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**State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT**

<p>Counsel For The State Bar</p> <p>PAUL T. O'BRIEN 1149 S. HILL STREET LOS ANGELES, CA 90015-2299 (213) 765-1378</p> <p>Bar # 171252</p>	<p>Case Number(s): 10-O-02917-DFM</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>JUL 05 2011</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>	<p>For Court use only</p>
<p>In Pro Per Respondent</p> <p>RUSSELL H. TAKASUGI 2051 ROYAL AVE., SUITE 202 SIMI VALLEY, CA 93065-4679 (805) 527-5400</p> <p>Bar # 118792</p>	<p>Submitted to: Settlement 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: RUSSELL H. TAKASUGI</p> <p>Bar # 118792</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 June 11, 1985.
- (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 (9) 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):
- 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 08-PM-12565
 - (b) Date prior discipline effective June 22, 2009
 - (c) Rules of Professional Conduct/ State Bar Act violations: violation of probation
 - (d) Degree of prior discipline suspension for two years, stayed, placed on probation for two years, including an actual suspension for 30 days.
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:

In Case No. 05-O-01451, effective, April 28, 2005, Respondent was suspended for two years, stayed, placed on probation for two years, including 30 days actual suspension for violating Business and Professions Code section 6068(i).

In Case No. 00-O-13793 (cons. with 00-O-14652), Respondent was publicly reprovved for one year, effective December 20, 2001, for two counts of violating rule 3-310(A), Rules of Professional Conduct, and one count of violating Business and Professions Code section 6068(m).

In Case No. 94-O-19509, Respondent was privately reprovved for one year, effective February 8, 1996, for violating rules 3-110(A), 3-700(A)(2), and 3-700(D)(2), and Business and Professions Code section 6068(m).
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent has fully cooperated in the State Bar's investigation, has participated in the proceedings and has stipulated to the discipline herein.
- (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. Respondent self-reported his unauthorized practice of law to the probation unit in his first quarterly report in connection with his most recent prior discipline.
- (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. Respondent misunderstood the duration of the suspension underlying his unauthorized practice of law, which required him to remain actually suspended beyond 30 days and until his disciplinary costs were paid in full. Upon realizing his understanding that he could practice upon expiration of 30 days was erroneous, Respondent promptly paid the disciplinary costs and notified the Probation Unit by telephone of the appearances.

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- (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:

On July 30, 2009, respondent telephoned the Supervising Attorney of the Office of Probation to inform her of his appearances in Los Angeles and Ventura courts. He further assured her that he would report the appearances in his first quarterly report, which he did on October 2, 2009.

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 language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RUSSELL H. TAKASUGI

CASE NUMBER(S): 10-O-02917-DFM

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-02917 (State Bar Investigation)

1. By order filed October 20, 2008, the Hearing Department of the State Bar Court approved the parties' Stipulation as to Facts and Disposition ("Stipulation") in In the Matter of Russell H. Takasugi, State Bar Court case number 08-PM-12565. In the Stipulation, respondent, who was represented by counsel Arthur Margolis ("Margolis"), stipulated that he had violated conditions of probation ordered on March 29, 2007, by the California Supreme Court in In re Russell H. Takasugi on Discipline, case number S149864 (05-O-1451), agreed to a 30-day suspension from the practice of law, and acknowledged that until disciplinary "costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure" (page two, paragraph A.(8)). Respondent also acknowledged that costs were estimated to be \$1,546 (page eight).

2. On December 18, 2008, the Hearing Department issued an order sua sponte modifying its October 20, 2008 Order Approving Stipulation. The parties did not make any objection to the modifications.

3. On or about February 4, 2009, the State Bar Court served on Margolis a transmittal to the Supreme Court which set forth the disciplinary costs as being \$1,546, and included the proposed Supreme Court order in 08-PM-12565. The proposed Supreme Court order included the following language: "Costs are awarded to the State Bar in accordance with Business and Professions Code section 6068.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment." A one-page information sheet captioned "Important Information for State Bar Member" was included in the transmittal. The information sheet included the following language:

Business and Professions Code Sections 6068.10 and 6140.7: These provisions of the State Bar Act relate to the imposition of disciplinary costs, the filing of motions for relief from disciplinary costs or an extension of time within which to pay such costs and the manner and time within which such disciplinary costs must be paid.

Shortly after February 4, 2009, respondent received the transmittal to the Supreme Court.

4. On May 4, 2009, the Supreme Court in *In re Russell H. Takasugi on Discipline*, case number S149864 (08-PM-12565) adopted and filed as its own the State Bar Court's proposed order, which, among other things, suspended respondent from the practice of law for 30 days. The Supreme Court order included the following language: "Costs are awarded to the State Bar in accordance with Business and Professions Code section 6068.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment."
5. On May 6, 2009, respondent personally received through the U.S. Mail a copy of the May 4, 2009 Supreme Court order.
6. On May 22, 2009, respondent in propria persona served on the State Bar Office of Probation a "Motion to Delay the Effective Date of and Temporarily Stay the Effective Date of Orders [sic] of Suspension" which was received by the Office of Probation on May 26, 2009.
7. On June 2, 2009, the Office of Probation, through Supervising Attorney Terrie Goldade ("Goldade") filed a response to respondent's motion dated May 22, 2009, stating that the Office of Probation did not oppose a delay in the effective date of respondent's actual suspension from June 3, 2009, to June 15, 2009.
8. Also on June 2, 2009, the Presiding Judge of the State Bar Court issued an order temporarily staying the effect of the May 4, 2009 Supreme Court order to give the full Review Department an opportunity to consider respondent's motion for a stay of his suspension. Thus, respondent's suspension did not go into effect on June 3, 2009. The June 2, 2009 order was served by the court on respondent.
9. By order filed June 16, 2009, the Review Department stayed the effect of respondent's suspension until June 22, 2009. The June 16, 2009 order was served by the court on Margolis. Shortly after June 16, 2009, respondent received the June 16, 2009 order.
10. Respondent would have been eligible to practice law on July 21, 2009, but for the fact that respondent's disciplinary costs in the amount of \$1,546 was not paid to the State Bar until August 3, 2009. Thus, respondent's suspension for nonpayment of disciplinary costs did not terminate until August 3, 2009.
11. On July 23, 2009, respondent, while suspended from the practice of law, appeared in Ventura County Superior Court for a hearing on an order to show cause, as the attorney for defendants Maria J. Nolan and Norris J. Colvard, in *Douglas Bell v. Maria J. Nolan*, case number 56-2008-00320587-CU-FR-SIM. Respondent's client's cause, however, was not prejudiced by the appearance.
12. On July 24, 2009, the date set for trial, respondent, while suspended from the practice of law, appeared in Los Angeles County Superior Court as attorney for petitioner Navakale Chathle in *In Re the Trust of Satya Paul Chathle*. Respondent's client's cause was not prejudiced by the appearance.
14. On July 29, 2009, respondent, while suspended from the practice of law, appeared for trial in Los Angeles County Superior Court as attorney for the plaintiff in *Professional Building Management v. Noble Community Choice Providers*, case number 07E00881. Because the defendant did not appear, trial was taken off calendar and Respondent's client was not prejudiced by the appearance.

15. On or about July 30, 2009, Respondent self-reported his unauthorized practice to the Probation Unit, and reported the same in writing in his first quarterly report, filed October 2, 2009, which caused the State Bar to initiate its investigation into the misconduct herein.

Conclusions of Law

By appearing in court on July 23, 24, and 29, 2009, as counsel for litigants, and filing a pleading for a client on July 29, 2009, respondent practiced law and held himself out as entitled to practice law while suspended in wilful violation of Business and Professions Code section 6125, thereby violating Business and Professions Code section 6068(a).

AUTHORITIES SUPPORTING DISCIPLINE

Standard 1.7(b) -- 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 two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate. This is Respondent's fifth imposition of discipline.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was June 23, 2011.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

Case No.	Count	Alleged Violation	Grounds
10-O-02917	TWO	B&P 6106	Rule 5.124, Insufficiency of Evidence
10-O-02917	THREE	B&P 6103	Rule 5.124, Insufficiency of Evidence

COSTS OF DISCIPLINARY PROCEEDINGS.


Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 14, 2011, the prosecution costs in this matter are \$3,269. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

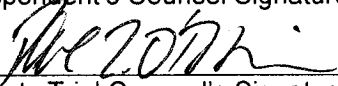
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In the Matter of: RUSSELL H. TAKASUGI	Case number(s): 10-O-02917-DFM
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SIGNATURE OF THE PARTIES

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.

06/23/11  RUSSELL TAKASUGI
Date Respondent's Signature Print Name

6/23/11  Paul T. O'Brien
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: RUSSELL H. TAKASUGI	Case Number(s): 10-O-02917-DFM
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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 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.

07-05-11
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 5, 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:

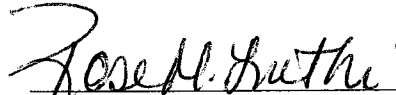
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RUSSELL H. TAKASUGI
LAW OFFICE OF RUSSELL TAKASUGI
2051 ROYAL AVE STE 202
SIMI VALLEY, CA 93065

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

PAUL O'BRIEN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 5, 2011.



Rose Luthi
Case Administrator
State Bar Court