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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  BRANDON K. TADY DEPUTY TRIAL COUNSEL STATE BAR OF CALIFORNIA 1149 South Hill Street Los Angeles, California 90015  Bar # 83045	Case Number(s): 08-O-12927, 08-O-13850, 08-O-14467, 09-O-12229, 09-O-12297, 10-N-01771, 10-O-02693, and 10-O-06416	For Court use only  <div style="text-align: center;"> <b>PUBLIC MATTER</b>   <b>FILED</b>                            OCT 17 2011                           STATE BAR COURT CLERK'S OFFICE                          SAN FRANCISCO                     </div>
In Pro Per Respondent  PATRICK JAMES MANSHARDT 259 Fremont Avenue Monterey Park, California 91754  Bar # 178085	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: PATRICK JAMES MANSHARDT  Bar # 178085  A Member of the State Bar of California (Respondent)	(This section is merged into the previous row's content for better readability)	

**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 1, 1995.
- (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 31 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."



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- (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 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three (3) billing cycles following the effective date of the Supreme Court Order in this matter.. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are 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 07-O-10914
  - (b)  Date prior discipline effective February 28, 2009
  - (c)  Rules of Professional Conduct/ State Bar Act violations: California Business and Professions Code, sections 6125, 6126, 6068(a), 6106, and 6068 (i).
  - (d)  Degree of prior discipline two (2) years suspension stayed, two year probation with conditions, and 60 days actual suspension.
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.  
  
State Bar Court case number 08-O-10265, December 10, 2009 (effective date of discipline), California Rules of Professional Conduct rule 3-700 (b) (2), California Business and Professions Code, section 6103 and 6068 (i) (violations), two (2) years suspension stayed, 120 days actual suspension and until the Court grants a motion to terminate suspension,(degree of prior discipline).
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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- (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. See Stipulation of facts and Conclusions of Law.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Stipulation of Facts and Conclusions of Law.
- (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. See Stipulation of Facts and Conclusions of Law.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Stipulation of facts and Conclusions of Law.
- (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. See Stipulation of facts and Conclusions of Law.

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- (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. See Stipulation of Facts and Conclusions of Law.
- (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. See Stipulation of Facts and Conclusions of Law.
- (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 three (3) 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 (3) 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 18 months.
- 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 the 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: Respondent completed Ethics School within the last two (2) years on October 28, 2010.
- (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:

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- |   |   |
|---|---|
| <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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: Respondent took and passed the MPRE within the past two (2) years on August 6, 2010.
- (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:** Respondent must comply with orders from the United States District Court in "California Coalition of Undressed Performers, et. al. vs. Spearmint Rhino, et. al.", case number 08-CV-04038 requiring him to pay sanctions and attorney's fees.

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In the Matter of: <b>PATRICK JAMES MANSARDT</b>	Case Number(s): 08-O-12927, 08-O-13850, 08-O-14467, 09-O-12229, 09-O-12297, 10-N-01771, 10-O-02693, AND 10-O-06416
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**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
Donna Meixner	\$1000.00	the effective date of the Supreme Court's Order in this matter.

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 60 days after the effective date of the Supreme Court's Order in this matter..

**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

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**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.



The Police Officers included: Donna Leonard Meixner (“Meixner”), Narda Gillespie (“Gillespie”), Mark Osuna (“Osuna”), Frederick Schiff (“Schiff”), Kurt Bruneman (“Bruneman”), Dennis Quinn (“Quinn”) and others.

7. Respondent agreed to represent each Police Officer plaintiff in exchange for a contingency fee. Respondent also asked for and received \$2500 in advance costs from each Police Officer plaintiff. Later Respondent asked each Police Officer Plaintiff to pay an extra \$1,000 in advance costs in addition to the \$2500. Only Meixner and Quinn paid Respondent an additional \$1000. Meixner and Quinn each paid Respondent \$3500 for advance costs.

8. On or about January 16, 2003, Plaintiff Frederick Schiff filed a civil complaint in the San Francisco County Superior Court captioned *Frederick Schiff vs. The City and County of San Francisco, et. al.* bearing case number CGC-03-416466. On or about September 25, 2003, the attorneys representing defendants City and County of San Francisco removed Schiff’s Superior Court complaint to the United States District Court where it was assigned United States District Court case number C-03-4345 MMC (“*Schiff Lawsuit*”).

9. On or about June 8, 2004, Respondent filed a complaint on behalf of ten of the Police Officers, including Meixner, captioned *Narda Gillespie, et. al. vs. The City and County of San Francisco, et. al.*, United States District Court case number C-04-2261 MMC (“*Gillespie Lawsuit*”).

10. On or about June 8, 2004, Respondent filed a complaint on behalf of Osuna captioned *Mark Osuna, et. al. vs. The City and County of San Francisco, et. al.*, United States District Court case number C-04-2262 MMC (“*Osuna Lawsuit*”). The *Schiff Lawsuit*, the *Gillespie Lawsuit*, and the *Osuna Lawsuit* together contain the twelve Police Officer’s claims.

11. On June 9, 2004 and June 10, 2004, the United States District Court filed orders relating the *Gillespie Lawsuit*, the *Osuna Lawsuit*, and the *Schiff Lawsuit*.

12. On or about November 24, 2004, Respondent filed a Second Amended Complaint on behalf of Osuna in case number C-04-2262 MMC (“*Second Amended Complaint*”). On or about November 24, 2004, Respondent filed a Second Amended Complaint in the *Gillespie Lawsuit*.

13. In 2005-2006, Respondent participated in mediations with the defendants in the *Gillespie, Osuna, and Schiff Lawsuits*. In or around January 2006, Respondent entered into an aggregate settlement

on behalf of the Police Officers in the amount of \$1.6 million. This settlement resolved all of the twelve Police Officers' claims against the City and County of San Francisco and the other defendants.

14. On or about June 13, 2005, during the second mediation session in the *Gillespie, Osuna, and Schiff Lawsuits*, Respondent offered Meixner \$60,000 as her share of the settlement against the City and County of San Francisco and the other defendants. Respondent offered Osuna \$50,000 as his share of the settlement. Osuna told Respondent he felt he should receive the same \$60,000 share as Meixner. Respondent told Meixner that Osuna would not agree to accept \$50,000 if Meixner settled her case for \$60,000.

15. Respondent told Meixner that he wanted to settle the Police Officer's claims for \$1.6 million and to do this he needed Osuna's consent to the settlement.

16. Respondent recommended to Meixner that she publicly agree to accept \$50,000 as her share of the settlement so the record of the settlement would show that she and Osuna settled their claims for the same amount (\$50,000) and so that Osuna would agree to the \$1.6 million settlement offer. Respondent told Meixner that if she publicly agreed to accept \$50,000 as her share of the settlement, Respondent would privately pay her an additional \$10,000 from his attorney's fees so that Meixner's total settlement, in fact, would be \$60,000. Respondent told Meixner not to tell Osuna about this additional \$10,000 payment.

17. On or about March 7, 2006, Meixner sent an e-mail to Respondent confirming the verbal agreement that she would receive \$60,000 as her share of the settlement. Respondent received the e-mail. Respondent also spoke with Meixner by telephone and told Meixner that, if Osuna knew Meixner would receive \$60,000, Osuna would not agree to the aggregate settlement.

18. Meixner told Respondent she would follow his recommendation and publicly agree that her share of the settlement was \$50,000 on condition that Respondent privately pay her an additional \$10,000 so that her total settlement would be \$60,000. Respondent told Meixner that, in exchange for her agreement to publicly accept \$50,000, he would privately pay her an additional \$10,000.

19. Respondent never told Osuna that Meixner would receive \$60,000.

20. Osuna settled his claim for \$50,000.

21. In early May, 2008, Meixner received a settlement check in the amount of \$50,000 for her claims against the City and County of San Francisco and the other defendants. On or about May 7, 2008, Meixner called Respondent and left a voice mail message asking him about the additional \$10,000 payment Respondent promised her. Respondent left a voice mail message for Meixner stating that he would send her a check for \$10,000 from his portion of the settlement. He told Meixner that he would send the check "next week."

22. Respondent concealed from Osuna that Meixner, in fact, would receive \$60,000 instead of \$50,000. Respondent concealed this information from Osuna so that Osuna would agree to the aggregate settlement.

23. From on or about September 18, 2006 to on or about March 14, 2007, Respondent was actually suspended and not entitled to practice law.

24. After Respondent entered into the aggregate settlement of \$1.6 million to resolve the Police Officers' claims, approximately seven of the Police Officers told Respondent they were unhappy with the terms of the settlement. These Police Officers hired a different attorney to represent them concerning their disagreements with Respondent about the settlement. Respondent continued to represent the other Police Officers who were parties to the settlement.

25. The dispute between the Police Officers concerning the settlement was submitted to arbitration. On or about November 29, 2006, while he was actually suspended and not eligible to practice law, Respondent filed an "Arbitration Statement" on behalf of Plaintiffs Schiff, Meixner, Brunemann, and Osuna in United States District Court case numbers C-03-6345-MMC, C-04-2261-MMC, and C-04-2262-MMC. In the Arbitration Statement, Respondent identified himself as the attorney for Schiff, Meixner, Bruneman, and Osuna. Respondent also wrote in the Arbitration Statement that Meixner's share of the aggregate settlement was \$60,000.

26. On or about March 1, 2006, Meixner asked Respondent to refund to her the additional \$1000 she paid in advance costs. Respondent told Meixner that he would refund the additional \$1,000 in advance costs to her.

27. Respondent never refunded the additional \$1,000 to Meixner.

28. On or about May 26, 2008, Meixner sent an e-mail to Respondent at his e-mail address: PJManshardtlaw@aol.com asking Respondent when he was going to pay her the additional \$1,000. Meixner also asked Respondent about the additional \$10,000. Meixner's e-mail was not returned as undeliverable. Respondent never responded to Meixner's May 26, 2008 e-mail.

29. On or about June 2, 2008, Meixner sent an e-mail to Respondent asking if he had received her May 26 e-mail. Respondent did not respond to Meixner's June 2, 2008 e-mail until June 28, 2008 when he sent an e-mail to Meixner stating he had not received her May 26, 2008 e-mail. On or about June 28, 2008, Meixner re-sent her May 26, 2008 e-mail to Respondent. Respondent never responded to Meixner's June 28, 2008 e-mail which included the May 26, 2008 e-mail.

30. Meixner also attempted to speak with Respondent by telephone. On or about June 9, 2008, Meixner called Respondent at his law office and was told Respondent was not in the office. Meixner left a voicemail message for Respondent telling him she was still waiting for the \$1,000 refund of the additional \$1,000 advance costs, and she asked Respondent to return her telephone message. In that telephone message, Meixner also asked about the additional \$10,000. Respondent never responded to Meixner's telephone message left at his office telephone number.

31. On or about June 19, 2008, Meixner called Respondent's cell phone number (213) 281-2675. Meixner was not able to speak with Respondent or leave a message. Instead, Meixner heard a recorded message stating that the number she dialed was not in service.

32. On or about June 30, 2008, Meixner called Respondent's cell phone number again. The cell phone number was back in service. Meixner left a message on Respondent's cell phone requesting he pay her the \$10,000, that he refund to her the \$1,000 in advanced costs. In that telephone message, Meixner asked Respondent to return her telephone message. Respondent never responded to Meixner's telephone message.

33. On or about June 30, 2008, after leaving a message on Respondent's cell phone, Meixner called Respondent's office and was told he was not in Meixner left a voice mail message on Respondent's office telephone requesting that he pay her the \$10,000, that he refund to her the \$1,000 for advanced costs. In her telephone message, Meixner also asked Respondent to respond to her telephone message. Respondent did not return Meixner's telephone message.

34. By, failing to respond to Meixner's telephone calls and e-mails, Respondent failed to respond promptly to Meixner's reasonable status inquiries.

35. On or about August 19, 2008, a State Bar investigator wrote to Respondent regarding an investigation opened pursuant to a complaint filed by Meixner ("Meixner Complaint").

36. On or about September 17, 2008, a State Bar investigator wrote to Respondent again regarding Meixner's Complaint.

37. On or about December 22, 2008, a State Bar investigator wrote to Respondent a third time regarding Meixner's Complaint.

38. The investigator's letters dated August 19, 2008, September 17, 2008, and December 22, 2008 requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar concerning Meixner's Complaint. Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

39. By not providing any written response to the State Bar investigator's three letters or otherwise cooperating with the State Bar in the investigation of Meixner's Complaint, Respondent failed to cooperate in a disciplinary investigation.

**STATEMENT OF STIPULATED CONCLUSIONS OF LAW:**

40. By concealing from Osuna the amount Meixner would receive in settlement, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of California Business and Professions Code, section 6106.

41. By filing the Arbitration Statement on behalf of Plaintiffs Schiff, Meixner, Bruneman, and Osuna, Respondent held himself out to the United States District Court, to opposing counsel, and to the arbitrator as entitled to practice law and Respondent actually practiced law when he was not an active member of the State Bar in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby Respondent failed to support the laws of the State of California in wilful violation of California Business and Professions Code, section 6068 (a).

42. By filing the Arbitration Statement on behalf of Police Officers Schiff, Meixner, Bruneman, and Osuna when he knew or was grossly negligent in not knowing that he was actually suspended and

not entitled to practice law, Respondent committed an act, or acts, involving moral turpitude, dishonesty or corruption in wilful violation of California Business and Professions Code, section 6106..

43. By misappropriating \$1,000 from Meixner, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of California Business and Professions Code, section 6106.

44. By failing to promptly pay the \$1,000 to Meixner, Respondent failed to promptly pay or deliver, as requested by the client, any funds in Respondent's possession that Meixner was entitled to receive in wilful violation California Rules of Professional Conduct, rule 4-100 (B) (4).

45. By, failing to respond to Meixner's telephone calls and e-mails, Respondent failed to respond promptly to Meixner's reasonable status inquiries in wilful violation of California Business and Professions Code, section 6068(m).

46. By not providing any written response to the State Bar investigator's three letters or otherwise cooperating with the State Bar in the investigation of Meixner's Complaint, Respondent failed to cooperate in a disciplinary investigation in wilful violation of California Business and Professions Code, section 6068(i).

Case No. 08-O-13850 (Complainant: Peter Kelman)

**STATEMENT OF STIPULATED FACTS:**

47. On or about March 14, 2008, the State Bar's Membership Records office sent Respondent a letter titled "Notice of Intent to Suspend Bar Membership for Failure to Pay Court Ordered Child or Family Support". The March 14, 2008 letter was sent to Respondent's State Bar official membership records address. The letter informed Respondent that he would be suspended from the practice of law effective August 16, 2008 unless a release had "been generated by the appropriate local Child Support agency and received from them by the Membership Records Department of the State Bar of California by 5 pm on Friday August 15, 2008." Respondent received the letter.

48. On or about May 30, 2008, the State Bar's Membership Records office sent Respondent a letter titled "Second Notice of Intent to Suspend Bar Membership for Failure to Pay Court Ordered Child or Family Support". The May 30, 2008 letter was sent to Respondent's official State Bar

membership records address. The letter informed Respondent that he would be suspended from the practice of law effective August 16, 2008 unless a release had “been generated by the appropriate local Child Support agency and received from them by the Membership Records Department of the State Bar of California by 5 pm on Friday August 15, 2008.” Respondent received the letter.

49. On or about July 18, 2008, the California Supreme Court entered an order in Supreme Court case number S165296 suspending Respondent from the practice of law as a result of Respondent’s failure to pay court ordered child support. On or about August 20, 2008, the State Bar’s membership records office properly served a copy of this Order on Respondent at his State Bar membership records address. On August 16, 2008, the Supreme Court’s Order suspending Respondent from the practice of law became effective. Respondent remained suspended until September 17, 2008 when he was reinstated to active status.

50. On or about August 22, 2008, while Respondent was actually suspended and not eligible to practice law, Respondent filed a Complaint for Damages in the United States District Court, Central District of California, entitled *Robert Townsend v. Akami Technologies, Inc., Nellymoser, Inc., et al.*, Case No. CV08-05534 MMM (FFMx) (“Townsend Lawsuit”). In the Townsend Complaint for Damages, Respondent identified himself as the attorney for Plaintiff Robert Townsend.

51. On or about September 16, 2008, attorney Peter Kelman, counsel for defendant Nellymoser, Inc. sent a letter to the United States District Court with a copy of the letter to Respondent informing the Court and Respondent that, at the time Respondent filed the Townsend Complaint, Respondent was actually suspended and not eligible to practice law. Respondent received attorney Kelman’s letter.

52. On or about September 4, 2008, the United States District Court filed an “Order To Show Cause Why Action Should Not Be Dismissed For Lack Of Subject Matter Jurisdiction” (“OSC”). On or about September 18, 2008, while Respondent was actually suspended and not eligible to practice law, Respondent filed a document on behalf of Plaintiff Robert Townsend entitled “Plaintiff Robert Townsend’s Response To The Court’s Order To Show Cause Re Subject Matter Jurisdiction” (“Response”). In the Response, Respondent identified himself as the attorney for Plaintiff Robert Townsend.

53. Before filing the Townsend Complaint for Damages and the Response to the OSC in the Townsend Lawsuit, Respondent knew or was grossly negligent in not knowing that he was actually suspended and not eligible to practice law.

54. On or about September 15, 2008, the State Bar opened an investigation, case no. 08-O-13850, pursuant to a complaint filed by Peter Kelman ("the UPL matter").

55. On or about November 13, 2008, a State Bar investigator wrote to Respondent regarding the UPL matter.

56. On or about December 22, 2008, a State Bar investigator wrote to Respondent again regarding the UPL matter.

57. The State Bar investigator's letters requested that Respondent respond in writing to the allegations in the letters dated September 15, 2008, November 13, 2008, and December 22, 2008 in the UPL matter. Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

#### **STATEMENT OF STIPULATED CONCLUSIONS OF LAW:**

58. By filing the Townsend Complaint for Damages on August 22, 2008 and by filing the Response on September 18, 2008, Respondent held himself out to the United States District Court as entitled to practice law and actually practiced law when he was not an active member of the State Bar in willful violation of California Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of California Business and Professions Code, section 6106.

59. By filing the Townsend Complaint for Damages and the Response to the OSC when he knew or was grossly negligent in not knowing that he was actually suspended and not entitled to practice law, Respondent committed an act, or acts, involving moral turpitude, dishonesty or corruption in wilful violation of California Business and Professions Code, section 6106.

60. By not providing a written response to the allegations in the UPL matter or otherwise cooperating in the investigation of the UPL matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of California Business and Professions Code, section 6068(i).

**STATEMENT OF STIPULATED FACTS:**

61. On or about June 12, 2008, the California Supreme Court entered an order in Supreme Court case number S164208 suspending Respondent from the practice of law as a result of Respondent's failure to pay State Bar membership fees. The Supreme Court's Order became effective on July 1, 2008. Respondent remained suspended until August 1, 2008 when he was reinstated to active status following payment of his State Bar membership fees.

62. On or about June 18, 2008, the State Bar's membership records office properly served a copy of this order on Respondent at his State Bar official membership records address.

63. On or about August 16, 2008, Respondent was actually suspended and not entitled to practice law for non-compliance with Child and Family Support payments. Respondent remained actually suspended until on or about October 1, 2008.

64. From on or about February 28, 2009 to on or about February 4, 2011, Respondent was actually suspended and not entitled to practice law.

65. Beginning on or about June 19, 2008, Respondent represented the plaintiffs in a lawsuit titled "*California Coalition of Undressed Performers, et al. v. Spearmint Rhino, et al.*" case number 08-CV-04038" (the "Spearmint Rhino Case").

66. On or about August 17, 2008, while Respondent was actually suspended and not eligible to practice law, Respondent filed a "Request To Enter Default Against Defendant "Score" in case number 08-CV-04038 ("Request To Enter Default"). In the Request To Enter Default, Respondent identified himself as the attorney for Plaintiffs in the Spearmint Rhino Case.

67. On or about September 22, 2008, while Respondent was actually suspended and not eligible to practice law, Respondent filed a "Plaintiffs' Opposition To Olympic Avenue Venture, Inc.'s Motion To Dismiss..." ("Opposition"). In the Opposition, Respondent identified himself as the attorney for Plaintiffs in the Spearmint Rhino Case.

68. On or about March 3, 2009, while Respondent was actually suspended and not eligible to practice law, Respondent filed a Second Amended Complaint in case number CV-04038 ("Second

Amended Complaint”). In the Second Amended Complaint, Respondent identified himself as the attorney for the Plaintiffs in the Spearmint Rhino Case.

69. On or about December 8, 2008, a State Bar investigator wrote to Respondent regarding case number 08-O-14467 opened pursuant to a complaint filed by attorney Clyde Dewitt.

70. On or about January 02, 2009, a State Bar investigator wrote to Respondent again regarding case 08-O-14467.

71. The investigator's letters dated December 8, 2008 and January 2, 2009 asked Respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in case 08-O-14467. Respondent did not respond to the State Bar investigator's two letters or otherwise communicate with the investigator.

72. By not providing a written response to the allegations in case 08-O-14467 matter or otherwise cooperating in the investigation of case 08-O-14467, Respondent failed to cooperate in a disciplinary investigation.

**STATEMENT OF STIPULATED CONCLUSIONS OF LAW:**

73. By filing the Request To Enter Default, the Opposition, and the Second Amended Complaint in the Spearmint Rhino Case while he was actually suspended and not eligible to practice law, Respondent held himself out to the court as entitled to practice law and actually practiced law when he was not an active member of the State Bar in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of California Business and professions Code, section 6068 (a).

74. By not providing a written response to the allegations in case 08-O-14467 matter or otherwise cooperating in the State Bar's investigation of case 08-O-14467, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code, section 6068 (i).

**STATEMENT OF STIPULATED FACTS:**

75. On or about April 7, 2009, the Court in the Spearmint Rhino case ordered Respondent to pay \$1,480 in attorneys' fees no later than April 17, 2009 to Defendant Olympic Avenue Venture Inc ("OAV"), one of the defendants in the Spearmint Rhino Case.

76. On or about April 16, 2009, Respondent filed a motion seeking a 60-day extension of the April 17, 2009 deadline. The court granted Respondent's motion in part and set a new deadline of May 7, 2009 for Respondent to pay the sanction. The Court also granted OAV's motion for attorneys' fees in the amount of \$4,141.42. The Court ordered Respondent to pay the sanctions and attorney's fees by May 7, 2009. Respondent was required to pay a total of \$5,621.42 no later than May 7, 2009 to OAV.

77. Respondent failed to pay the court ordered sanctions and attorney's fees by the May 7, 2009 deadline. OAV requested further relief from the Court, including a finding of contempt.

78. On or about May 14, 2009, the Court ordered Respondent to pay the \$5,621.42 to OAV immediately and it issued an "Order To Show Cause" ("OSC") requiring Respondent to file his response no later than May 29, 2009 why he should not be held in contempt. Respondent did not file a response to the OSC by May 29, 2009. Instead, Respondent filed a response on or about June 1, 2009. In his response, Respondent claimed that he should not be held in contempt because it was impossible for him to pay the sanctions and attorneys' fees. The court rejected Respondent's claim that it was impossible for him to pay the sanctions and attorneys' fees. The Court ordered Respondent to pay a minimum of \$50 per month to OAV starting September 1, 2009 until the sanctions were paid in full. In addition, the Court ordered Respondent to pay an additional \$2,032.54 to OAV for costs and attorneys' fees.

79. Respondent failed to make the first payment on September 1, 2009 as ordered by the Court. On September 21, 2009, the Court found Respondent in contempt of court and ordered Respondent deliver by hand the payment to OAV by September 23, 2009, or to self-surrender to the U.S. Marshal's office. Respondent made the payment. The Court also ordered Respondent to notify the Court by the third day of each month of payments being made.

80. On November 3, 2009, the Court issued a bench warrant for Respondent's arrest because Respondent did not notify the Court by the third day of November of the payment being made.

81. On or about June 12, 2008, the California Supreme Court entered an order (S164208), effective on July 1, 2008, suspending Respondent from the practice of law as a result of Respondent's failure to pay State Bar membership fees. On or about June 18, 2008, the State Bar's membership records office properly served a copy of this order on the Respondent at his State Bar membership records address. Respondent remained suspended until he paid his fees and was reinstated to active status on or about August 1, 2008.

82. On or about June 18, 2008, Respondent met and conferred with attorney Peter Garrell. In that meet and confer, Respondent identified himself as the attorney for the Plaintiffs in the Spearmint Rhino Case.

83. On or about July 30, 2008, while Respondent was actually suspended and not eligible to practice law, Respondent met and conferred with attorney Peter Garrell. In that meet and confer, Respondent identified himself as the attorney for Plaintiffs in the Spearmint Rhino Case.

84. On or about August 17, 2008, while Respondent was actually suspended and not eligible to practice law, he met and conferred with attorney Peter Garrell. In that meet and confer, Respondent identified himself as the attorney for the Plaintiffs in the Spearmint Rhino case.

85. On or about June 8, 2009, a State Bar investigator wrote to Respondent regarding case number 09-O-12229 opened pursuant to a complaint filed by attorney Peter Garrell. The letter was sent to Respondent's State Bar Membership Records address, however the letter was returned with "Return to Sender" stamped on it, and the word "moved" handwritten below that.

86. On or about November 9, 2009, a State Bar investigator wrote to Respondent again regarding case 09-O-12229. The letter was sent to Respondent's updated State Bar Membership Records address.

87. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in case 09-O-12229. Respondent did not respond to the investigator's letters dated June 8, 2009 and November 9, 2009 or otherwise communicate with the investigator.

**STIPULATED CONCLUSIONS OF LAW:**

88. By failing to obey orders of the Court to pay sanctions and attorneys' fees, Respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of California Business and Professions Code, section 6103.

89. By meeting and conferring on three occasions with attorney Garrell while he was suspended from the practice of law, Respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of California Business and Professions Code, section 6068(a).

90. By not providing a written response to the State Bar investigator's letters dated June 8, 2009 and November 9, 2009, or otherwise cooperating in the investigation of case number 09-O-12229, Respondent failed to cooperate in a disciplinary investigation.

Case No. 09-O-12229  
Business and Professions Code, section 6068(j)  
[Failure to Update Membership Address]

**STATEMENT OF STIPULATED FACTS:**

91. On or about June 8, 2009, a State Bar investigator wrote to Respondent regarding case number 09-O-12229 opened pursuant to a complaint filed by attorney Peter Garrell. The letter was sent to Respondent's State Bar Membership Records address, however the letter was returned with "Return to Sender" stamped on it, and the word "moved" handwritten below that.

92. On or about September 28, 2009, Respondent notified the membership records office of the State Bar of the change in his official membership records address.

**STIPULATED CONCLUSIONS OF LAW:**

93. By waiting more than thirty days to notify the State Bar of the change in his official membership records address, Respondent failed to maintain on the official membership records of the State Bar a current office address and telephone number or, if no office is maintained, the address to be used for State Bar purposes in wilful violation of California Business and Professions Code, section 6068(j).

Case No. 09-O-12297 (Complainant: Patrick Baghdaserians)

94. Respondent willfully violated Business and Professions Code, section 6068(a), by advertising or holding himself out as practicing or entitled to practice law or otherwise practicing law when he was not an active member of the State Bar in violation of Business and Professions Code, sections 6125 and 6126, as follows:

95. On or about March 7, 2009, Respondent was ordered placed on inactive status and not eligible to practice law pursuant to Business and Professions Code 6007(e). Respondent was not returned to active status until on or about February 4, 2011.

96. On or about April 29, 2009, while Respondent was on inactive status and not eligible to practice law, Respondent telephoned Patrick Baghdaserians ("Baghdaserians"), the opposing counsel in *Stanley Luckhardt v. Wai Yee Chanson*, Case number BD482412 (the "Chanson Case"), and left a message making a settlement offer. In that telephone message, Respondent identified himself as the attorney Plaintiff in the Chanson Case.

97. On or about April 30, 2009, a hearing was held in the Chanson Case on an Order To Show Cause ("OSC") for Respondent's contempt resulting from Respondent's failure to respond to discovery. The Court continued the OSC. At the continued hearing of the OSC, the Court ordered Respondent sanctioned for not responding to discovery orders. The Court also expressed its concern that Respondent continued to confer with his client in Court during the OSC hearing.

98. Respondent knew or was grossly negligent in not knowing that he was on inactive status and not eligible to practice law when he contacted Baghdaserians and made a settlement offer on behalf of Plaintiff in the Chanson Case.

**STIPULATED CONCLUSIONS OF LAW:**

99. By contacting Baghdaserians and making a settlement offer on behalf of Plaintiff in the Chanson Case, Respondent held himself out to the court as entitled to practice law and actually practiced law when he was not an active member of the State Bar in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of California Business and Professions Code, section 6068(a).

100. By contacting Baghdaserians and making a settlement offer on behalf of the Plaintiff in the Chanson Case when he knew or was grossly negligent in not knowing that he was on inactive status and not eligible to practice law, Respondent committed an act, or acts, involving moral turpitude, dishonesty or corruption in wilful violation of California Business and Professions Code, section 6106,.

Case No. 10-O-02693 (State Bar Investigation)

**STATEMENT OF STIPULATED FACTS:**

101. On January 29, 2009, the California Supreme Court filed its order in Supreme Court case number S168787 ("Order") In its Order, the Supreme Court ordered Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, that Respondent be placed on probation for two (2) years with conditions, and that he be actually suspended for 60 days. The Supreme Court's Order became effective on February 28, 2009.

102. Respondent's disciplinary probation included the requirement that he file Quarterly Reports due January 10, April 10, July 10, and October 10 during his two year probation period.

103. On March 2, 2009, the State Bar's Office of Probation sent a letter to Respondent concerning the conditions of his disciplinary probation including the requirement that Respondent timely file Quarterly Reports. Respondent received the letter.

104. Respondent filed his Initial Quarterly Report due on April 10, 2009 on December 18, 2009. This Initial Quarterly Report was untimely

105. Respondent filed his Quarterly Report due July 10, 2009 on July 13, 2009. This Quarterly Report was untimely

106. Respondent filed his Quarterly report due October 10, 2009 on October 14, 2009. This Quarterly Report was untimely.

**STATEMENT OF STIPULATED CONCLUSIONS OF LAW:**

107. By not timely filing his Initial Quarterly Report due April 10, 2009, by not timely filing his Quarterly Report due July 10, 2009, and by not timely filing his Quarterly Report due October 10, 2009, Respondent failed to comply with all conditions attached to his disciplinary probation in wilful violation of California Business and professions Code, section 6068 (k).

Case No. 10-O-06416 (State Bar Investigation)

108. On or about February 28, 2009, Respondent was actually suspended and not eligible to practice law. On or about February 4, 2011, Respondent was returned to active status.

109. On or about July 29, 2009, the United State District Court for the Northern District of California ordered Respondent removed from the roll of attorneys authorized to practice before that court ("Removal Order"). On July 29, 2009, the Court served the Removal Order on Respondent by United States Mail at his official membership records address.

110. On or about June 16, 2010, while Respondent was not authorized to practice law in the United States District Court for the Northern District of California because of the Removal Order, Respondent filed or caused to be filed a Notice of Association of Counsel in *Schiff v. City and County of San Francisco, et. al*, case number C 08-4627 PJH, and *Schiff v. Barrett, et al.*, Case number C 10-1051 PJH ("*Schiff Lawsuits*"). The *Schiff Lawsuits* were pending before the United State District Court for the Northern District of California. On or about June 16, 2010, Respondent appeared at a hearing in case no. C 10-1051 PJH on behalf of plaintiff Frederick Schiff.

111. At the time Respondent filed the Notice of Association of Counsel and appeared on behalf of Frederick Schiff at a hearing in the *Schiff Lawsuits*, Respondent knew or was grossly negligent in not knowing that he was not authorized to practice law in the United State District Court for the Northern District of California.

**STIPULATED CONCLUSIONS OF LAW:**

112. By filing the Notice of Association of Counsel and by appearing on behalf of Plaintiff Frederick Schiff in the *Schiff Lawsuits*, Respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of California Business and Professions Code, section 6103.

113. By filing the Notice of Association of Counsel and appearing on behalf of Plaintiff Frederick Schiff in the *Schiff Lawsuits* when he was actually suspended and not eligible to practice law both because of his actual suspension and because of the Court's Removal Order, Respondent held himself out to the court as entitled to practice law and actually practiced law when he was not an active

member of the State Bar in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in willful violation of California Business and Professions Code, section 6068 (a).

114. By filing the Notice of Association of Counsel and by appearing on behalf of Plaintiff Frederick Schiff in the *Schiff Lawsuits* when Respondent knew or was grossly negligent in not knowing that he was actually suspended and not eligible to practice law, Respondent committed an act, or acts, involving moral turpitude, dishonesty or corruption in willful violation of California Business and Professions Code, section 6106.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was September 14, 2011.

**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-12927	Four	California Business and Professions Code, section 6106
08-O-12927	Five	California Business and Professions Code, section 6106.
08-O-14467	Fourteen	California Business and Professions Code, section 6106
08-O-12229	Eighteen	California Business and Professions Code, section, 6106
10-N-01771	Twenty-Six	California Rules of Court, rule 9.20

**CIRCUMSTANCES IN AGGRAVATION.**

115. Respondent has two, prior State Bar disciplines in State Bar Court case numbers 07-O-10914 and 08-O-10265 (Standard 1.2 (b) (i)).

116. Respondent's misconduct evidences multiple acts of wrongdoing (Standard 1.2 (b) (ii)). Respondent committed misconduct in the matters involving Meixner, Kelman, Dewitt, Garrell, Baghdaserians, Schiff, and the plaintiffs in *California Coalition of Undressed Performers, et. al. vs. Spearmint Rhino, et. al.*

117. Respondent's misconduct involved a trust violation (Standard 1.2 (b) (iii)). Respondent failed to maintain \$1000 in trust for Meixner's benefit.

118. Respondent's misconduct caused harm to a client, the public, or the administration of justice. Respondent's misconduct caused harm to Osuna by concealing from him the actual amount of Meixner's settlement. Respondent caused harm to Meixner by not responding to her reasonable requests for status reports and by failing to refund to Meixner the \$1000 Meixner paid in advanced costs. Respondent harmed Kelman, Dewitt, Spearmint Rhino, and Baghdaserians, and the State and Federal Judiciaries by holding himself out as entitled to practice law and actually practicing law when he was not entitled to do so. Respondent also harmed Spearmint Rhino by not paying the sanctions and attorney's fees the United States District Court ordered Respondent to pay. (Standard 1.2 (b) (iv))

#### **CIRCUMSTANCES IN MITIGATION.**

119. Respondent experienced severe emotional difficulties and severe financial stress that caused or contributed to some of the stipulated misconduct. In May, 1998, Respondent was seriously injured in an automobile collision while on his way to a client's office. The accident was a head-on collision with the cars traveling a combined speed of 80 miles per hour. In the accident, Respondent's knees were shattered and his spinal cord injured which causes chronic pain to this day.

Because of Respondent's age, the doctor told him that knee transplants were not an option until he reached age 50 (in 2015). Respondent's doctors (including his orthopedic and his pain management doctor) placed him on a number of narcotic pain medications. Later, Respondent's doctors found that he was developing depression because of the chronic pain and prescribed anti-depressants and sleeping medication.

Respondent's wife filed for divorce in October 2002 and respondent largely lived alone until he remarried in October 2010.

While living alone, in January 2007, Respondent was the victim of a home invasion robbery, during which he was tortured, and left for dead, naked in a ditch. The torture consisted of Respondent being stabbed in the face, and being repeatedly beaten in the face and on the knees until they were bloody. Respondent has no memory of the incident and remembers only that he awoke while being placed in an ambulance.

This incident caused Respondent to become further depressed, and about a month later, again woke up in a mental hospital. In or around February 2007, Respondent had accidentally taken too many

of his medications and was found outside by the police wearing only a coat and babbling incoherently to himself. Respondent was committed to the Charter Oak Mental Hospital in West Covina under Welfare and Institutions Code § 5150, and diagnosed with “Major Depression.” He was released after two days.

In or around March 2007, Respondent was brought to Arcadia Methodist hospital after being found passed out on the street by the police. Respondent again has no memory of this incident except that he awoke in the hospital emergency room in restraints. After staying a week in the hospital, and numerous tests, the doctors told Respondent that his issues were being caused by an adverse reaction to Ambien, a sleeping medication that was prescribed for him. Respondent then stopped taking Ambien.

Because he was still experiencing financial difficulties, Respondent was living with his former brother-in-law in Venice. In October 2009, Respondent was assaulted by his brother-in-law and forced into the street. After this incident, Respondent was again admitted to Penn Mar Therapeutic Center (a psychiatric hospital in El Monte) under § 5150 because he was suicidal. Respondent remained confined at Penn Mar until his release in February 2010. Respondent was still homeless until he found lodgings in March 2010. After being released from Penn Mar, Respondent was classified as a transient and was being treated on an out-patient basis at Hollywood Mental Health, which is run by the L.A. County Department of Mental Health.

On August 1, 2010, Respondent was forced to leave his lodgings because he was unable to pay his rent. From August 1 to late September 2010, Respondent was homeless, living in homeless shelters on Skid Row in Los Angeles until late September 2010 (Standard 1.2 (e) (iv)).

During the time Respondent was experiencing emotional and financial difficulties, he did not regularly receive notices from the State Bar that he was actually suspended and not entitled to practice law. On some occasions when Respondent held himself out as entitled to practice law and actually practiced law when he was not entitled to do so, he did not know that he had been actually suspended. Respondent also had difficulty complying with the conditions of his probation because he was involuntarily hospitalized and unable to send mail to the Office of Probation.

120. Respondent cooperated with the State Bar in these disciplinary proceedings by admitting culpability for the misconduct alleged in Counts One, Two, Three, Six Seven Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fifteen, Sixteen, Seventeen, Nineteen, Twenty, Twenty-One, Twenty-Two, Twenty-

Three, Twenty-Four, and twenty-Five contained in the Notice of Disciplinary Charges (Standard 1.2 (e) v)).

121. Respondent was prepared to call good character witnesses on his behalf if this matter proceeded to trial (Standard 1.2 (e) (vi)).

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

122. Standard 1.3 provides that the purposes of sanctions of professional misconduct are protection of the public, the courts, and the legal profession, the maintenance of high professional standards by attorneys, and the preservation of public confidence in the legal profession.

123. Standard 1.6 provides that where a member is found culpable of two or more acts of professional misconduct and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

124. Standard 2.2 (a) provides that culpability of a member of wilful 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 one year actual suspension, irrespective of mitigating circumstances.

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

126. Standard 2.6 provides that culpability of a member of violation B&P Code, section 6068 shall result in disbarment or suspension depending on the gravity of the offense or harm, if any, to the victim with due regard to the purposes of imposing discipline set forth in Standard 1.3.

127. The discipline of 18 months actual suspension with the requirement of a Standard 1.4 (c) (ii) hearing, three years stayed suspension, and three year probation with conditions, and the requirements that he make restitution of \$1,000 to Meixner and pay the sanctions and attorney's fees ordered by the United States District Court in the Spearmint Rhino case is an appropriate level of discipline consistent with the Standards. Respondent's misconduct, although serious, was caused in part

by severe emotional and physical problems. These severe emotional and physical problems culminated in Respondent's involuntary hospitalization on three occasions for psychiatric problems. When Respondent was involuntarily hospitalized for psychiatric problems, Respondent was financially destitute. Respondent's misconduct also was caused by severe financial problems. As a result of Respondent's involuntary hospitalizations and financial difficulties, he lost his law practice, became homeless and he was living on skid row in Los Angeles where he did not have a telephone number or mailing address where he was able to receive notices from the Court, counsel, or the State Bar.

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.**

The parties waive any variance between the Notice of Disciplinary Charges filed on February 1, 2011 and the facts contained in this Stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the Notice of Disciplinary Charges.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A (7), was September 14, 2011.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 13, 2011, the prosecution costs in this matter are \$11,457.25. 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.

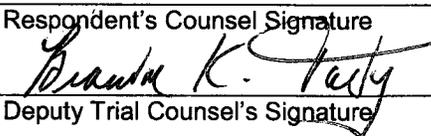
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In the Matter of: PATRICK JAMES MANSHARDT	Case number(s): 08-O-12927, 08-O-13850, 08-O-14467, 09-O-12229, 09-O-12297, 10-N-01771, 10-O-02693, AND 10-O-06416
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

10/03/11            PATRICK JAMES MANSHARDT  
Date      Respondent's Signature      Print Name

10/4/11            BRANDON K. TADY  
Date      Respondent's Counsel Signature      Print Name  
10/4/11            BRANDON K. TADY  
Date      Deputy Trial Counsel's Signature      Print Name

(Do not write above this line.)

In the Matter of: <b>PATRICK JAMES MANSHARDT</b>	Case Number(s): 08-O-12927, 08-O-13850, 08-O-14467, 09-O-12229, 09-O-12297, 10-N-01771, 10-O-02693, and 10-O-06416
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### ACTUAL SUSPENSION 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.

*PAGE 7 - FINANCIAL CONDITIONS -  
 DELETE - "THE EFFECTIVE DATE OF THE SUPREME COURT ORDER"  
 INSERT - "JANUARY 1, 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 5.58(E) & (F), 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.)**

10-13-11  
Date



Judge of the State Bar Court

**RICHARD A. PLATEL**

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); 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 October 17, 2011, 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:

PATRICK J. MANSARDT  
LAW OFFICE OF PATRICK J MANSARDT  
259 FREMONT AVE  
MONTEREY PARK, CA 91754

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

BRANDON K. TADY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 17, 2011.



Bernadette C.O. Molina  
Case Administrator  
State Bar Court