


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

Counsel For The State Bar Eric H. Hsu 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1247 Bar # 213039	Case Number (s) 09-H-13360	(for Court's use) PUBLIC MATTER FILED  AUG 07 2009 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Elliott James Dixon 333 W. Broadway, Suite 216 Long Beach, CA 90802 Bar # 60974	Submitted to: Settlement Judge	
In the Matter Of: ELLIOTT JAMES DIXON Bar # 60974 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:


- (1) Respondent is a member of the State Bar of California, admitted **December 20, 1974**.
- (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 **14** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.



- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☒ costs added to membership fee for calendar year following effective date of discipline.
☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
☐ costs entirely waived

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

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☒ State Bar Court case # of prior case **06-O-14150**
- (b) ☒ Date prior discipline effective **June 20, 2008**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **rule 3-110(A) of the California Rules of Professional Conduct, and California Business and Professions Code section 6068, subdivision (l)**
- (d) ☒ Degree of prior discipline **private reproof**
- (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline. **Effective January 28, 1996, Respondent was privately reproofed for his violation of rule 3-110(A) of the California Rules of Professional Conduct, and** ~~California Business and Professions Code section 6068, subdivision (m),~~ in State Bar Case Number **95-O-10849.** 
- (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. **See Attachment Page 7.**
- (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. **See Attachment Page 7.**
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

None.

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. **See Attachment Page 7.**
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

None.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ 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.

(3) ☒ 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.

(4) ☒ 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.

(5) ☐ 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.

- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ 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.
- (9) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" 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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☐ **Other Conditions:**

In the Matter of
ELLIOTT JAMES DIXON

Case number(s):
09-H-13360

A Member of the State Bar

Law Office Management Conditions

- a. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within days/**12 months**/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **six (6)** hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

CASE NUMBER: 09-H-13360

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.

1. On May 15, 2008, Respondent entered into a Stipulation re Facts, Conclusions of Law and Disposition (Stipulation) with the State Bar in case number 06-O-14150.

2. On May 30, 2008, the Hearing Department of the State Bar Court filed an order (Order) approving the Stipulation and imposing upon Respondent a private reproof with conditions. The Order was properly served by mail upon Respondent at his address of record for case number 06-O-14150. Respondent received a copy of the Order and knew its contents.

3. The Order and the private reproof became effective on June 20, 2008.

4. Pursuant to the Order, Respondent was required to comply with certain terms and conditions attached to the private reproof for a period of one year, including the following conditions:

- a. To comply with the State Bar Act and the Rules of Professional Conduct during the condition period attached to the reproof;
- b. Within 30 days from the effective date of discipline, Respondent must contact the Office of Probation of the State Bar of California (Office of Probation) and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions attached to the reproof;
- c. To submit to the Office of Probation written quarterly reports each January 10, April 10, July 10 and October 10 of the condition period attached to the reproof, certifying under penalty of perjury that Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter or part thereof covered by such report;
- d. To submit to the Office of Probation a final report, containing the same information as required for the quarterly reports, no earlier than 20 days before the last day of the condition period and no later than the last day of the condition period;

- e. To submit to the Office of Probation proof of his passage of the Multistate Professional Responsibility Examination (MPRE), administered by the National Conference of Bar Examiners, within one year of the effective date of the reapproval; and
- f. To submit to the Office of Probation satisfactory evidence of his completion of no less than six hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics, within six months of the effective date of the discipline.

5. On July 8, 2008, Probation Deputy Cheryl Chisholm (Chisholm) of the Office of Probation sent Respondent a letter in which Chisholm reminded Respondent of the terms and conditions attached to the private reapproval imposed upon him pursuant to the Order. Respondent received that letter from Chisholm.

6. In that July 8, 2008 letter, Chisholm specifically advised Respondent about his quarterly reporting requirements, that he must satisfy the MCLE condition on or before December 20, 2008, and that he must show proof of his passage of the MPRE on or before June 20, 2009.

7. Enclosed with that July 8, 2008 letter to Respondent was a copy of the portion of the Stipulation setting forth the conditions of Respondent's reapproval, a Quarterly Report Instructions sheet, and a Quarterly Report form specially tailored for Respondent to use to submit his quarterly reports and his final report.

8. Respondent's final report was due by June 20, 2009.

9. Respondent did not submit to the Office of Probation a final report on or before June 20, 2009.

10. Respondent did not submit to the Office of Probation satisfactory evidence of his completion of at least six hours of MCLE approved courses in law office management, attorney client relations, or general legal ethics, by December 20, 2008.

11. Instead, Respondent submitted several certificates of attendance for California MCLE sessions, as follows:

- a. Respondent claimed one hour of MCLE credit for his September 9, 2008 attendance of "Ending a Professional Relationship – Breaking Up Is Hard to Do," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and that Respondent did not submit any course material for a determination by the Office of Probation, prior to the expiration of his reapproval period.
- b. Respondent claimed one hour of MCLE credit for his May 20, 2008 attendance of "Ethical Issues in ADR," toward legal ethics. That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.

- c. Respondent claimed one hour of MCLE credit for his February 21, 2008 attendance of "High Profile Cases & the Media," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.
- d. Respondent claimed one hour of MCLE credit towards attorney-client relations, for his November 12, 2008 attendance of "Law Trek: The Wrath of the Economy," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and that Respondent did not submit any course material for a determination by the Office of Probation, prior to the expiration of his reprobation period.
- e. Respondent claimed a half-hour MCLE credit towards legal ethics, for his November 12, 2008 attendance of "Equity Under Pressure – Leaping Through the Flaming Hoops for Injunctive Relief," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and that Respondent did not submit any course material for a determination by the Office of Probation, prior to the expiration of his reprobation period.
- f. Respondent claimed one hour of MCLE credit towards law office management, for his December 9, 2008 attendance of "Reindeer Law Firm – Holiday Party," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and that Respondent did not submit any course material for a determination by the Office of Probation, prior to the expiration of his reprobation period.
- g. Respondent claimed a half-hour MCLE credit towards legal ethics, for his December 9, 2008 attendance of "Contempt Proceedings in Civil Actions," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and that Respondent did not submit any course material for a determination by the Office of Probation, prior to the expiration of his reprobation period.
- h. Respondent claimed a half-hour MCLE credit towards legal ethics, for his February 10, 2009 attendance of "The CCP 2032 Defense Medical Examination: Learn What the Defense Can Insist on and What the Plaintiff's Lawyer Must Resist." That session was not accepted by the Office of Probation because it was taken after the December 20, 2008 deadline for Respondent to complete his MCLE requirements as a condition attached to his private reprobation.

- i. Respondent claimed four hours of MCLE credit towards elimination of bias, for his January 8, 2008 attendance of "In the Minds of Jurors." That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.
- j. Respondent claimed one hour of MCLE credit towards elimination of bias, for his April 8, 2008 attendance of "The Jury Game – Either You're Inn or You're Out" (*sic*). That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.
- k. Respondent claimed one hour of MCLE credit towards elimination of bias, for his February 10, 2009 attendance of "The Impartial and Fair Jury, or Is It? Presenting the Case of Betty Botox vs. Dr. Fred E. Kruger." That session was not accepted by the Office of Probation because it was taken after the December 20, 2008 deadline for Respondent to complete his MCLE requirements as a condition attached to his private reproof.
- l. Respondent claimed one hour of MCLE credit towards elimination of bias, for his September 20, 2007 attendance of "Mandatory Fee Arbitration Seminar." That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.
- m. Respondent claimed one hour of MCLE credit towards legal ethics, for his September 16, 2008 attendance of "The Roberts Court and the Future of Constitutional Law," which session was not approved for any MCLE subfield in law office management, attorney client relations, or general legal ethics. That session was not accepted by the Office of Probation because it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and that Respondent did not submit any course material for a determination by the Office of Probation, prior to the expiration of his reproof period.
- n. Respondent claimed one hour of MCLE credit towards legal ethics, for his April 24, 2008 attendance of "Judges Night 'Justice for All Seasons'." That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.
- o. Respondent claimed one hour of MCLE credit for his February 19, 2009 attendance of "Tax Law Issues." That session was not accepted by the Office of Probation because it was taken after the December 20, 2008 deadline for Respondent to complete his MCLE requirements as a condition attached to his private reproof.
- p. Respondent claimed one hour of MCLE credit towards legal ethics, for his September 18, 2007 attendance of "The Preliminary Hearing." That session was not accepted by the Office of Probation because it was taken before the effective date of Respondent's discipline in case number 06-O-14150.

12. On March 24, 2009, Supervising Attorney Terrie Goldade (Goldade) of the Office of Probation sent Respondent a letter, in which Goldade informed Respondent as to why Respondent's attendance of "Law Trek: The Wrath of the Economy," "Equity Under Pressure – Leaping Through the

Flaming Hoops for Injunctive Relief,” “Reindeer Law Firm – Holiday Party,” “Contempt Proceedings in Civil Actions,” “Ethical Issues in ADR,” “High Profile Cases & the Media,” and “Ending a Professional Relationship – Breaking Up Is Hard to Do” were not accepted towards Respondent’s MCLE requirements as a condition attached to his private reproof. Respondent received that letter from Goldade and knew its contents.

13. In her March 24, 2009 letter, Goldade requested from Respondent a copy of the material that were provided at each of the above-mentioned sessions for her review. But Respondent did not provide any of the requested material to Goldade, at any time prior to the expiration of his reproof period.

14. On April 16, 2009, Goldade sent Respondent a letter, in which she informed Respondent that none of the documentation he had submitted on April 10, 2009, met the MCLE condition attached to his reproof. Goldade also informed Respondent that he had neither provided the course material requested by Goldade’s March 24, 2009 letter nor asked for pre-approval of any course he wished to take. Goldade further reminded Respondent of the deadline for him to pass the MPRE and that he may wish to file a motion for an extension of time to pass the MPRE, which motion Respondent had mentioned in his April 10, 2009 letter to the Office of Probation. Respondent received that letter from Goldade.

15. On July 10, 2009, Respondent claimed one hour of MCLE credit towards legal ethics, for his November 20, 2008 attendance of “State of the Court – Volunteer Appreciation Night.” That session was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics, and Respondent did not submit that certificate of attendance to the Office of Probation prior to the expiration of his reproof period in case number 06-O-14150.

16. On July 10, 2009, Respondent claimed one hour of MCLE credit towards attorney-client relations, for his May 12, 2009 attendance of “Bring Your Monkey to Court & How to Make Other Accommodations for Your Client.” The certificate of attendance indicates that the session was eligible for one hour of MCLE credit in elimination of bias, but it was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics. Respondent did not submit that certificate of attendance to the Office of Probation prior to the expiration of his reproof period in case number 06-O-14150.

17. On July 10, 2009, Respondent claimed one hour of MCLE credit towards legal ethics, for his April 14, 2009 attendance of “The Appealing Case of Peter and the Octo-Bunny – How Oral Arguments Can Go Wrong.” The certificate of attendance indicates that the session was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics. Respondent did not submit that certificate of attendance to the Office of Probation prior to the expiration of his reproof period in case number 06-O-14150.

18. On July 10, 2009, Respondent claimed one hour of MCLE credit towards legal ethics, for his January 13, 2009 attendance of “Jury Nullification” (*sic*). The certificate of attendance indicates that the session was not a MCLE-approved course in law office management, attorney client relations, or general legal ethics. Respondent did not submit that certificate of attendance to the Office of Probation prior to the expiration of his reproof period in case number 06-O-14150.

19. Respondent did not file a motion for an extension of time to pass the MPRE.

20. Respondent did not pass the MPRE by June 20, 2009.

II. Conclusions of Law

By failing to submit to the Office of Probation a final report on or before June 20, 2009, Respondent failed to comply with a condition attached to his private reproof, in willful violation of rule 1-110 of the California Rules of Professional Conduct.

By failing to submit to the Office of Probation satisfactory evidence of his completion of at least six hours of MCLE approved courses in law office management, attorney client relations, or general legal ethics, within six months of the effective date of the discipline, Respondent failed to comply with a condition attached to his private reproof, in willful violation of rule 1-110 of the California Rules of Professional Conduct.

By failing to submit to the Office of Probation proof of his passage of the MPRE within one year of the effective date of the discipline, Respondent failed to comply with a condition attached to his private reproof, in willful violation of rule 1-110 of the California Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 1, paragraph A(7), was July 14, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 14, 2009, 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.

AUTHORITIES SUPPORTING DISCIPLINE.

The following standards and case law apply to these matters and support the level of discipline to which the parties hereby stipulate as appropriate in resolving these matters before the filing of formal disciplinary charges.

a. Standards

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

Standard 2.9 provides that culpability of a member of a willful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension.

b. Case Law

"Attorneys have a duty, under rule 1-110 of the Rules of Professional Conduct of the State Bar [("rule 1-110")], to comply with the conditions attached to any private or public reproof imposed on them by the State Bar Court." (*In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 701.)

In *Meyer*, the attorney received a two-year stayed suspension and three years of probation, conditioned on his actual suspension during the first 90 days, for failing to file two quarterly reports and for failing to timely provide proof of completion of six hours of continuing legal education. There was no mitigating circumstance. In aggravation, Meyer had two prior records of discipline (Meyer's first prior record involved one client matter; Meyer's second prior record involved his failure to comply with conditions attached to his private reproof imposed in the first prior record), committed multiple acts of wrongdoing, failed to rectify his misconduct, and failed to cooperate and participate in the proceeding.

In the present matter, Respondent is registered to take the August 7, 2009 MPRE. While Respondent has a record of two prior impositions of discipline, the 1996 private reproof is remote in time, and his current misconduct arose from the private reproof imposed on June 20, 2008. In mitigation, Respondent has been cooperative with the State Bar, including his execution of this Stipulation, prior to the filing of formal disciplinary charges against him in these matters.

Given the totality of circumstances, the one-year stayed suspension and two-year probation, without any actual suspension, is sufficient to protect the public, the courts, and the profession, particularly when conditioned upon Respondent's compliance with the MPRE condition, the Law Office Management Conditions, and such other conditions as set forth in this Stipulation.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

- B(4). Harm: Respondent's failure to comply with all conditions attached to his private reproof significantly harmed the administration of justice.
- B(7). Multiple Misconduct: Respondent's misconduct evinces multiple acts of wrongdoing.
- C(3). Candor/Cooperation: Respondent has been cooperative with the State Bar by his stipulating to facts and culpability as set forth in this Stipulation, prior to the filing of formal disciplinary charges against him in these matters.

(Do not write above this line.)

In the Matter of
ELLIOTT JAMES DIXON

Case number(s):
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SIGNATURE OF THE PARTIES

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

7/20/09

Date

Elliott J. Dixon
Respondent's Signature

Elliott James Dixon
Print Name

Date

Respondent's Counsel Signature

N/A

Print Name

July 21, 2009
Date

Eric H. Hsu
Deputy Trial Counsel's Signature

Eric H. Hsu
Print Name

(Do not write above this line.)

In the Matter Of ELLIOTT JAMES DIXON	Case Number(s): 09-H-13360
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ORDER

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

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

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

August 7, 2009
Date

Pat McElroy
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on August 7, 2009, I deposited a true copy of the following document(s):

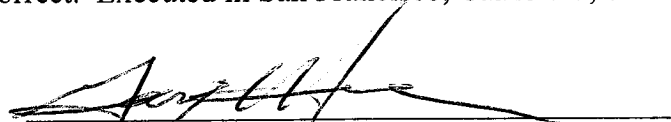
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:
- ELLIOTT JAMES DIXON
333 W BROADWAY STE 216
LONG BEACH, CA 90802
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Eric H. Hsu, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 7, 2009.


George Hue
Case Administrator
State Bar Court