



ORIGINAL

(Do not write above this line.)

| | | |
|---|--|---|
| State Bar Court of California Hearing Department Los Angeles | | |
| <p>Counsel For The State Bar</p> <p>Mia R. Ellis Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1380</p> <p>Bar # 228235</p> | <p>Case Number (s) 09-C-11298</p> <p style="text-align: center; font-size: 24pt;">PUBLIC MATTER</p> | <p>(for Court's use)</p> <p style="text-align: center; font-size: 24pt;">FILED</p> <p style="text-align: center;">MAY 06 2010 <i>[Signature]</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> |
| <p>Counsel For Respondent</p> <p>Richard D. Kaplan Kaplan Marino 9454 Wilshire Blvd., Suite 500 Beverly Hills, CA 90212</p> <p>Bar # 130586</p> | <p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> | |
| <p>In the Matter Of: Ronald Stewart Orr</p> <p>Bar # 54257</p> <p>A Member of the State Bar of California (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 14, 1972.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 9 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".

(Do not write above this line.)

- (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):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years: Costs to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court order: 2011, 2012, 2013
(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
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

(Do not write above this line.)

- (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:

Respondent's act of brandishing a firearm is dangerous to the public.

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. Please see attachment page 8.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.

- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. Please see attachment page 8.
- (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:

Respondent voluntarily entered a 30-day Residential Treatment Program. He completed the program on February 13, 2009.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of two years.
- (2) During the condition period attached to the reproof, 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 condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of

(Do not write above this line.)

Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproof.
- (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) 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 within one year of the effective date of the reproof.
- No MPRE recommended. Reason:
- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Ronald Stewart Orr

CASE NUMBER(S): ET AL. 09-C-11298

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Facts

1. On August 4, 2008, Respondent was driving through LAX. Witness/victim Phillip Salvatti, who was driving behind Respondent, honked a few times. Respondent slowed down and brandished a gun. Mr. Salvatti called the police and gave a description of Respondent's vehicle. Respondent had a concealed weapons permit. At the scene, Respondent admitted to brandishing his gun at another driver.
2. On June 5, 2009, Respondent pled no contest to violating penal code section 417(a)(1), drawing or exhibiting any deadly weapon whatsoever, other than a firearm in a rude, angry, or threatening manner, a misdemeanor. He received 36 months summary probation, two days in jail, requirement to attend a live-in program, and an anger management program. Respondent's concealed weapons permit was revoked.
3. On September 3, 2009, Respondent completed 12 sessions of an anger management program.

Conclusions of Law

The parties stipulate that by violating California Penal Code section 417(a)(1), Respondent did not commit acts involving moral turpitude; however, Respondent committed other misconduct warranting discipline.

The parties further stipulate that by violating California Penal Code sections 417(a)(1), Respondent violated California Business and Professions Code section 6068, subdivision (a), which imposes a duty upon Respondent to support the Constitution and laws of the United States and of this state.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was April 15, 2010

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 15, 2010, the prosecution costs in this matter are \$1,636. 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.

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING.

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On June 5, 2009, Respondent was convicted of violating Penal Code Section 417(a)(1).
3. On November 30, 2009, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending the discipline to be imposed in the event the hearing department finds that the facts and circumstances surrounding the misdemeanor violation of Penal Code section 417, subdivision (a)(1) (exhibiting a deadly weapon), of which Ronald Stewart Orr was convicted, involved moral turpitude or other misconduct warranting discipline.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 3.4 states that when a member has been convicted of a crime not involving moral turpitude, the sanction shall be according to those prescribed under Part B of the standards appropriate to the nature and extent of the misconduct.

Under Part B, the appropriate standard is 2.6 – the standard applicable to violations of Business and Professions Code section 6068(a), failure to obey the law. Standard 2.6 states that the level of discipline shall be disbarment or suspension.

In the Matter of Burns (1995) 3 Cal. State. Bar Ct. Rptr. 406, Respondent was a reserve police officer. He was convicted of felony assault with a firearm, penal code 245(a)(2), enhanced by the admitted discharge of a firearm at an occupied motor vehicle, causing great bodily injury. This case involves an altercation between two motorists on a crowded freeway. Review Department concluded that respondent's actions did not demonstrate moral turpitude. Respondent received two years stayed and two years probation, and no actual suspension. Burns had been practicing for seven years without a prior. The facts of road rage are similar to the underlying case and also Respondent does not have a prior record of discipline. However, in the instant case, Respondent did not point the gun at the victim/witness, did not discharge his weapon, and there was no bodily injury.

In In the Matter of Phillip Francinella 1 Cal. State Bar Ct. Rptr. 54, Respondent was convicted of two counts of exhibiting a replica of a firearm in a threatening manner to cause fear of bodily harm to another in violation of penal code section 417.2 subdivision (a). Respondent was involved in a number of disagreements with his office building landlord. Respondent received a three-day notice to quit the premises. Respondent confronted the landlord, 10-15 ft away, arms fully extended with what was believed to be a gun. The landlord turned around and heard the sound of click. The Review Department found moral turpitude. Although the charge in *Burns* is similar to the underlying case, the facts in the instant case can be distinguished as it did not involve the practice of law. Moreover, in the instant case, Respondent did not point the gun at the victim/witness and the encounter occurred over a very short period of time.

In the present case, Respondent has no prior record of discipline and his misconduct does not relate to his practice of law. Moreover, the facts and circumstances surrounding Respondent's misconduct are less egregious than those found in *In the Matter of Burns* and *In the Matter Francinella*. Given the

totality of circumstances, a public reproof is an appropriate level of discipline and sufficient to protect the public, the courts, and the profession.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Although the misconduct herein is serious, Respondent has had no prior record of discipline since being admitted to the practice of law on December 14, 1972.

FACTS SUPPORTING ADDITIONAL MITIGATING CIRCUMSTANCES

Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.

Respondent provided character letters from references in the legal and general communities.

STATE BAR ETHICS SCHOOL.

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

COMPLIANCE WITH CONDITIONS OF PROBATION IN UNDERLYING CRIMINAL MATTER.

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

(Do not write above this line.)

| | |
|--|-------------------------------|
| In the Matter of Ronald Stewart Orr | Case number(s): 09-C-11298 |
|--|-------------------------------|

SIGNATURE OF THE PARTIES

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

| | | |
|------------------------|---|-------------------------------------|
| <u>4/28/10</u> Date | <u>Ronald S. Orr</u> Respondent's Signature | <u>RONALD S. ORR</u> Print Name |
| <u>4/29/10</u> Date | <u>Richard Kaplan</u> Respondent's Counsel Signature | <u>Richard Kaplan</u> Print Name |
| <u>4/29/10</u> Date | <u>Mia R. Ellis</u> Deputy Trial Counsel's Signature | <u>Mia R. Ellis</u> Print Name |

(Do not write above this line.)

| | |
|---|--------------------------------------|
| In the Matter Of Ronald Stewart Orr | Case Number(s): 09-C-11298 |
|---|--------------------------------------|

ORDER

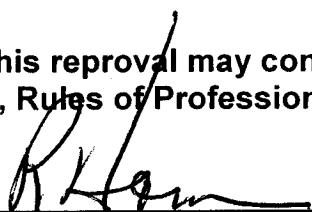
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

5/3/10
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 May 6, 2010, I deposited a true copy of the following document(s):

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

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

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

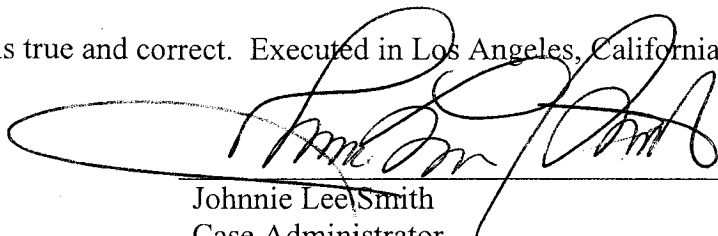
RONALD STEWART ORR
578 WASHINGTON BLVD # 389
MARINA DEL REY, CA 90292

RICHARD D. KAPLAN
KAPLAN MARINO
9454 WILSHIRE BLVD STE 500
BEVERLY HILLS, CA 90212

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

MIA R. ELLIS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 6, 2010.



Johnnie Lee Smith
Case Administrator
State Bar Court