. 7016 for \$156.20 also as payment to himself on the Gutierrez matter, prior to the settlement checks, check numbers 452566 and 452565 from AAA, clearing, respondent again misappropriated clients funds by paying to himself funds, credited to the Gutierrez matter, from funds other than those deposited on behalf of the Gutierrez's. On or about March 18, 2009, AAA stopped payment on check numbers 452566 and 452565. They subsequently re-issued another check for the funds.

Conclusions of Law

1. By issuing check numbers 7010, 7011, and 7012 on the Gutierrez settlement prior to depositing check numbers 452566 and 452565 from AAA; and by issuing check numbers 7015 and 7016 to himself prior to check numbers 452566 and 452565 clearing the bank; and by issuing check number 7010 against insufficient funds, respondent misappropriated client funds and thereby committed acts of moral turpitude, in willful violation of Business and Professions Code, section 6106.

2. By diverting other client's funds to cover the Gutierrez distributions, respondent failed to maintain client funds in trust, in willful violation of Rules of Professional Conduct, rule 4-100(A).

Case no. 08-O-11366 (Etter matter)

On April 26, 2005, Deborah Etter hired respondent to represent her in a personal injury matter. Respondent brought a timely suit on behalf of Etter, *Etter vs. Emerson Electric, et al.* case no. CGC-06-454003, filed in Superior Court, County of San Francisco. On June 7, 2005, Farmers Insurance Company issued two checks, check no. 1260276356, in the sum of \$53.10, and check no. 1260276355, in the sum of \$255.00, to Deborah Etter and John Pettis & Associates. Farmer's Insurance was Etter's insurance company, not the company of the defendant in the suit. Respondent received the checks and deposited them into his CTA account. (Pursuant to their fee agreement, respondent, or someone on his behalf, endorsed Etter's name on the back of the checks.) On or about October 24, 2005, Farmers Insurance Company issued a third check, check no. 1260310788, in the sum of \$1,691.90, to Deborah Etter and John Pettis and Associates. Respondent received this check and negotiated the check.¹

Respondent did not notify or account to Etter regarding his receipt of any of the three Farmer's Insurance checks, nor distribute them to her. Respondent failed to maintain records of the checks for \$53.10, \$255.00 or \$1,691.90 on behalf of Etter, and was unable to locate the check for \$1,691.90 in response to a State Bar inquiry.

On or about June 8, 2007, respondent settled Etter's personal injury case for the sum of \$25,250.00. On or about June 8, 2007, respondent sent Etter a "Statement of Account," accounting for

¹ The State Bar was unable to trace these funds in respondent's CTA account. The back of the check has a stamp from respondent's law office, and appears to state "trust account", but the account numbers are not legible. Due to a lack of records, respondent could not establish what account these funds were deposited into, or that he properly managed these funds.

the distribution of the settlement monies of \$25,250.00. Respondent did not include the checks for \$53.10, \$255.00, or \$1,691.90 in the Statement of Account or distribution of funds on the Etter settlement. Respondent states that one line item on his Statement of Account, identified as "California Pacific Medical Center (\$2,000 previously paid)", accounted for the Farmer's Insurance checks. Respondent was unable to corroborate that a payment was made to California Pacific Medical Center on Etter's behalf.

On July 30, 2007, Etter terminated respondent's services and hired another counsel, Cory Birnberg, to conclude her personal injury matter. Through Birnberg, Etter found out about the additional checks from Farmers.

On June 21, 2007, respondent received a check for \$25,250.00 from Old Republic Insurance as the settlement on the Etter matter. On or about that same date, respondent deposited the \$25,250.00 in Etter funds to his CTA account. Five days prior to receiving and/or depositing the \$25,250.00 in Etter funds to his account, on June 15, 2007, respondent issued check number 5352 to himself, in the sum of \$3,000, and noted "Etter" in the memo notation. Respondent attributed these funds to himself as payment in attorney's fees on the Etter matter. Respondent withdrew his payment of \$3,000 in the Etter matter prior to his depositing the \$25,250.00 in Etter funds into the CTA account. With the possible exception of the \$53.10 deposited on or about June 23, 2005, and the check for \$255.00 also deposited on June 23, 2005 (and not accounted for) there were no other Etter funds in respondent's CTA account. The source of the funds to pay respondent \$3,000 on June 15, 2007 were from funds other than those deposited on behalf of Etter. Respondent diverted other client funds to pay himself his fees in the Etter matter.

Conclusions of Law

3. By failing to maintain records of the checks for \$53.10, \$255.00 or \$1,691.90 on behalf of Etter, and by failing to account to Etter for them, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

4. By failing to timely notify Etter of his receipt of the checks for \$53.10, \$255.00, or \$1,691.90; by failing to distribute the funds to her or account for their distribution to third parties on her

behalf; and by failing to fully identify and account for them in his Statement of Account, respondent failed to perform with competence, in willful, reckless, and repeated violation of the Rules of Professional Conduct, rule 3-110(A).

5. By failing to advise Etter of the funds he received from Farmer's Insurance on her behalf, respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

6. By diverting other client's funds to pay himself his fees in the Etter matter, and by gross mismanagement losing the \$1,691.90 in Etter funds, respondent committed acts of moral turpitude, in willful violation of Business and Professions Code, section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was May 14, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 10, 2010, the prosecution costs in this matter are \$2,867.41. 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 2.2 Culpability of a member of willful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one year actual suspension, irrespective of mitigating circumstances.

Standard 1.7 specifies that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Ordinarily, this matter would result in disbarment due to respondent's two prior records of discipline. (See Std. 1.7(b).) However, given the mitigating circumstances, that respondent's prior disciplines, although involving a trust account violation, concerned a different type of trust account violation (withdrawing disputed funds), and that respondent's priors involved relatively minor sanctions (a private reproof and a 60 day actual suspension) and no actual harm occurred in this case, the parties

have agreed to a discipline less than disbarment, but with a long actual suspension. (See *Conroy v. State Bar* (1991) 53 Cal. 3d 495). Respondent, however, is aware that should he commit any additional misconduct, no matter how minor, it is highly likely that he will be disbarred.

Case law

The State Bar, in reaching this settlement, is following the line of cases that gives a lengthy suspension for grossly negligent mismanagement of the client trust account. *In re Malek-Yonan* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 627; *Gassman v. State Bar* (1976) 18 Cal.3d 125; *In the Matter of Sampson* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 119; *In the Matter of Jones* (Review Dept. 1993) 2 Cal. State Bar.Ct. Rptr. 411. In *Malek-Yonan*, the attorney received an eighteen month actual suspension when her employees stole over 1.7 million dollars from her CTA account. The Court found the attorney to be grossly negligent in her lack of procedures to protect client funds. In *Gassman*, the attorney received one year actual suspension for inappropriately delegating matters to office staff, which he failed to supervise. In *Sampson*, the attorney failed to supervise his personal injury practice, resulting in shortfalls in the CTA which led to misappropriation of client funds. In addition, he failed to notify one client of his receipt of funds. He had no priors and received an eighteen month actual suspension. In *Jones*, the attorney had a large personal injury practice and \$50,000 worth of funds were mismanaged, resulting in a two year actual suspension.

Respondent's misconduct herein includes issuing disbursement checks before the settlement checks were deposited, as well as losing checks and being unable to account to his client for the funds. His actions are similar to those in *Sampson*, *Gassman*, and *Jones*, in that he grossly mismanaged his account.

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.

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.

In the Matter of
John Pettis

Case number(s):
08-O-11366; 09-O-11660

A Member of the State Bar

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

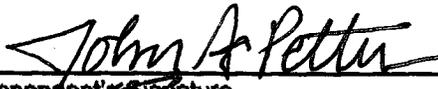
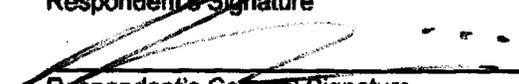
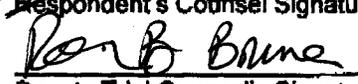
- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of JOHN PETTIS	Case number(s): 08-O-11366; 09-O-11660
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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>6-8-10</u> Date	 Respondent's Signature	<u>JOHN PETTIS</u> Print Name
<u>6/9/10</u> Date	 Respondent's Counsel Signature	<u>SAM BELLICINI</u> Print Name
<u>6/10/10</u> Date	 Deputy Trial Counsel's Signature	<u>ROBIN BRUNE</u> Print Name

(Do not write above this line.)

In the Matter Of JOHN PETTIS	Case Number(s): 08-O-11366 08-O-11660
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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:

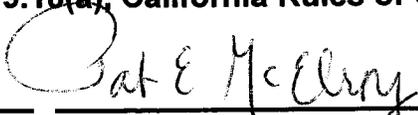
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

- 1) On page 4 of the stipulation, an "X" is inserted in the box next to paragraph D.(1)(a);
- 2) On page 4 of the stipulation, the "X" in the box next to paragraph E.(1) is deleted;
- 3) On page 5 of the stipulation, an "X" is inserted in the box next to paragraph E.(4); and
- 4) On page 12 of the stipulation, in the final paragraph, "following" is deleted and replaced with "preceding."

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.)**

June 17, 2010

Date


Pat E. McElroy
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 June 17, 2010, I deposited a true copy of the following document(s):

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

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

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

SAMUEL C. BELLICINI
FISHKIN & SLATTER, LLP
1111 CIVIC DR STE 215
WALNUT CREEK, CA 94596

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:

Robin Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 17, 2010.


George Hue
Case Administrator
State Bar Court