



**ORIGINAL**

(Do not write above this line.)

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

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| <p>Counsel For The State Bar</p> <p>ELINA KREDITOR<br/>1149 SOUTH HILL STREET<br/>LOS ANGELES, CA 90015-2299<br/>TELEPHONE: (213)-765-1714</p> <p>Bar # 250641</p> | <p>Case Number (s)<br/>08-O-12847; 08-O-13982</p>  | <p>(for Court's use)</p> <p><b>FILED</b><br/>NOV 23 2009 <i>Y/C</i><br/>STATE BAR COURT<br/>CLERK'S OFFICE<br/>LOS ANGELES</p> <p><b>PUBLIC MATTER</b></p> |
| <p>Counsel For Respondent</p> <p>JAMES R. DIFRANK<br/>12227 PHILADELPHIA STREET<br/>WHITTIER, CA 90601-3931</p> <p>Bar # 105591</p>                                | <p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> |  |
| <p>In the Matter Of:<br/>Karen L. McKinney</p> <p>Bar # 168614</p> <p>A Member of the State Bar of California<br/>(Respondent)</p>                                 |  |  |

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 20, 1993.
- (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 11 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: three billing cycles following the effective date of this stipulation (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 02-O-11180; 02-O-12539
  - (b)  Date prior discipline effective January 7, 2003
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, 3-110(A) and 3-700(D)(2); Business and Professions Code, section 6068(m).
  - (d)  Degree of prior discipline Private Reprimand
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. During the time period of the misconduct, Respondent's daughter and grand-daughter had been diagnosed with Congenital Myotonic Dystrophy, a degenerative and terminal genetic disorder. During the time period of the misconduct, Respondent's grand-daughter passed away from the disorder and the condition of Respondent's adult daughter was steadily and rapidly deteriorating.
- (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. During the time period of the misconduct, Respondent's adult daughter's physical conditions was rapidly deteriorating requiring Respondent's constant care and preventing Respondent from dedicating sufficient time to her law practice. Respondent no longer runs her own law practice. Instead, Respondent works under the supervision of other attorneys.
- (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 two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3)  **Actual Suspension:**

- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 30 days.
- 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:
  - Substance Abuse Conditions                       Law Office Management Conditions
  - Medical Conditions                                       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:** SEE ATTCHMENT TO STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION ATTACHED HERETO

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

IN THE MATTER OF: KAREN L. MCKINNEY

CASE NUMBER(S): 08-O-12847; 08-O-13982

**FACTS AND CONCLUSIONS OF LAW**

Karen L. McKinney ("Respondent") admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**I. Facts**

A. Case No. 08-O-12847

1. On November 13, 2006, Gordon Burrows ("Burrows") employed Respondent to represent him in an uncontested dissolution matter, specifically to prepare a default dissolution and marital settlement agreement.
2. Burrows paid Respondent a fee of \$900.
3. Respondent filed the initial pleadings and prepared a Marital Settlement Agreement.
4. Respondent thereafter did not include all necessary documents with court filings.
5. Respondent attempted to file a Judgment on behalf of Burrows on July 15, 2008. The filing was rejected. Respondent took no further action on the case.
6. Respondent did not complete the dissolution. Respondent did not refund the \$900 fee paid by Burrows.
7. Respondent failed to advise Burrows that she did not complete the dissolution and that she ceased working on the case.
8. Respondent did not return several voicemail messages left by Burrows requesting an update on his case.
9. Respondent did not pick up and respond to a letter sent certified mail by Burrows on June 20, 2008, to Respondent's membership records address at the time. The letter, terminating Respondent and requesting a return of his fee, was returned unclaimed to Burrows.

B. Case No. 08-O-13982

10. On May 7, 2007, Victor Simeone ("Simeone") employed Respondent to represent him in a civil suit arising out of his purchase of a vehicle from a car dealership owned by Mike Vietra ("Vietra").

11. Simeone paid Respondent a deposit of \$2500.00 for legal fees.
12. On May 31, 2007, Respondent filed a complaint on Simeone's behalf in Orange County Superior Court entitled Victor T. Simeone v. Mike Vietro, Case No. 07CC06495.
13. On February 13, 2008, counsel for Vietra filed a cross-complaint against Simeone entitled M.V. Marketing, Inc., a California Corporation DBA Corvette Mike v. Victor T. Simeone, Case No. 07CC06495 ("the cross-complaint").
14. Respondent did not thereafter file an answer to the cross-complaint.
15. On March 12, 2008, counsel for Vietra filed a Request for Entry of Default on the cross-complaint.
16. On May 27, 2008, a member of Respondent's staff drafted and caused to be filed, without Respondent's knowledge, a "Notice of Motion and Motion to Set Aside Default," and a purported "Declaration of Karen L. McKinney," bearing Karen L. McKinney's signature.
17. Without Respondent's knowledge, a member of Respondent's staff arranged for another attorney to specially appear at the hearing on Respondent's Motion to Set Aside Default. Attorney Randy Model appeared at the hearing on June 26, 2008. The court denied the motion, without prejudice and set trial for September 22, 2008.
18. Respondent was unaware of the hearing on the Motion to Set Aside Default, Attorney Model's special appearance or that a default had been entered against Simeone.
19. On September 22, 2008, Respondent filed a Request for Dismissal of the Complaint in Simeone's case. Respondent did not request a dismissal of the cross-claims against Simeone. Respondent did not inform Simeone that a default had been entered on the cross-complaint. Further, Respondent did not advise Simeone that following the court's dismissal of the complaint, the court would conduct a prove-up hearing on the default.
20. On September 22, 2008, following the court's dismissal of Simeone's complaint, Respondent left the courtroom. Following the dismissal, the court conducted a prove-up hearing on the defaulted cross-complaint. Respondent was not present and did not represent Simeone's interests during this hearing.
21. On September 23, 2008, counsel for Vietra filed a Memorandum of Costs. The calculation of costs included the amount allegedly owed to the dealership for the vehicle purchase, as well as attorney's fees. On October 2, 2008, the Court issued a Judgment against Simeone in the amount of \$21,175.35.

## **II. Conclusions of Law**

By not (1) responding to Burrows' inquiries; (2) informing Burrows that she ceased working on his case; and (3) advising Burrows that she did not complete the marital dissolution in his case, Respondent violated rule 3-700(A)(2) of the Rules of Professional Conduct which imposes a duty to properly withdraw from a client's representation.

By not (1) responding to the cross-complaint filed by Vietra; (2) keeping apprised of the events of the case, including the Notice for Entry of Default, the subsequent Motion to Set Aside Default, and the



Court's denial of said Motion; (3) properly supervising the activities of her office staff, specifically the filing of documents bearing Respondent's purported signature without her knowledge; (4) seeking a release of all cross-claims prior to a dismissal of Simeone's claims; and (5) remaining in court for the prove-up hearing on the default, Respondent failed to perform with competence, in willful violation of 3-110(A), Rules of Professional Conduct. Further, by not advising Simeone of the entry of default on the cross-complaint, Respondent failed to inform her client of a significant development in the case, in willful violation of section 6068(m) of the Business and Professions Code.

### **PENDING PROCEEDINGS**

The disclosure date referred to, on page 2, paragraph A(7), was October 8, 2009.

### **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 8, 2009, the costs in this matter are \$4,011.00. 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.

### **MITIGATING CIRCUMSTANCES**

During the time period of the misconduct, Respondent's infant grand-daughter and adult daughter were diagnosed with Congenital Myotonic Dystrophy, a degenerative and terminal genetic disorder. Respondent's grand-daughter passed away from the disorder during the time period of the misconduct. At the same time, Respondent's adult daughter's physical condition was steadily and rapidly deteriorating. Respondent provided constant care to her daughter, which prevented her from dedicating an adequate amount of time to her law practice. As a result, Respondent was unable to properly supervise her office staff, stay informed of developments in her clients' cases and respond to client inquiries. Her daughter and grand-daughter's illness placed an extreme amount of emotional and financial stress on Respondent. Respondent no longer maintains her own law practice. Instead, Respondent now practices under the supervision of other attorneys allowing her to better balance the needs of her family and her professional obligations.

### **AGGRAVATING CIRCUMSTANCES**

Standard 1.2(b)(i) provides that the existence of prior record of discipline and the nature and extent of that record must be considered in aggravation. Respondent was privately reprimanded on January 7, 2003 pursuant to a stipulation resolving State Bar Case Nos. 02-O-11180 and 02-O-12539.

Standard 1.2(b)(iv) provides that whether the member's misconduct harmed significantly a client, the public or the administration of justice, must also be considered in aggravation. As a result of Respondent's misconduct, Burrows' marital dissolution was delayed and he paid \$900 for a service which was not completed.

As a result of Respondent's misconduct, a default judgment in the amount of \$21,175.35 was entered against Simeone.

## AUTHORITIES SUPPORTING DISCIPLINE

### A. STANDARDS

Standard 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct (“Standard(s)”) provides that “Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 1.7(a) provides that where a member has previously been found culpable of any misconduct, the degree of discipline imposed shall be greater than that imposed in the prior proceeding.

Standard 2.6(a) of the Standards provides that violations of section 6068 shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline.

### B. CASELAW

In *In the matter of Kennon* (1997) 1 Cal. State Bar Ct. Rptr. 267, the Respondent was actually suspended for 30 days and received two years stayed suspension where he abandoned two clients in less than three years and retained \$2000 in unearned fees from one of the clients. In mitigation, the Court considered that Respondent had no prior discipline in his eleven years of practices. However, the Court declined to consider the breakup of Respondent’s marriage and the illness and death of his mother in mitigation citing that Respondent failed to demonstrate that these were causal factors in his misconduct.

In *In re Sullivan*, (1997) 3 Cal. State Bar Ct. Rptr. 608, Respondent was actually suspended for 60 days and received one year stayed suspension. Respondent’s secretary hid a number of notices of various dates and proceedings in her desk prior to leaving for a vacation from which she did not return. She was terminated and a subsequent search of her desk revealed the missing documents. In two client matters, the client’s cases were dismissed due to Respondent’s failure to appear. Respondent was later able to set aside both dismissal. Unrelated to the secretary’s conduct, Respondent’s office inadvertently closed a client’s case and placed it in storage. As a result, the client’s action was dismissed. Respondent did not learn of the dismissal or notify the client until approximately a year and a half later. In yet another client matter, where the Respondent did not context culpability on appeal, the client’s matter was dismissed and Respondent was unable to set aside the dismissal. The Court found violations of rule 3-110(A) of the Rules of Professional Conduct and section 6068(m) of the Business and Professions Code, noting that: “[t]he fact that the file was misplaced, or that there was misconduct by an employee, cannot excuse the failure to maintain an information system that permits a lawyer to periodically check the status of his or her cases.” *In re Sullivan*, (1997) 3 Cal. State Bar Ct. Rptr. 608, 612. In aggravation the Court considered the harm to Respondent’s clients, specifically the dismissal of their cases. In mitigation, the Court considered Respondent’s 21 years of unblemished practice.

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| In the Matter of<br>KAREN L. MCKINNEY | Case number(s):<br>08-O-12847; 08-O-13982 |
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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.

11.05.09  
Date

KL McKinney  
Respondent's Signature

Karen L. McKinney  
Print Name

11/9/09  
Date

J. A. O'J  
Respondent's Counsel Signature

JAMES R DiFrank  
Print Name

10/8/09  
Date

E. Kreeditor  
Deputy Trial Counsel's Signature

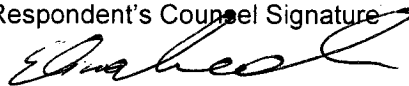
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| In the Matter of<br><b>KAREN L. MCKINNEY</b> | Case number(s):<br><b>08-O-12847; 08-O-13982</b> |
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**SIGNATURE OF THE PARTIES**

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.

|                        |   |                                     |
|------------------------|---|-------------------------------------|
| Date                   | Respondent's Signature  | Print Name                          |
| Date<br><i>10/8/09</i> | Respondent's Counsel Signature<br> | Print Name<br><i>Elinn Kreditor</i> |
| Date                   | Deputy Trial Counsel's Signature  | Print Name                          |

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| In the Matter Of<br><b>KAREN L. MCKINNEY</b> | Case Number(s):<br><b>08-O-12847; 08-O-13982</b> |
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**ORDER**

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

11/14/09  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 23, 2009, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

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


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

**JAMES RICHARD DIFRANK  
12227 PHILADELPHIA ST  
WHITTIER, CA 90601 - 3931**

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

**ELINA KREDITOR, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 23, 2009.

  
\_\_\_\_\_  
Tammy Cleaver  
Case Administrator  
State Bar Court