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**State Bar Court of California
Hearing Department
San Francisco**

Counsel For The State Bar Robin Brune Deputy Trial Counsel 180 Howard Street, San Francisco, California, 94105 Bar # 149481	Case Number (s) 09-O-10226;09-O-11170	(for Court's use) <p align="center">PUBLIC MATTER</p> <p align="center">FILED <i>R</i></p> <p align="center">JUN 08 2010</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
Counsel For Respondent Jonathan Arons 221 Main Street, Suite 740 San Francisco, California 94105 Bar # 111257	Submitted to: Settlement Judge	
In the Matter Of: Thomas V. Dillon Bar # 236380 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 **May 25, 2005**.
- (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 **16** 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.

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(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
 - (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."
- (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. **See attachment.**
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

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

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

Additional mitigating circumstances

D. Discipline:

- (1) **Stayed Suspension:**
 - (a) Respondent must be suspended from the practice of law for a period of **one year**.

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- 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 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.

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- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation 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:**

Attachment language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Thomas Dillon
CASE NUMBER(S): ET AL. 09-O-10226; 09-O-11170

FACTS AND CONCLUSIONS OF LAW.

Case no. 09-O-10226 (Sellers)

On January 4, 2006, respondent filed a I-130 petition on behalf of Anthony Sellers (“Sellers”) seeking to obtain U.S. Citizenship status for Sellers under section 204(a)(1) of the Immigration and Nationality Act as amended by the Battered Immigrant Women Protection Act of 2000. On September 1, 2006 the U.S. Dept. of Homeland Security sent respondent a letter, advising him that he had not established Seller’s eligibility under that classification. Homeland Security gave respondent an additional sixty days to submit additional materials in support of the petition. The letter was sent to respondent at 2440 Shaw Avenue, Suite 114, Fresno, California 93711 (“Shaw address”). This was respondent’s official membership records address, maintained by the State Bar pursuant to Business and Professions Code, section 6002.1, from April 17, 2006 through November, 2006. Respondent received the September 1, 2006 letter from Homeland Security and was aware of its contents. Respondent presented no additional evidence to Homeland Security on behalf of Sellers. On December 1, 2006, respondent changed his official membership records address from the Shaw address to the Law Offices of Sawl & Netzer, 2150 Tulare Street, Fresno, California 93721 (“Tulare address”). On April 17, 2007, Homeland Security sent another letter to respondent at the Shaw address. In the April 17, 2007 letter, Homeland Security advised respondent that no additional materials were received, and the petition was denied. Homeland Security advised respondent that he could file an appeal by submitting a form I-290(B) within thirty days from the date of the notice. Respondent did not file an appeal on behalf of Sellers. On May 3, 2007, respondent wrote to the United States Customs and Immigration Service, Vermont Service Center. In his letter, respondent requested the status of the Sellers petition, and respondent advised that he had received no

information since he responded to the September 1, 2006 letter. Respondent advised, in the letter, that he had submitted additional information in response to the September 1, 2006 letter.

In August, 2008, client Sellers retained the services of attorney Valerie May, Esq. ("May") for his immigration matters. May practices law in Pittsburgh, Pennsylvania. Prior to retaining May, Sellers had employed the legal services of respondent in his immigration matters. On August 18, 2008, Sellers executed a document entitled "File Transfer Memorandum." In the "File Transfer Memorandum", Sellers authorized and directed respondent to transfer his legal files to May, including: 1) copies of all file documents; 2) copies of all contracts and bills; 3) copies of all correspondence with the U.S. Citizenship and Immigration Services concerning Sellers; 4) and originals of each and every document which has been provided to him in connection with his representation of Sellers. Sellers specified "time is of the essence" because Sellers was currently unable to re-enter the United States and attend to his urgent business matters.

On August 19, 2008, Colleen Taylor ("Taylor"), a law clerk and employee of Mays, sent an e-mail to respondent at thomasdillonesq@aol.com, advising respondent that she would be faxing over a file transfer request to him. Taylor advised respondent that she had spoken to respondent's office assistant, and the office assistant had told her that the file could be transferred in about a week. Taylor requested that the file be transferred as soon as possible due to Sellers "is stuck in England and his company urgently needs him to return."

Respondent received the August 19, 2008 email from Taylor and was aware of its contents. Respondent failed to forward the Sellers file to Mays in response to the August 19, 2008 email. On September 24, 2008, Sellers mailed a letter, postage pre-paid, to respondent at 1060 Fulton Mall, suite 411, Fresno, California, 93721 ("Fulton Mall address"). In his letter, Sellers enclosed a form G28 and the File Transfer Memorandum, and again requested that respondent complete the file transfer to Mays. Sellers requested that respondent give the matter his urgent attention. The Fulton Mall address was respondent's official membership records address, maintained by the State Bar pursuant to Business and Professions Code, section 6002.1, as of June 2, 2008. Respondent received Sellers' September 24, 2008 letter and failed to respond or otherwise transfer Sellers' file to Mays.

In addition to Sellers mailing the material directly to respondent (from England), on September 22, 2008, Mays sent respondent a second set of the same material, the G28 form and the signed File Transfer Memorandum, to respondent via FedEx delivery to respondent at the Fulton Mall address. Respondent also received Mays' September 22, 2008 delivery and failed to respond or otherwise transfer Sellers' files to Mays. On February 17, 2009, respondent advised the State Bar that he would be mailing the requested materials to Mays. He advised the State Bar that he would be resending mail that was returned to him due to insufficient postage. The Mays law firm never received Seller's file or papers from respondent.

Conclusions of law

1. By failing to return Sellers' file to his new counsel, Mays; despite the requests of Sellers, and the requests of Mays on behalf of Sellers; respondent failed, upon termination of employment, to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Case no. 09-O-11170 (Penn)

On July 26, 2006, Annette Penn ("Penn") retained respondent in an immigration matter, to obtain citizenship for her, (adjustment of status) based upon her marriage. In addition, respondent was to obtain a work permit for Penn. Penn signed an attorney-fee agreement and agreed to pay the sum of \$2,500, with an initial payment of \$1,000 and payments of \$250 per month thereafter. Penn actually paid respondent a sum of \$2,490 for legal services and an additional payment of \$765.00 for fees and expenses. In July, 2006, Penn advised respondent that she was having domestic problems (domestic violence). Respondent advised Penn that Penn still had a case and the terms of their fee agreement would remain the same. Penn provided documentation of the domestic problems to respondent, including copies of police reports, temporary restraining orders, and letters from therapists. On September 27, 2006, respondent advised Penn that he was relocating to the law offices of Sawl & Netzer on Tulare Street, in Fresno. On January 3, 2007, Respondent filed a I-485 (residency) application for Penn. On January 8, 2007, respondent filed an I-360 petition on behalf of Penn, requesting asylum for Penn based upon spouse of an abusive U.S. citizen. Respondent sent

the petition to Homeland Security. Respondent provided the Tulare address as his contact information on the petition. On January 12, 2007, the United States Citizenship and Immigrations Services (aka Homeland Security) sent a Notice of Action to respondent at the Tulare address. Homeland Security advised respondent that the I-360 did not establish a prima facie case and requested that respondent provide information on Penn's moral character and that Penn married the alleged abuser in good faith. Respondent received the January 12, 2007 correspondence from Homeland Security and failed to respond or otherwise supplement Penn's I-360 application. On or about July 16, 2007, Homeland Security sent respondent another Notice, again to the Tulare Street address, advising him that the Penn filing was insufficient. Homeland Security advised respondent he had until October 11, 2007 to submit the additional documentation requested. Respondent received the notice and failed to file any supplemental material on behalf of Penn. On December 11, 2007, Homeland Security sent respondent a notice, again to the Tulare Street address, that the I-485 was rejected because there is no pending petition, and that the I-360 filed was denied, revoked, or withdrawn. Respondent received the notice and was aware of its contents. Respondent failed to file the appropriate immigration documents on behalf of Penn. Respondent failed to file the supplemental material requested by Homeland Security in its notices of January 12, 2007 and July 16, 2007.

Starting in about April, 2008, Penn directed several telephone messages and emails to respondent, requesting the status of her case. Respondent received the telephone messages and emails and failed to respond. The telephone messages, emails, and letters, included the following: in April, 2008, respondent advised Penn that her work permit was approved, and Penn should get it by the weekend, then respondent told Penn that the permit went to Nebraska; thereafter, respondent failed to give Penn an update regarding her work permit. On July 1, 2008 Penn sent respondent an email advising that she had not spoken to respondent in two months, and two months earlier, respondent had told her that he would call her back to give her an update but had failed to do so; in August, 2008, Penn spoke to respondent who asked Penn to call him back "that weekend" and he would retrieve her file for her from his garage; Penn called thereafter but respondent terminated the call with Penn without giving her any information.

In about November 2008, Penn tried to contact respondent at Sawl & Netzer. Sawl & Netzer advised Penn that respondent no longer worked there. Respondent failed to advise Penn when he left the employ of Sawl & Netzer, and failed to provide her with new contact information.

On November 10, 2008, Penn wrote and mailed a letter to respondent. She mailed it to respondent at the Shaw, Fulton Mall, and Tulare addresses. Respondent received Penn's November 10, 2008 letter and was aware of its contents. In her November 10, 2008 letter, Penn terminated respondent's services and requested a return of all the documentation she had provided to him. Penn had provided respondent with her marriage certificate, copies of restraining orders, birth certificate, pages of her passport, police reports, medical records, pictures of identification, an I-94, and letters from therapists. Respondent failed to return Penn's documents and files to her.

By failing to notify Homeland Security of his new address when he left Sawl & Netzer, and by failing to notify his client of his new address, also, and by failing to respond to her inquiries regarding the status of her case, respondent in effect withdrew from representing Penn. When respondent withdrew from representing Penn, he failed to take reasonable steps to avoid reasonably foreseeable prejudice to his client. He failed to notify his client of his withdrawal; he failed to return her file to her; he failed to notify Homeland Security that he was no longer counsel of record on the case.

Respondent did not earn the fee provided by Penn, of \$2,490. Respondent failed to complete the petition as he was hired to do. The services provided by respondent were of nominal value to Penn. Respondent failed to refund the \$2,490 from Penn.

Conclusions of Law

1. By failing to file the supplemental material for the I-360 petition on behalf of Penn; respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).
2. By failing to respond to Penn's emails, and telephone messages requesting the status of her case, respondent failed to respond to the reasonable status inquiries of a client in a matter in which he agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

3. By failing to advise Penn, on or about December 11, 2007, that Homeland Security rejected her I-485 application, and that the I-360 filed was denied, revoked, or withdrawn, respondent failed to advise his client of a significant development in a matter in which he agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

4. By failing to return Penn's file and documents to her, respondent failed to release promptly, upon termination of employment, at the request of the client, all papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

5. By failing to take reasonable steps to avoid reasonably foreseeable prejudice to Penn when he withdrew from employment, respondent willfully violated Rules of Professional Conduct, rule 3-700(A)(2).

6. By failing to refund the \$2,490 paid in advance that has not been earned, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was May 5, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 5, 2010, the prosecution costs in this matter are \$ \$2,602.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards

Standard 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct specifies that failure to perform or communicate shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6(b) specifies disbarment or suspension for failure to abide by court orders.

CASE LAW

Case law for abandonment of more than one matter demonstrates a range of discipline from stayed suspension through actual suspension. In *Stuart v. State Bar* (1985) 40 Cal.3d. 838, the attorney failed to answer defense interrogatories in one client matter, resulting in the dismissal of his client's case, and he received thirty days of actual suspension. In *Franklin v. State Bar* (1986) 41 Cal.3d. 700, the attorney

abandoned two matters, resulting in a 45-day actual suspension. These cited cases involve litigated misconduct, where, herein, respondent is given mitigation for his cooperation and acknowledgment of misconduct.

In *Aguiluz*, the attorney was representing the clients in a Department of Social Services action to revoke the license for their residential care home. He obtained one continuance due to the fact that his son was murdered. Thereafter, the hearing was again postponed, the attorney left on some travels, and the court found his further inaction on the case was tantamount to a withdrawal. The Court imposed a stayed suspension. The Court took into account the attorney's emotional mitigation. *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32.

AGGRAVATING CIRCUMSTANCES.

Standard 1.2(b)(iii) misconduct followed by bad faith.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

On or about January 2, 2009, Penn met with respondent regarding the arbitration of his legal fees, at the law offices of Gerald D. Vinnard. During an afternoon recess in the proceedings, Penn waited outside a conference room. Respondent left the conference room and approached Penn. He yelled at Penn and made threats to have her deported.

MITIGATING CIRCUMSTANCES.

Standard 1.2(v) candor and cooperation

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Respondent has been candid and cooperative in reaching a stipulation in this matter.

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.

FINANCIAL CONDITIONS, RESTITUTION.

Within ninety days from the effective date of discipline in this matter, respondent must make restitution to Annette Penn, or the Client Security Fund if it has paid, in the principal amount of \$ 2,070 plus interest at the rate of 10% per annum from January, 2009 in quarterly installments of no less than \$500

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until paid in full and furnish satisfactory evidence of such restitution to the Office of Probation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him or her during that reporting period. Respondent agrees not to contest any application, by Penn, to the Client Security Fund for this amount, and to fully cooperate with the Client Security Fund.

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

In the Matter of
Thomas V. Dillon

Case number(s):
09-O-11170

A Member of the State Bar

Financial Conditions

a. Restitution

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

Payee	Principal Amount	Interest Accrues From
Annette Penn	\$2,070	January 1, 2009

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

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
Annette Penn	\$500	quarterly

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:
- 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.

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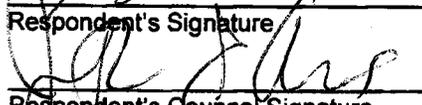
In the Matter of THOMAS V. DILLON	Case number(s): 09-O-10226; 09-O-11170
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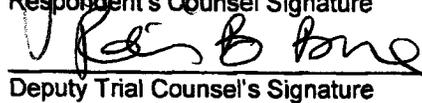
SIGNATURE OF THE PARTIES

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.

5/20/2010
Date
May 21, 2010
Date
5/24/2010
Date



Respondent's Signature


Respondent's Counsel Signature


Deputy Trial Counsel's Signature

THOMAS V. DILLON
Print Name

JONATHAN I. ARONS
Print Name

ROBIN B. BRUNE
Print Name

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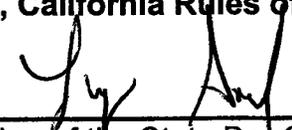
ORDER

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.)**

June 7, 2010
Date



Judge of the State Bar Court
LUCY ARMENDARIZ

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on June 8, 2010, I deposited a true copy of the following document(s):

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

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

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

**JONATHAN IRWIN ARONS
LAW OFC JONATHAN I ARONS
221 MAIN ST STE 740
SAN FRANCISCO, CA 94105**

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

ROBIN BRUNE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 8, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court