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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
<p>Counsel For The State Bar</p> <p>Kimberly J. Belvedere Deputy Trial Counsel Office of the Chief Trial Counsel State Bar of California 1149 S. Hill Street Los Angeles, CA 90015-2299 (213)765-1162</p> <p>Bar # 251334</p>	<p>Case Number(s): 10-N-04956 10-O-05017</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;">FILED <i>YJC</i></p> <p style="text-align: center; font-size: 1.2em;">FEB 23 2011</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold; letter-spacing: 0.2em;">PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>John R. Call 1371 El Corto Drive Alta Dena, CA 91101</p> <p>Bar # 166415</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: John R. Call</p> <p>Bar # 166415</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 1, 1993.
- (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.



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- (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 to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are 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 5.111(D)(1).

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 07-O-14462 [S1777710]
 - (b) Date prior discipline effective February 7, 2010
 - (c) Rules of Professional Conduct/ State Bar Act violations: rule 3-110(A) [Failure to Perform, 10 counts]; 3-700(D)(2) [Failure to promptly refund unearned fees, 6 counts]; rule 3-700(A)(2) [Improper withdrawal, 2 counts]; section 6068(m) of the Business and Professions Code [Failure to communicate, 8 counts]; section 6068(i) of the Business and Professions Code [Failure to Cooperate in State Bar Investigation, 9 counts]
 - (d) Degree of prior discipline 3 years stayed suspension; 4 years probation with conditions; 2 year actual suspension and until restitution and compliance with Standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
 - (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.

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- (3) **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment at p. 8
- (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.

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- (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 at p. 8

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) **Other:**

ATTACHMENT TO STIPULATION RE: FACTS; CONCLUSIONS OF LAW, AND DISPOSITION

In the Matter of: JOHN R. CALL, Bar No. 166415

Case Nos.: 10-O-05017; 10-N-04956

WAIVER OF VARIANCE

The parties waive any variance between the Notice of Disciplinary Charges (“NDC”) filed on December 27, 2010 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended NDC. The parties further waive the right to the filing of a NDC and to a formal hearing on any charge not included in the pending NDC.

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. 10-O-05017

Statement of Facts

1. On September 7, 2009, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition (“Stipulation”) with the State Bar of California in Case Nos. 07-O-14462; 07-O-14500; 07-O-14679; 07-O-14728; 07-O-14734; 07-O-14999; 08-O-10486; 08-O-10925; 087-O-11569; and 08-O-11579.
2. On September 11, 2009, the Hearing Department of the State Bar Court filed an Order approving the Stipulation (“Hearing Dept. Order”), and recommended the agreed upon discipline to the California Supreme Court, which included four years of probation and the following relevant conditions:
 - A. Respondent must submit written quarterly reports (“quarterly reports”) to the Probation Unit 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.
 - B. Respondent must, within thirty (30) days of the effective date of discipline, contact the Office of Probation and schedule a meeting with Respondent’s assigned probation deputy to discuss the terms and conditions of probation, and upon the direction of the Office of Probation, must meet with the probation deputy either in person or by telephone.
 - C. Respondent must provide with each quarterly report, dated no more than one month before the quarterly report due date, a separate report from Respondent’s therapist or psychiatrist verifying that Respondent is continuing in treatment and is complying with all recommendations of his therapist or psychiatrist.

D. Respondent must, upon request of the Office of Probation, provide the Office of Probation with medical waivers and access to Respondent's medical records related to his psychiatric treatment.

E. Respondent must comply with Rule 9.20, California Rules of Court ("rule 9.20"), by performing the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Order. Respondent was required by the Supreme Court Order to file with the Clerk of the State Bar Court a declaration of compliance with rule 9.20 no later than March 19, 2010.

3. On September 11, 2009, the State Bar Court properly served the Hearing Dept. Order on Respondent. Respondent received the Order.

4. On January 8, 2010, the California Supreme Court filed an Order [Supreme Court Order] in Case No. S177710 (State Bar Court Case Nos. 07-O-14462 [07-O-14500; 07-O-14679; 07-O-14728; 07-O-14734; 07-O-14999; 08-O-10486; 08-O-10925; 087-O-11569; and 08-O-11579]), ordering inter alia that Respondent be placed on probation for four years and comply with all conditions of probation recommended by the Hearing Department.

5. On January 12, 2010, the Clerk of the California Supreme Court properly served the Respondent with a copy of the Supreme Court Order filed Case No. S177710, Respondent received the Supreme Court Order.

6. The Supreme Court Order became effective on February 7, 2010, thirty days after it was filed, and at all times thereafter remained in full force and effect.

7. Respondent had actual knowledge of the orders and conditions of probation at all relevant times herein from the effective date of his probation and at all times during the pendency of his probation in Case No. S177710.

8. On February 1, 2010, the Office of Probation sent Respondent a letter summarizing his probation conditions, and advising Respondent that he was required to submit to the Clerk of the State Bar Court a rule 9.20 affidavit; that Respondent was required to submit to the Office of Probation a medical waiver form by March 19, 2010; and that Respondent was required to contact the Office of Probation to schedule a meeting with his assigned probation deputy by March 9, 2010. Respondent received the letter.

9. On May 10, 2010, the Office of Probation sent Respondent a second letter again summarizing his probation conditions, and advising Respondent that he was not in compliance. Respondent received the letter.

10. To date, Respondent failed to submit to the Office of Probation the quarterly reports due on April 10, 2010; July 10, 2010; and October 10, 2010.

11. To date, Respondent failed to provide the Office of Probation with medical waivers and access to Respondent's medical records related to his psychiatric treatment by March 19, 2010.

12. To date, Respondent failed to contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy by March 9, 2010.

13. To date, Respondent failed to provide with each quarterly report due on April 10, 2010; July 10, 2010; and October 10, 2010, a separate report from Respondent's therapist or psychiatrist verifying that Respondent is continuing in treatment and is complying with all recommendations of his therapist or psychiatrist.

14. To date, Respondent failed to comply with Rule 9.20, California Rules of Court ("rule 9.20"), by performing the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Order. Specifically, Respondent never filed with the Clerk of the Court a declaration of compliance with rule 9.20 no later than March 19, 2010.

Conclusions of Law

15. By failing to comply or timely comply with the Supreme Court's Order [S177710] to contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy by March 9, 2010; by failing to submit quarterly Reports to the Office of Probation; by failing to submit to the Office of Probation medical waivers and access to Respondent's medical records related to his psychiatric treatment; by failing to submit along with his quarterly reports to the Office of a separate report from Respondent's therapist or psychiatrist verifying that Respondent is continuing in treatment and is complying with all recommendations of his therapist or psychiatrist; Respondent wilfully failed to comply with all conditions attached to any disciplinary probation in violation of section 6068(k) of the Business and Professions Code.

16. By failing to file a declaration of compliance with rule 9.20 as required by the Supreme Court Order, Respondent willfully violated subdivision (c) of rule 9.20, California Rules of Court.

AGGRAVATING CIRCUMSTANCES

Prior record of discipline [Standard 1.2(b)(i)]. Respondent has as a prior record of discipline, the matter underlying the probation violation and Rule 9.20 violation that forms the basis for this matter.

Harm [Standard 1.2(b)(iv)]. Respondent's failure to appear at the initial status conference and continued refusal to comply with the Order from the highest court in this State despite notice of the Order and the filing of the Notice of Disciplinary Charges in this matter, constitutes significant harm to the administration of justice.

ADDITIONAL MITIGATING CIRCUMSTANCES

Candor/Cooperation [Standard 1.2(e)(v)]: Respondent's willingness to admit the underlying allegations and enter into a stipulation, thereby saving the State Bar further time and expenditure in pursuing this matter, evidences a level of cooperation that is entitled to mitigation.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 1.6(a) provides that where two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by the Standards, the sanctions imposed shall be the most severe of the different applicable sanctions.

Standard 1.7(a) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.6(a) provides that culpability of a member of a violation of section 6068 of the Business and Professions Code shall result in disbarment or suspension depending on 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.

Although no Standard specifically addresses a violation of Rule 9.20, Disbarment is generally the appropriate sanction for a willful violation of rule 9.20. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.)

PENDING PROCEEDINGS

The disclosure date referred to on page 2, paragraph A(7), was February 4, 2011.

ESTIMATED COSTS OF PROCEEDINGS TO DATE

Respondent acknowledges that the Office of Chief Trial Counsel has informed him that, as of February 4, the prosecution costs in this matter are estimated to be \$3,269.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter will increase.

/// END OF ATTACHMENT ///

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In the Matter of: JOHN R. CALL, No. 166415	Case number(s): 10-N-04956 and 10-O-05017
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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 Facts, Conclusions of Law, and Disposition.

2/5/2011 *John R. Call* JOHN R. CALL
Date Respondent's Signature Print Name

2/8/11 *Kimberly J. Belvedere* Kimberly J. Belvedere
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of: JOHN R. CALL, No. 166415	Case Number(s): 10-N-04956 and 10-O-05017
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DISBARMENT 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 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.)**

Respondent John Call 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 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

2/22/2011
Date


Judge of the State Bar Court

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 February 23, 2011, 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 DISBARMENT

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:

**JOHN R. CALL
CALL LAW OFFICES
11741 MAPLE ST
WHITTIER, CA 90601**

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

KIMBERLY BELVEDERE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 23, 2011.



Tammy Cleaver
Case Administrator
State Bar Court