

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Timothy G. Byer, DTC 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1325  Bar # 172472	<b>Case Number(s):</b> 09-O-19319 10-O-02343 10-O-06151 10-O-07863 10-O-09480 10-O-10802 10-O-11349 11-O-11397 11-O-15879	<b>For Court use only</b>  <div style="text-align: center;"> <b>FILED</b>  <b>JAN 23 2012</b>  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<b>In Pro Per Respondent</b>  Rodger B. Haglund 4902 Robertson Drive Abilene, TX 79606 (213) 787-6050  Bar # 216427	<div style="text-align: center;"> <b>PUBLIC MATTER</b> </div>	
<b>In the Matter of:</b> Rodger B. Haglund  Bar # 216427  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <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 4, 2001.
- (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 21 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."

(Effective January 1, 2011)



- (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):
  - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013, 2014. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - ☐ Costs are 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 07-O-14118
  - (b) ☒ Date prior discipline effective November 12, 2008
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: rule 1-300(A)
  - (d) ☒ Degree of prior discipline private reproof
  - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.

- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment, page 16, "Aggravating Circumstances"
- (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. See Attachment, page 16, "Mitigating Circumstances"
- (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. See Attachment, page 16, "Mitigating Circumstances"
- (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. See Attachment, page 16, "Mitigating Circumstances"
- (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. See Attachment, page 16, "Mitigating Circumstances"
- (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 2 years.
- 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:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of 3 years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 6 months.
- 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:

**E. Additional Conditions of Probation:**

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, 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 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.

- (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 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.
- (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 probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☒ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ 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 during the period of actual suspension or within one year, whichever period is longer. **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 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .

- (2) ☒ **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.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she 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 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       Rodger B. Haglund

Case Nos.   **09-O-19319, 10-O-02343, 10-O-06151, 10-O-07863, 10-O-09480,**  
**10-O-10802, 10-O-11349, 11-O-11397, 11-O-15879**

**FACTS AND CONCLUSIONS OF LAW:**

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

Case No.       **09-O-19319**

**FACTS:**

1.       On July 21, 2009, Jose Morelos employed Respondent to negotiate and obtain for him a modification of his home mortgage loan. Morelos paid Respondent a total advanced fee of \$3,749 in 3 installments, from July 22, 2009, to August 21, 2009.
2.       By October 7, 2009, Respondent had performed no legal services for Morelos, and Morelos sent Respondent an emailed message, which Respondent received, terminating Respondent's employment and demanding a full refund of his unearned advanced fee.
3.       On the date his employment was terminated by Morelos, Respondent had earned none of the advanced fee paid by Morelos.
4.       To date, Respondent has refunded none of Morelos's unearned advanced fee.
5.       After Morelos terminated his employment, Respondent did not render an accounting to Morelos for his advanced fee.

**CONCLUSIONS OF LAW:**

6.       By performing no legal services for Morelos, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).
7.       By not refunding Morelos's unearned advanced fee, Respondent failed to refund

promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

8. By not rendering to Morelos an accounting for his advanced fee following Morelos's termination of his employment, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

**Case No.     10-O-02343**

**FACTS:**

9. On April 29, 2009, Joseph Gordon employed Respondent to negotiate and obtain for him a modification of his home mortgage loan for each of Gordon's 7 real estate properties. Between June 12, 2009, and June 19, 2009, Gordon paid Respondent a total advanced fee of \$24,500.

10. By November 16, 2009, Respondent had performed no legal services for Gordon, and Gordon sent Respondent an emailed message, which Respondent received, terminating Respondent's employment and demanding a full refund of his unearned advanced fee.

11. On the date his employment was terminated by Gordon, Respondent had earned none of the advanced fee paid by Gordon.

12. To date, Respondent has refunded none of Gordon's unearned advanced fee.

13. After Gordon terminated his employment, Respondent did not render an accounting to Gordon for his advanced fee.

**CONCLUSIONS OF LAW:**

14. By performing no legal services for Gordon, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

15. By not refunding Gordon's unearned advanced fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

16. By not rendering to Gordon an accounting for his advanced fee following Gordon's termination of his employment, Respondent failed to render appropriate accounts to a client regarding



all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 10-O-06151

**FACTS:**

17. On July 9, 2009, Angelica Hernandez employed Respondent to negotiate and obtain for her a modification of her home mortgage loan. Between July 9, 2009, and August 29, 2009, Hernandez paid Respondent an advanced fee of \$4,250.

18. By October 29, 2009, Respondent had performed no legal services for Hernandez, and Hernandez sent Respondent an emailed message, which Respondent received, terminating Respondent's employment and demanding a full refund of her unearned advanced fee.

19. On the date his employment was terminated by Hernandez, Respondent had earned none of the advanced fee paid by Hernandez.

20. To date, Respondent has refunded none of Hernandez's unearned advanced fee.

21. After Hernandez terminated his employment, Respondent did not render an accounting to Hernandez for her advanced fee.

**CONCLUSIONS OF LAW:**

22. By performing no legal services for Hernandez, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

23. By not refunding Hernandez's unearned advanced fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

24. By not rendering to Hernandez an accounting for her advanced fee following Hernandez's termination of his employment, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).



client's informed consent to such representation. (f) Attorneys not admitted to practice in the State of Arizona, who are admitted to practice law in any other jurisdiction in the United States and who appear in any court of record or before any administrative hearing officer in the State of Arizona, must also comply with Rules of the Supreme Court of Arizona governing *pro hac vice* admission. (g) Any attorney who engages in the multijurisdictional practice of law in the State of Arizona, whether authorized in accordance with these Rules or not, shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in the State of Arizona.”

27. Arizona Supreme Court Rule 31 defines “practice of law” as “providing legal advice or services to or for another by: (1) preparing any document in any medium intended to affect or secure legal rights for a specific person or entity; (2) preparing or expressing legal opinions; (5) negotiating legal rights or responsibilities for a specific person or entity.” Rule 31 also defines engaging in the “unauthorized practice of law,” in pertinent part, as follows: “... using the designations ‘lawyer’ ‘attorney at law,’ ‘counselor at law,’ ‘law,’ ‘law office,’ ‘J.D.,’ ‘Esq.,’ or other equivalent words by any person or entity who is not licensed to practice law in this state.”

28. Respondent is not presently, and never has been, admitted to practice law in the state of Arizona.

#### **CONCLUSIONS OF LAW:**

29. By accepting employment with Dommissie in order to perform legal services in connection with his home mortgage loan, Respondent practiced law in Arizona without being licensed or otherwise authorized to practice law in Arizona, and thereby wilfully violated the regulations of the profession in the state of Arizona.

30. By entering into an agreement for, charging, and collecting fees from Dommissie, when he was not licensed to practice law in Arizona, Respondent willfully violated Rules of Professional Conduct, rule 4-200(A).

Case No. **10-O-09480**

#### **FACTS:**

31. On May 4, 2009, Florida resident Jonathan Edmiston employed Respondent to negotiate and obtain for Edmiston a modification of his home mortgage loan, and paid Respondent an advanced

fee of \$3,044.85.

32. Florida Statutes Title XXII, Chapter 454.23 (Penalties), provides that “Any person not licensed or otherwise authorized to practice law in this state who practices law in this state or holds himself or herself out to the public as qualified to practice law in this state, or who willfully pretends to be, or willfully takes or uses any name, title, addition, or description implying that he or she is qualified, or recognized by law as qualified, to practice law in this state, commits a felony of the third degree[.]”

33. Florida law holds that “giving legal advice and performing services which require legal skill and a knowledge of the law greater than that possessed by the average citizen is the practice of law.” *State ex rel. The Florida Bar v. Sperry*, 140 So. 2d 587, 591 (Fla. 1962), overruled on other grounds, *Sperry v. Florida*, 373 U.S. 379 (1963).

34. Under Florida law, the following are considered the “practice of law:” “using a title such as ‘lawyer,’ ‘attorney,’ ‘attorney at law,’ ‘esquire,’ ‘counselor,’ or ‘counsel[.]’ *Florida Bar v. Gordon*, 661 So.2d 295, 296 (Fla. 1995), and “sending correspondence as the representative of a client regarding legal matters,” *Id.* at 296.

35. Respondent is not presently, and never has been, admitted to practice law in the state of Florida.

#### **CONCLUSIONS OF LAW:**

36. By accepting employment with Edmiston in order to perform legal services in connection with his home mortgage loan, Respondent practiced law in Florida without being licensed or otherwise authorized to practice law in Florida, and thereby wilfully violated the regulations of the profession in the state of Florida.

37. By entering into an agreement for, charging, and collecting fees from Edmiston, when he was not licensed to practice law in Florida, Respondent willfully violated Rules of Professional Conduct, rule 4-200(A).

Case No. **10-O-10802**

#### **FACTS:**

38. On May 6, 2010, Dennis Yamada signed a “Debt Settlement Agreement” with Respondent whereby he employed Respondent to negotiate with Yamada’s unsecured creditors and to

perform "debt consolidation" legal services in connection with Yamada's unsecured consumer debt. Yamada paid Respondent an advanced fee of \$1,454.46 in two installments on May 11, 2010, and on June 17, 2010.

39. By August 17, 2010, Respondent had performed no legal services for Yamada, and Yamada sent Respondent an emailed message, which Respondent received, terminating Respondent's employment and demanding a full refund of his unearned advanced fee.

40. On the date his employment was terminated by Yamada, Respondent had earned none of the advanced fee paid by Yamada.

41. To date, Respondent has refunded none of Yamada's unearned advanced fee.

42. After Yamada terminated his employment, Respondent did not render an accounting to Yamada for his advanced fee.

#### **CONCLUSIONS OF LAW:**

43. By performing no legal services for Yamada, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

44. By not refunding Yamada's unearned advanced fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

45. By not rendering to Yamada an accounting for his advanced fee following Yamada's termination of his employment, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

**Case No.     10-O-11349**

#### **FACTS:**

46. On June 1, 2009, Marisela Guzman employed Respondent to negotiate a modification of her real estate mortgage loan. Guzman paid Respondent a total advanced fee of \$4,524 in two installments between June 1, 2009, and March 30, 2010.

47. On June 2, 2010, Respondent filed a Chapter 13 bankruptcy petition on Guzman's behalf.

On July 27, 2010, the Chapter 13 Trustee, Rod Danielson, filed a motion seeking disgorgement of the \$4,524 Guzman paid Respondent.

48. On September 27, 2010, the bankruptcy court granted Danielson's motion to disgorge attorney fees, and ordered Respondent to pay Danielson the \$4,524 Respondent had been paid by Guzman, plus an additional \$250 for Danielson's costs in bringing the motion. The order was served on Respondent by mail, and he received it.

49. To date, Respondent has not complied with the order.

### **CONCLUSIONS OF LAW:**

50. By not paying Danielson the \$4,524 Respondent had been paid by Guzman, plus an additional \$250 for Danielson's costs in bringing the motion, Respondent wilfully disobeyed or violated an order or orders of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear.

Case No. **10-O-11397**

### **FACTS:**

51. On September 23, 2008, a money judgment was entered by the Sutter County Superior Court against Linda Hicks in favor of Keith Brown Drywall, Inc. ("Brown"), in the amount of \$14,304.65, with interest accruing until paid in full. On December 10, 2009, Hicks received a letter from the attorney representing Brown, informing her that Brown had directed the attorney to pursue collection of the matter.

52. On January 12, 2010, Linda Hicks signed a "Debt Settlement Agreement" with Respondent whereby she employed Respondent to negotiate with her unsecured creditors and to perform "debt consolidation" legal services in connection with her unsecured consumer debt, specifically two accounts: debts Hicks owed to Ford Motor Credit and to Brown. Hicks paid Respondent an advanced fee of \$14,750 on March 1, 2010.

53. On July 16, 2010, Hicks sent Respondent emailed correspondence, which Respondent received, terminating Respondent's employment.

54. After Hicks terminated his employment, Respondent did not render an accounting to

Hicks for her advanced fee.

**CONCLUSIONS OF LAW:**

55. By not rendering to Hicks an accounting for her advanced fee following Hicks's termination of his employment, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

**Case No.      11-O-11974**

**FACTS:**

56. On March 18, 2009, Janice Thomas employed Respondent to negotiate and obtain for her a modification of her home mortgage loan. Between March 18, 2009, and April 5, 2009, Thomas paid Respondent an advanced fee of \$2,500.

57. By July 14, 2009, Respondent had performed no legal services for Thomas, and Thomas sent Respondent an emailed message, which Respondent received, terminating Respondent's employment and demanding a full refund of her unearned advanced fee.

58. On the date his employment was terminated by Thomas, Respondent had earned none of the advanced fee paid by Thomas.

59. To date, Respondent has refunded none of Thomas's unearned advanced fee.

60. After Thomas terminated his employment, Respondent did not render an accounting to Thomas for her advanced fee.

**CONCLUSIONS OF LAW:**

61. By performing no legal services for Thomas, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

62. By not refunding Thomas's unearned advanced fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

63. By not rendering to Thomas an accounting for her advanced fee following Thomas's termination of his employment, Respondent failed to render appropriate accounts to a client regarding

all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

**AGGRAVATING CIRCUMSTANCES:**

Harm: Multiple Acts of Wrongdoing/Pattern of Misconduct: Respondent's repeated violations of rules Rules 3-110(A), 3-700(D)(2), 4-100(B)(3), 1-300(B) and 4-200(A), constitute multiple acts of wrongdoing and a pattern of misconduct.

**MITIGATING CIRCUMSTANCES:**

Candor/Cooperation: Respondent agreed to settle this matter at an early stage in the disciplinary proceedings. (Standards for Attorney Sanctions for Professional Misconduct, Standard 1.2(e)(v).)

Remorse: Respondent has expressed apparently sincere remorse for his misconduct.

Emotional Difficulties: At the time of the misconduct, Respondent was recovering from the death of his father, his father's best friend, and two of Respondent's good friends.

Family Problems: At the time of the misconduct, Respondent was recovering from the failure of his (then) 13 year marriage.

**AUTHORITIES SUPPORTING DISCIPLINE:**

Standard 2.6 provides that "Culpability of a member of a violation of [Business and Professions Code section 6103] shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim[.]"

Standard 2.2(b) provides that "Culpability of a member of ...[a] violation of rule 4-100, Rules of Professional Conduct [which does not] result in the willful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances."

**PENDING PROCEEDINGS:**

The disclosure date referred to, on page 2, paragraph A(7), was December 20, 2011.



**COSTS OF DISCIPLINARY PROCEEDINGS:**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of December 20, 2011, the prosecution costs in this case total \$9,933.

In the Matter of: Rodger B. Haglund	Case Number(s): 09-O-19319, 10-O-02343, 10-O-06151, 10-O-07863, 10-O-09480, 10-O-10802, 10-O-11349, 11-O-11397, 11-O-15879
--	---

## 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
See Financial Conditions Attachment, page 20		

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

### 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 reproval), 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

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

### 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.

Payee	Principal Amount	Interest Accrues From
Jose Morelos or CSF	\$1,875	7/22/09
	\$937	8/7/09
	\$937	8/21/09
Joseph Gordon or CSF	\$3,500	6/12/09
	\$7,000	6/15/09
	\$3,500	6/16/09
	\$3,500	6/17/09
	\$7,000	6/19/09
Angelica Hernandez or CSF	\$2,125	7/9/09
	\$1,062.50	8/6/09
	\$1,062.50	8/29/09
John Dommissie or CSF	\$4,000	10/9/09
Jonathan Edmiston or CSF	\$3,044.85	5/4/09
Dennis Yamada or CSF	\$727.23	5/11/10
	\$727.23	6/17/10
Marisela Guzman or CSF	\$4,000	6/1/09
	\$524	3/30/10
Rod Danielson	\$250	9/27/10
Janice Thomas or CSF	\$1,500	3/18/09
	\$1,000	4/5/09

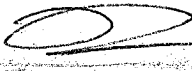
(Do not write above this line.)

In the Matter of:  
Rodger B. Haglund

Case number(s):  
09-O-19819  
10-O-02343  
10-O-06151  
10-O-07863  
10-O-09420  
10-O-10802  
10-O-11349  
11-O-11397  
11-O-15879

**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 Facts, Conclusions of Law, and Disposition.

12/21/2011 

Date

Respondent's Signature

Rodger B. Haglund  
Print Name

12.27.11

Date

Respondent's Counsel Signature

Print Name

  
Respondent's Counsel Signature

Attorney at Law  
Print Name

In the Matter of: Rodger B. Haglund	Case Number(s): 09-O-19319 10-O-02343 10-O-06151 10-O-07863 10-O-09480 10-O-10802 10-O-11349 11-O-11397 11-O-15879
--	---

### ACTUAL SUSPENSION 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.

PAGE 11 - PARAGRAPH 29 - 4TH LINE - END OF SENTENCE:  
INSERT "IN WILFUL VIOLATION OF RULE 1-300(B)." "

PAGE 12 - PARAGRAPH 30 - 4TH LINE - END OF SENTENCE:  
INSERT - "IN WILFUL VIOLATION OF RULE 1-300(B)." "

PAGE 14 - PARAGRAPH 50 - 4TH LINE - END OF SENTENCE:  
INSERT - "IN WILFUL VIOLATION OF SECTION 6103." "

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 5.58(E) & (F), 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.)**

Date

01/10/12

Judge of the State Bar Court

RICHARD A. PLATEL

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 January 23, 2012, 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:

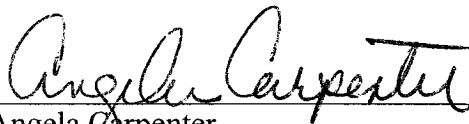
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RODGER G HAGLUND, II  
HAGLUND LAW GROUP  
4902 ROBERTSON DR  
ABILENE, TX 79606

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 23, 2012.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court