

State Bar Court of California
Hearing Department
Los Angeles

kwiktag®

035 131 868



Counsel For The State Bar Elina Kreditor Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 Bar # 250641	Case Number (s) 09-O-12414	(for Court's use) <div align="center"> PUBLIC MATTER FILED SEP 27 2010 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Vicki Roberts 3435 Ocean Park Blvd., Suite 107 Santa Monica, CA 90405 Bar # 108593	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PRIVATE REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Richard Gilbert Sherman Bar # 31098 A Member of the State Bar of California (Respondent)		

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 January 11, 1961.
- (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 13 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 (public reproof)
 - ☒ case ineligible for costs (private reproof)
 - ☐ costs to be paid in equal amounts 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
- (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."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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

Additional aggravating circumstances:

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

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (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:

SEE ATTACHMENT TO STIPULATION

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 reproval for a period of two years.
- (2) ☒ During the condition period attached to the reproval, 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 reproval. 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 the reproval 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: Respondent is 78 years old, terminally ill and unable to leave his home. Moreover, Respondent is no longer practicing law and the public will not be harmed by his failure to attend Ethics School.
- (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: Respondent is 78 years old, terminally ill and unable to leave his home. Moreover, Respondent is no longer practicing law and the public will not be harmed by his failure to take and pass the MPRE.
- (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 checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

SEE ATTACHMENT TO STIPULATION

In the Matter of
RICHARD GILBERT SHERMAN

Case number(s):
09-O-12414

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
David Cohn	\$15,000.00	August 1, 2008

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **30 days prior to the expiration of the period of reprobation**.

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
David Cohn	\$15,000	The full principal restitution amount of \$15,000 is to be paid no later than December 1, 2010. Proof of payment of this principal amount is to be supplied to the Office of Probation by January 1, 2011.
David Cohn	\$50	On the 15 th of each month, beginning January 15, 2011, Respondent shall make monthly payments of \$50/month toward interest accrued on the

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

		principal amount of \$15,000 as of August 1, 2008. A balloon payment to cover any outstanding interest shall be made no later than 30 days prior to the expiration of the period of reprobation.

c. Client Funds Certificate

☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:

- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
- b. Respondent has kept and maintained the following:
 - i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
 - i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In

this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Richard Gilbert Sherman

CASE NUMBER(S): 09-O-12414

FACTS AND CONCLUSIONS OF LAW

Richard Gilbert Sherman ("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.

I. Facts

1. On or about August 6, 2007, David A. Cohn ("Cohn") employed Respondent to represent him in connection with a criminal matter. Respondent agreed to represent Cohn through trial for a total fee of \$75,000.00.
2. On August 6, 2007, Cohn paid Respondent \$10,000 toward the agreed-upon fee.
3. On August 11, 2007, Cohn paid Respondent an additional \$15,000 toward Respondent's fee.
4. No criminal charges were filed against Cohn until July 15, 2008.
5. On or about August 1, 2008, Cohn terminated Respondent's services and informed Respondent that he would be employing different counsel. On the same date, Cohn requested a full refund of the advanced fees he paid Respondent.
6. Respondent did not perform legal services commensurate with the \$25,000 in fees advanced by Cohn. On or about August 15, 2008, Respondent and Cohn agreed that Respondent would refund Cohn \$15,000.
7. Respondent has not subsequently refunded any portion of the fees Cohn paid in advance for Respondent's services.

II. Conclusions of Law

By failing to refund any portion of the advanced fees paid by Cohn, and not earned by Respondent, Respondent failed to refund unearned monies in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), of the instant Stipulation, was September 17, 2010.

MITIGATING CIRCUMSTANCES

Respondent has been a member of the Bar for forty nine (49) years with no prior record of discipline.

Respondent is an honorably discharged veteran of the United States army. Respondent served as a Reserve Police Officer with the Culver City Police Department for twenty four years.

Respondent is 78 years old and terminally ill.

Since the early 1990s, Respondent has suffered from a number of serious and long standing health problems. Respondent has had heart disease since the early 1990s. He also suffers from diabetes, kidney disease and hypothyroidism.

In or about October 2008, Respondent was admitted into Cedar-Sinai hospital with a thrombus obstructing his prosthetic aortic valve. Respondent was released a month later and began a slow recovery. Respondent has not fully regained his strength since his hospitalization. As a result, he was unable to resume an active legal practice.

In or about October 2009, Respondent was diagnosed with Stage 4 melanoma in his lung. He is currently undergoing chemotherapy; however, the condition is terminal.

Respondent no longer practices law and is seldom able to leave his home. His medical condition put a severe strain on his financial resources. Respondent's medical condition and ensuing financial situation prevented him from refunding unearned fees to Cohn.

AUTHORITIES SUPPORTING DISCIPLINE

A. Standards

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

The Standards do not specifically discuss a level of discipline for a violation of Rule 3-700(D)(2). However, Standard 2.10 provides, in pertinent part, that culpability of a member of a violation of any Rule of Conduct not specified in the Standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

B. Case law

In *In the Matter of Lindmark* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 668, Respondent was employed to represent a client in a wrongful termination matter. As Respondent performed discovery on the matter, he became convinced that that his client was not, in fact, wrongfully terminated. Relations between Respondent and his client soured and ultimately resulted in Respondent's withdrawal from the case. The client requested that Respondent return the \$9000 paid in advance fees but Respondent

refused, citing the work already performed on the case. The client subsequently sued Respondent in Municipal Court and obtained a judgment against Respondent for \$5000.

Respondent was found culpable of failing to promptly refund \$5000 in unearned fees in violation of rule 3-700(D)(2). Respondent was admitted to the Bar in 1992 and had no prior record of discipline, although the court noted that this period of practice was not entitled to significant weight. The Review Department upheld the public reproof imposed on Respondent by the Hearing Department.

In *In the Matter of Hanson v. State Bar* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703, Respondent was publicly reproofed when he failed to promptly refund approximately \$769 in unearned legal fees, in violation of rule 3-700(D)(2), and failed, upon termination of his employment, to take steps to avoid foreseeable prejudice to his clients, in violation of rule 3-700(A)(2). No mitigating circumstances were present. The Review Department declined to give significant weight in aggravation to Respondent's prior misconduct, which occurred 17 years earlier and resulted in a private reproof.

Respondent, unlike the Respondents in *Lindmark* and *Hanson*, has presented a substantial amount of mitigation evidence. In light of Respondent's 49 years of discipline free practice, his medical condition, and the aberrational nature of the misconduct, a private, rather than a public, reproof is an appropriate resolution of this matter.

Respondent submits that the following case law provides further support for the imposition of a private reproof in this matter:

In *In the Matter of Respondent E* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 716, a single client matter in which the court ordered a private reproof, where the court found that the misconduct was caused by an isolated mistake in an otherwise careful bookkeeping system. In that case, there were extensive mitigating factors present and no aggravating circumstances were found, similar to the case at bar.

In *Porter v. State Bar of California* (1990) 52 Cal.3d 518, 527, the court stated: "Further, we have recognized that certain events may trigger "aberrational" conduct requiring less severe discipline than might otherwise be required. (See e.g., *Friedman v. State Bar* (190) 50 Cal.3d 235...) [In *Friedman*, that attorney also had a long, unblemished record of legal practice similar to the case at bar.]

In *Edwards v. State Bar of California* (1990) 52 Cal.3d 28, 37-38, the court again recognized that extenuating circumstances sometimes come into play by stating: "In some cases, the attorney has presented evidence of compelling mitigating circumstances relating to the attorney's background or character or to unusual difficulties the attorney was experiencing at the time of the misconduct, which tended to prove that the misconduct was aberrational and hence unlikely to recur." In view of the medical condition of the Respondent herein, it is highly unlikely that this aberrational event will recur.

In *Ridge v. State Bar of California* (1989) 47 Cal.3d 952, again the court reaffirms that principle that "Lack of a prior disciplinary record can be an appropriate consideration in determining discipline. (*Smith v. State Bar* (1985) 38 Cal.3d 525, 540...)...we find this to be a mitigating factor..." Likewise, in the instant matter, the lack of a prior record in 49 years of practice is a mitigating factor.

Finally, in *Rose v. State Bar of California* (1989) 49 Cal.3d 646, 667, the court held that "Marital and other stressful emotional difficulties may be considered in mitigation. (*In re Mostman* (1989) 47 Cal.3d 725, 742...; *Hunnecutt v. State Bar*, supra, 44 Cal.3d 362, 373-373.)" In the case at bar, the stress from the ravishing effects of cancer and its life terminating course is extremely high.

In *Rose*, the court further held:

“”The imposition of attorney discipline does not issue from a fixed formula but from a balanced consideration of all relevant factors, including aggravating and mitigating circumstances.” (*Rodgers v. State Bar*, supra, 38 Cal.3d 300, 316; see also *In re Larkin* (1989)48 Cal.3d 236, 244...*In re Prantil* (1989)

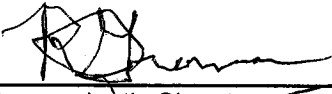

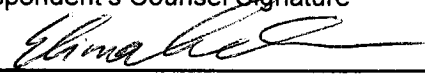
48 Cal.3d 227, 234-235...) **The proper objectives of attorney discipline do not include punishment of the errant attorney**; rather, they are protection of the public, the profession, and the courts, maintenance of high professional standards, and preservation of public confidence in the legal profession. (*In re Basinger* (1988)45 Cal.3d 1348, 1360...; *Farnham v. State Bar* (1988) 47 Cal.3d 429, 445...” *Rose*, 49 Cal.3d at 66. [emphasis added.]

(Do not write above this line.)

In the Matter of RICHARD GILBERT SHERMAN	Case number(s): 09-0-12414
--	--------------------------------------

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>9/20/10</u> Date	 Respondent's Signature	<u>RICHARD GILBERT SHERMAN</u> Print Name
<u>9-20-10</u> Date	 Respondent's Counsel Signature	<u>Vicki Roberts</u> Print Name
<u>9/23/10</u> Date	 Deputy Trial Counsel's Signature	<u>ELINA KREDITOR</u> Print Name

(Do not write above this line.)

In the Matter Of
RICHARD GILBERT SHERMAN

Case Number(s):
09-0-12414

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.

09-27-10
Date


Judge of the State Bar Court

RICHARD A. PLATET

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 September 27, 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:

VICKI MICHELE ROBERTS, ESQ.
3435 OCEAN PARK BLVD STE 107
SANTA MONICA, CA 90405

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

ELINA KREDITOR, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 27, 2010.



Rose Luthi
Case Administrator
State Bar Court