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

Counsel For The State Bar Susan Chan Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 Bar # 233229	Case Number(s): 10-O-2792; 10-O-3604	For Court use only PUBLIC MATTER FILED  DEC 02 2011 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Thomas R. Hogan McPharlin Sprinkles & Thomas LLP 160 West Santa Clara St., Ste. 400 San Jose, CA 95113 Bar # 42048	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: JOEL R. MARGOLIS Bar # 151085 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.



A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 4, 1990.
- (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 14 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."

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- (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
 - (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.
- (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. See Stipulation Attachment.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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:

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. See Stipulation Attachment.
- (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 Stipulation Attachment.
- (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:

None.

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of two (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 two (2) 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 thirty (30) days.
- 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

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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 checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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.**

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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: JOEL R. MARGOLIS
CASE NUMBER(S): 10-O-2792; 10-O-3604

FACTS AND CONCLUSIONS OF LAW.

Facts: Case No. 10-O-2792 (“Nguyen”): Count One:

1. On or about March 25, 2009, Nguyen Thi Ngoc Giau (“Nguyen”) and her mother, Mong Yen Tran (“Tran”) sought respondent’s legal representation to obtain a home loan modification for property owned by Nguyen located in San Jose, California. Nguyen and Tran went to respondent’s office after seeing his advertisement in a local Vietnamese magazine.
2. On or about March 27, 2009, Nguyen and Tran met with respondent’s wife, Tuyet Margolis (“Tuyet”), at respondent’s office. Tran paid Tuyet \$3,000 in advanced fees for respondent’s legal services in connection with obtaining a home loan mortgage modification for Nguyen. The \$3,000 check was made payable to “Law Office Joel J. Margolis.”
3. On or about March 27, 2009, respondent submitted the client authorization to Nguyen’s lender.
4. On or about April 18, 2009, respondent submitted Nguyen’s loan modification application to the lender. Subsequently, Nguyen’s loan modification application was denied.
5. On or about August 28, 2009, Nguyen’s home was foreclosed by the bank.
6. On or about November 2009, respondent refunded \$3,000 in advance fees to Tran.

Conclusions of Law: Case No. 10-O-2792 (“Nguyen”): Count One:

By failing to refund any part of the \$3,000 advanced fee to Nguyen until November 2009, respondent failed to promptly refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case No. 10-O-3604 (“SBI”): Count One:

1. In or around December 2008, debtor, Thao Tran Nguyen (“Mrs. Nguyen”) contacted respondent’s office after seeing his advertisement in a Vietnamese language newspaper. Mrs. Nguyen called the office and made an appointment. Later that same day, Mrs. Nguyen met with Respondent’s wife, Tuyet Margolis (“Tuyet”). Respondent was not present.
2. Tuyet is Vietnamese and fluent in both Vietnamese and English. Tuyet is respondent’s office manager and runs the day-to-day operations. Tuyet conducted the initial interview with the debtors, advised them as to the chapter they should file under and prepared their schedules. Tuyet was also responsible for obtaining information related to the Nguyens’ financial affairs and prepared their Chapter 7 petition.
3. At all relevant times herein, Tuyet is not presently, and never has been, admitted to practice law in the State of California.
4. In or around February 20, 2009, the Nguyens went to respondent’s office to sign the Chapter 7 bankruptcy petition, schedules and statement of affairs. Some of the schedules were incomplete and/or inaccurate. The Nguyens found some errors and made some handwritten corrections in the belief that the schedules would be corrected before filing. Respondent’s wife told the Nguyens to sign the petition. Respondent was not present during this meeting.
5. On March 2, 2009 the Nguyens’ bankruptcy petition was filed in the United States Bankruptcy Court Northern District of California of California, in *In re Thao Tran and Andrew Hunglam Nguyen*, Bankruptcy Petition No. 09-10549 (“Nguyen bankruptcy case no. 09-10549”). The petition failed to disclose that the Nguyens owned a business, failed to disclose their business inventory, failed to disclose two vehicles and a bank account containing \$13,000.00 -- information later discovered by the trustee and brought to the attention of the court.
6. On June 1, 2009 the trustee, Jeffrey Locke, filed an Adversary Proceeding in a related proceeding entitled *Jeffrey Locke, Trustee v. Thao Tran and Andrew Hunglam Nguyen*, A.P. No. 09-1055 (“Adversary Proceeding, A.P. No. 09-1055”) and objected to the Nguyens’ discharge based on the false schedules filed. The Nguyens were represented by attorney David N. Chandler.
7. On January 20, 2010 the bankruptcy court held a hearing on the trustee’s complaint. At the hearing, respondent testified that the Nguyens did not sign the Chapter 7 petition.

prior to filing it on March 2, 2009. Respondent also testified that he had no knowledge of what the Nguyens had signed. Respondent testified that his wife, Tuyet, most likely filed the petition and schedules. Respondent said he delegated his non-attorney staff with the primary responsibilities for putting schedules together.

8. On January 22, 2010 the court issued a Memorandum After Trial in the Adversary Proceeding, A.P. No. 09-1055. The court denied the Nguyens' discharge because the Nguyens failed to bring the omissions to the attention of the trustee. As to Respondent, the court found:

“The court notes that it is not relying on the false schedules in reaching its conclusion that the Nguyens are not entitled to a discharge, as their counsel admitted that he changed the schedules before he filed them and they were never actually signed by the Nguyens. It is clear to the court that the attorney, Joel J. Margolis, is not fit to practice law. He will be the subject of disciplinary action. Among his many other transgressions, Margolis failed to properly counsel the Nguyens and allowed his non-lawyer wife to handle the Nguyens' case without any meaningful supervision. There is no doubt that competent advice of counsel, if followed, would have preserved the Nguyens' discharge.”¹

9. On February 8, 2010 the court issued an Order to Cause for Respondent to appear in the Nguyen bankruptcy case no. 09-10549.
10. On March 26, 2010 the Order to Show Cause hearing was heard. Attorney Michael Bradley appeared on behalf of Respondent.
11. On April 2, 2010, the bankruptcy court issued Memorandum Regarding Conduct of Debtors' Former Counsel in the Nguyen bankruptcy case no. 09-10549. The court found that Respondent:

“...He allowed his wife, a non-lawyer, to conduct the initial interview with the debtors, advise them as to the chapter they should file under, and prepare their schedules. Margolis himself spent a total of only about 15 minutes, perhaps less, speaking to the debtors himself. He completely abdicated his responsibilities to his clients, leaving them in the hands of untrained non-lawyers. Worse, Margolis completely failed to instill in his own staff the importance of the schedules or the

¹ See United States Bankruptcy Court Northern District of California in *In re Thao Tran and Andrew Hunglam Nguyen*, No. 09-10549; *Jeffry Locke, Trustee v. Thao Tran and Andrew Hunglam Nguyen*, A.P. No. 09-1055, Memorandum After Trial, filed January 22, 2010, 4:2-9.

need for complete honesty and disclosure.”²

12. In its April 2, 2010 Order, the bankruptcy court in the Nguyen bankruptcy case no. 09-10549, ordered respondent to disgorge his fees to the trustee, ordered respondent to attend bankruptcy education courses and ordered respondent to comply within 30 days or he would be suspended from practicing before the Bankruptcy Court. Respondent is also permanently enjoined from filing any bankruptcy case in any court unless the initial client interview has been conducted by a licensed attorney, and permanently enjoined from filing any bankruptcy schedules in any court unless a licensed attorney has spent at least one hour counseling the debtor and making sure all assets and debts are discovered and scheduled. Lastly, respondent is permanently enjoined from allowing his wife or any other non-attorney to give legal advice to his clients including, but not limited to, selection of an appropriate chapter of the Bankruptcy Code.

Conclusions of Law: 10-O-3604 (“SBI”): Count One:

By not performing any legal services of any value to the Nguyen’s, including but not limited to, properly counseling the Nguyen’s on their bankruptcy petition and the appropriate bankruptcy chapter to file under, by not reviewing the bankruptcy petition and schedules prior to filing with the court, by failing to interview his clients regarding all of their assets prior to filing the schedules, by filing schedules not actually signed by his clients, by filing schedules with false, incomplete and inaccurate information, respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case No. 10-O-3604 (“SBI”): Count Two:

13. The allegations contained in Count Two are hereby incorporated by this reference.
14. By allowing his wife, a non-lawyer, to conduct the initial client interview with the Nguyen’s, by permitting Tuyet to advise the Nguyen’s as to the bankruptcy chapter they should file under, and prepare their schedules without any meaningful supervision by respondent, respondent permitted Tuyet, a non-lawyer to practice law.

² See United States Bankruptcy Court Northern District of California in *In re Thao Tran and Andrew Hunglam Nguyen*, No. 09-10549, Memorandum Regarding Conduct of Debtor’s Former Counsel, filed April 2, 2010, 5:9-15.

Conclusions of Law: Case No. 10-O-03604 ("SBI"): Count Two:

By permitting Tuyet, a non-lawyer to practice law, respondent aided and abetted Tuyet's unauthorized practice of law in willful violation of Rules of Professional Conduct, rule 1-300(A).

PENDING PROCEEDINGS.

The disclosure date referred to, on page two, paragraph A.(7), was November 7, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 28, 2011, the estimated prosecution costs in this matter are approximately \$3,689.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.4(b) states: "Culpability of a member of willfully failing to perform services in an individual matter of matters not demonstrating a pattern of misconduct shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Rule 3-110(A) states a member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence. (See *Schullman v. State Bar* (1976) 16 Cal.3d 631, in two matters, respondent failed to perform and in one of the matters, respondent failed to return unearned fee. Respondent was disbarred. In aggravation, respondent had a record of five priors. (See *Martin v. State Bar* (1978) 20 Cal.3d 717, attorney in six separate matters, failed to perform; failed to communicate and misrepresented status of case to clients. Attorney received one-year actual suspension and had no priors in 28 years of practice; *Franklin v. State Bar* (1986) 41 Cal.3d 700, attorney had not performed services for which he was retained, failed to communicate with clients regarding status of their cases, repeatedly refused to respond to client inquiries, and failed to cooperate with a new attorney. The Court ordered a 45-day actual suspension, one-year probation and passage of the professional responsibility examination).

Bluestein v. State Bar (1974) 13 Cal. 3d 162, respondent aided and abetted the unauthorized practice of law. Respondent received six months actual suspension. In aggravation, respondent had one prior discipline.

Sanchez v. State Bar (1976) 18 Cal.3d 280, 285 [interpreting gross carelessness and negligence in supervision as violation of the attorney's oath].)

Lydon v. State Bar (1988) 45 Cal.3d 1181, "willfulness does not require actual knowledge of the provision violated."

In the Matter of Taggart (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 309, "Thus, the term willful does not require a showing that respondent intended the consequences of his acts or omissions, it simply requires proof that he intended the act or omission itself."

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Pursuant to 1.2(b)(iv): Respondent's misconduct harmed significantly a client, the public or the administration of justice. Respondent's misconduct harmed his client when the Nguyen's bankruptcy was not discharged and were subject to an adversary proceeding in bankruptcy court. Respondent's misconduct harmed the administration of justice when he allowed a non-attorney to practice law.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(i): Respondent has been admitted to the practice of law since 1990 without a prior record of discipline.

Standard 1.2(e)(v): Respondent by and through his counsel has cooperated with the State Bar during its investigation.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

1. See attached for Law Office Management Conditions.

Attachment Page 6

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In the Matter of:
JOEL R. MARGOLIS

Case Number(s):
10-O-2792; 10-O-3604

Law Office Management Conditions

- a. Within 45 days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:


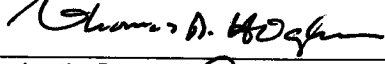
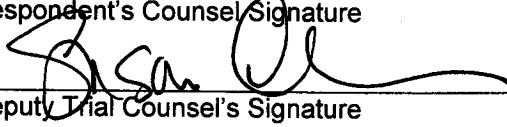
In addition to subpart (a), respondent must report compliance with the law office management/organization plan with each quarterly report.

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In the Matter of: JOEL R. MARGOLIS	Case number(s): 10-O-2792; 10-O-3604
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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.

<u>11/9/11</u> Date	 Respondent's Signature	<u>Joel R. Margolis</u> Print Name
<u>Nov. 9, 2011</u> Date	 Respondent's Counsel Signature	<u>Thomas R. Hogan</u> Print Name
<u>11/14/2011</u> Date	 Deputy Trial Counsel's Signature	<u>Susan Chan</u> Print Name

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In the Matter of:
JOEL R. MARGOLIS

Case Number(s):
10-O-02792-PEM; 10-O-0360-PEM

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.

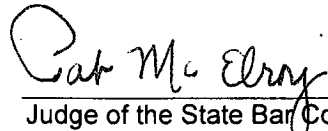
Respondent's middle name is Jeremy. Thus, the middle initial "R" is deleted and replaced with a "J."

1. On page 1 of the stipulation, in that part of the caption which states "In the Matter of JOEL R. MARGOLIS, DELETE the middle initial "R" from respondent's name and INSERT the middle initial "J" in its place.
2. On page 7 of the stipulation, in the third line from the top of the page where it says, "IN THE MATTER OF: JOEL R. MARGOLIS," DELETE the middle initial "R" from respondent's name and INSERT the middle initial "J" in its place.
3. On page 14 of the stipulation, on the signature line for respondent, above the words "Print Name," DELETE the middle initial "R" from respondent's typed name and INSERT the middle initial "J" in its place.
4. On page 15 of the stipulation, in that part of the caption box at the top of the page, where it states, "In the Matter of JOEL R. MARGOLIS, DELETE the middle initial "R" from respondent's name and INSERT the middle initial "J" in its place.

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.)**

Dec 2, 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 San Francisco, On December 2, 2011, I deposited a true copy of the following document(s):

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

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

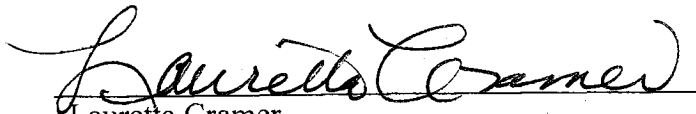
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

THOMAS ROBERT HOGAN
MCPHARLIN SPRINKLES &
THOMAS LLP
160 W SANTA CLARA ST STE 400
SAN JOSE, CA 95113

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

SUSAN CHAN , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 2, 2011.


Laurretta Cramer
Case Administrator
State Bar Court