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State Bar Court of California Hearing Department San Francisco		
Counsel For The State Bar Cydney Batchelor Deputy Trial Counsel 180 Howard St., 7 th Fl. San Francisco, CA 94105 Tele: 415/538-2204 Bar # 114637	Case Number (s) 09-O-18512-PEM 10-N-4738-PEM	(for Court's use) PUBLIC MATTER FILED <i>Rz</i> JUN 28 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Keith G. Jordan 720 SW Washington St., Suite 750 Portland, O:R 97205 Tele: 408/271-9500 Bar # 171267	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: KEITH G. JORDAN Bar # 171267 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 **June 7, 1994**.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) 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."

(Stipulation form approved 05/20/10 by SBC Executive Committee, eff. 06/01/10.)

Disbarment



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- (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 to be awarded to the State Bar
 - Costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - Costs entirely waived
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c).

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**
- (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:
See attached
- (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.

(Do not write above this line.)

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See attached**
- (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 attached**
- (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.

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Additional mitigating circumstances:
None

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.

- (3) **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.

- (4) **Other: N/A**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISBARMENT

IN THE MATTER OF: **KEITH G. JORDAN**
CASE NUMBER: **09-O-18512-PEM; 10-N-4738-PEM**

FACTS AND CONCLUSIONS OF LAW.

A. Case No. 09-O-18512-PEM: Facts:

1. On May 29, 2007, the California Supreme Court filed a disciplinary order in State Bar Court 04-O-13740 et seq. (Supreme Court Case Number S151381).

2. The disciplinary order *inter alia* placed respondent on probation for three years and required him to comply with conditions specified in the stipulation that respondent had signed on December 26, 2006, that had been approved by the State Bar Court on January 29, 2007 and that had been filed on January 31, 2007.

3. The disciplinary order and the probation conditions became effective thirty days after the order was filed (California Rules of Court, rule 9.18(b)), i.e., on June 28, 2007, and at all times subsequent have remained in full force and effect except as set forth below.

4. Notice of the disciplinary order was properly served upon respondent in the manner prescribed by California Rule of Court 9.18(b) at the address respondent then maintained with the State Bar in accordance with Business and Professions Code section 6002.1, subdivision (a). At all times pertinent hereto, respondent was on actual notice of the Supreme Court's order and probation conditions.

5. **QUARTERLY REPORTING CONDITION.**

(a) One of the conditions of probation required respondent to submit quarterly reports as follows:

“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;”

(b) Respondent willfully violated this probation condition by failing to timely submit the following reports prior to the deadlines for their filings:

Date Due	Dated submitted to Office of Probation
October 10, 2009	October 16, 2009

6. RESTITUTION.

(a) One of the conditions of probation provided as follows:

“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
Rajendra Prakash	\$500.00	11/1/02
Mario Ramirez	\$3,000.00	9/1/04
Margarito Rios	\$3,500.00	12/1/04
Raja Akbar	\$1,200.00	3/1/05

“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
Rajendra Prakash	\$100.00	Monthly
Mario Ramirez	\$200.00	"
Margarito Rios	\$100.00	"
Raja Akbar	\$100.00	"

(b) By order filed May 23, 2008, the Hearing Department of the State Bar Court modified this condition of probation to delay some of the monthly payments, as follows:

“(1) Beginning on January 5, 2009, Jordan must make restitution payments to his former clients under the same terms and conditions as set forth in Supreme Court order No. S151381.

“(2) Jordan must pay each monthly payment on or before the 5th of each month and must provide satisfactory proof of monthly restitution payments to the “Office of Probation with each quarterly report.”

(c) Respondent willfully violated the restitution requirements by failing to *timely* make *any* of the monthly payments due on January 5, 2009, February 5, 2009, March 5, 2009, April 5, 2009, May 5, 2009, June 5, 2009, July 5, 2009, August 5, 2009, September 5, 2009, October 5, 2009, November 5, 2009, December 5, 2009, and January 5, 2010.

B. Case No. 09-O-18512: Conclusions of Law:

By failing to timely file the quarterly report due on or before ~~January 16, 2010~~ ^{October 10, 2009}, and by failing to timely make any of the restitution payments due on January 5, 2009, February 5, 2009, March 5, 2009, April 5, 2009, May 5, 2009, June 5, 2009, July 5, 2009, August 5, 2009, September 5, 2009, October 5, 2009, November 5, 2009, December 5, 2009, and January 5, 2010,

respondent willfully violated Business and Professions Code, section 6068(k), by failing to comply with all conditions attached to his disciplinary probation.

C. Case No. 10-N-4738-PEM: Facts:

1. On January 14, 2010, the California Supreme Court filed Order No. S177915 (hereinafter "rule 9.20 Order"). The rule 9.20 Order included a requirement that respondent comply with rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the rule 9.20 Order. (A true and correct copy of the rule 9.20 Order is attached hereto as *Exhibit 1* and is incorporated by reference.)

2. On January 14, 2010, the Clerk of the Supreme Court of the State of California properly served upon respondent a copy of the rule 9.20 Order. Respondent received the rule 9.20 Order.

3. The Supreme Court Order became effective on February 13, 2010, thirty days after the rule 9.20 Order was filed. Thus, respondent was ordered to comply with subdivision (a) and/or (b) of rule 9.20 of the California Rules of Court no later than March 15, 2010, and was ordered to comply with subdivision (c) of rule 9.20 no later than March 25, 2010.

4. Respondent has failed to file with the clerk of the State Bar Court a declaration of compliance with rule 9.20 (a) and (b), California Rules of Court, as required by rule 9.20(c).

D. Case No. 10-N-4738-PEM: Conclusions of Law:

By not filing a declaration of compliance with California Rule of Court 9.20(c), as required by Supreme Court Order No. S177915, respondent willfully disobeyed or violated an order of the Supreme Court.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was June 16, 2010.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards for Attorney Sanctions for Professional Misconduct 1.2(b)(ii), 1.2(e)(v), 1.4(d), 1.6(a), 1.7(b); California Rule of Court 9.20(d); *Bercovich v. State Bar* (1990) 50 Cal.3d 116, 121.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct: The misconduct stipulated to herein represented multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Candor and cooperation: Although respondent failed to cooperate with the State Bar regarding his disciplinary probation, it should be noted that he has been candid and cooperative with the State Bar during the parties' resolution of these cases.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 16, 2010, the estimated prosecution costs in this matter are approximately \$3,937.00. 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.

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In the Matter of KEITH G. JORDAN	Case number(s): 09-O-18512-PEM; 10-N-4738-PEM
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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.

6/17/10
Date


Respondent's Signature

KEITH G. JORDAN
Print Name

N/A
Date

Respondent's Counsel Signature

N/A
Print Name

6/21/10
Date


Deputy Trial Counsel's Signature

CYDNEY BATCHELOR
Print Name

(Do not write above this line.)

In the Matter of KEITH G. JORDAN	Case Number(s): 09-O-18512-PEM; 10-N-4738-PEM
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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.)

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

June 25, 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 28, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

**KEITH G. JORDAN
720 SW WASHINGTON ST STE 750
PORTLAND, OR 97205**

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:

CYDNEY BATCHELOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 28, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court