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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b>		kwiktag® 018 038 559 
Counsel For The State Bar <b>Erin McKeown Joyce</b> Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1356  Bar # 149946	Case Number (s) <b>10-O-04373</b>  <p style="text-align: center; font-size: 1.5em;"><b>PUBLIC MATTER</b></p>	(for Court's use)  <p style="text-align: center; font-size: 1.5em;"><b>FILED</b></p> <p style="text-align: center; font-size: 1.2em;"><b>JAN 18 2011</b></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
In Pro Per Respondent  <b>Redmond Peter McAneny</b> 1500 Quail Street, Suite 460 Newport Beach, California 92660 (949)752-5152	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT  <b>DISBARMENT</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: <b>Redmond Peter McAneny</b>  Bar # 73808  A Member of the State Bar of California (Respondent)		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **April 13, 1977**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **(10)** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs to be awarded to the State Bar
  - Costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - Costs entirely waived
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c).

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **91-O-6205**
  - (b)  Date prior discipline effective **July 31, 1993**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rule of Professional Conduct 4-100**
  - (d)  Degree of prior discipline **90 day stayed suspension, one (1) year probation with conditions**
  - (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. **Respondent has engaged in misappropriation of client funds which have not been repaid, and Respondent misrepresented to his client the status of her legal matter to conceal his misappropriation of client funds.**
- (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. **Respondent has engaged in misappropriation of client funds.**
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **Respondent's client has not received repayment of the monies misappropriated by Respondent.**
- (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.

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- (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 met with the State Bar and agreed to fully resolve these State Bar matters by entering this Stipulation.**
- (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. **At the time Respondent took money from his client trust account, his law practice was in severe financial distress. The general hard economic times for lawyers resulted in Respondent having a number of significant and uncollectable accounts receivable. At the same time, his financial obligations both to his own wife, son and daughter, and the other attorneys he shared an office with, stayed the same or increased.**
- (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.

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- (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: 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 **his client Deborah Slaybaugh** in the amount of \$ **\$117,924.32** plus 10 percent interest per year from **July 15, 2008**. If the Client Security Fund has reimbursed **his client Deborah Slaybaugh** 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 **90** days from the effective date of the Supreme Court order in this case.
- (3)  **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.
- (4)  **Other: The Attachment to the Stipulation re Facts, Conclusions of Law and Disposition comprises pages 6 through 9.**

In the Matter of  
Redmond Peter McAneny

Case number(s):  
10-O-04373

A Member of the State Bar

## NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

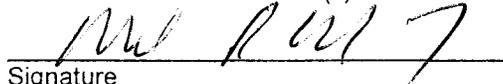
Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
  - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
  - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
    - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
    - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

December 16, 2010  
Date

  
Signature

Redmond McAneny  
Print Name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/1997. Revised 12/16/2004; 12/13/2006.)

## ATTACHMENT TO

### STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

In the Matter of Redmond P. McAneny  
Case No. 10-O-04373

#### PENDING PROCEEDINGS:

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

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct and Business and Professions Code sections.

#### FACTS

1. On June 12, 2007, Deborah Slaybaugh hired Respondent to represent her in a trust matter entitled *In re the Matter of the Harman Trust* filed in Orange County Superior Court, case no. A243835 (the "*Harman Trust* matter").
2. From the time period June 2007 through July 2008, several settlement conferences were held in the *Harman Trust* matter. The parties settled the case at the last settlement conference.
3. On June 26, 2008, Respondent sent the final settlement agreement fully resolving the claims in the *Harman Trust* matter to Slaybaugh for execution.
4. Slaybaugh returned the fully executed settlement agreement to Respondent, which he received before July 10, 2008. Pursuant to the settlement agreement, Respondent was to pay the attorney fees to the opposing party for drafting the settlement agreement, then pay out to Slaybaugh the remaining funds.
5. On July 15, 2008, Respondent deposited the check comprising the settlement proceeds from the *Harman Trust* matter which totaled \$117,924.32 into his client trust account maintained at US Bank, account no. x-xxx-xxxx-7190 (the "US Bank CTA").
6. From July 15, 2008 through December 31, 2008, Respondent made numerous withdrawals from his US Bank CTA unrelated to the *Harman Trust* matter, which caused the balance in the US Bank CTA to drop to \$18,384.35. At this point, Respondent was required to maintain in trust the full amount paid in the *Harman Trust* matter, or \$117,924.32. By December 31, 2008, Respondent had misappropriated \$99,539.97 from the *Harman Trust* settlement proceeds.
7. Respondent never paid out any of the funds from the settlement of the *Harman Trust* matter to Slaybaugh or any other person related to that litigation who was entitled to receive part of the funds.
8. Slaybaugh repeatedly contacted Respondent to obtain from Respondent her portion of the proceeds of the settlement in the *Harman Trust* matter.

9. Respondent made a series of misrepresentations to his client about the status of the *Harman Trust* matter in an effort to conceal his misappropriation of the proceeds from the settlement of the *Harman Trust* matter.

10. Respondent has failed to maintain the entirety of the funds from the settlement of the *Harman Trust* matter in the amount of \$117,924.32 in trust in his US Bank CTA or in any other client trust account.

## CONCLUSIONS OF LAW

By failing to maintain the proceeds of the settlement in the *Harman Trust* matter in a client trust account, Respondent failed to maintain all funds received or held on behalf of a client in a client trust account in wilful violation of Rule of Professional Conduct 4-100(A).

By failing to promptly pay to Slaybaugh the portion of the settlement proceeds in the *Harman Trust* matter to which she was entitled in the amount of \$117,924.32, as requested by the client, Respondent failed to promptly pay to Slaybaugh any funds in Respondent's possession which the client is entitled to receive in wilful violation of Rule of Professional Conduct 4-100(B)(4).

By misappropriating the proceeds from the *Harman Trust* matter in the amount of \$117,924.32, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

## AUTHORITIES SUPPORTING DISCIPLINE

### STANDARDS FOR ATTORNEY SANCTIONS

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. See *Snyder v. State Bar* (1990) 49 Cal.3d 1302. Also, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.

Pursuant to Standard 1.2 of the Standards for Attorney Sanctions for Professional Misconduct:

(b) "Aggravating circumstance" is an event or factor established clearly and convincingly by the State Bar as having surrounded a member's professional

misconduct and which demonstrates that a greater degree of sanction than set forth in these standards for the particular act of professional misconduct found or acknowledged is needed to adequately protect the public, courts and legal profession.

Circumstances which shall be considered aggravating are:

- (i) the existence of prior record of discipline and the nature and extent of that record; . . .
  - (ii) that the member'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; or if trust funds or trust property were involved, refusal or inability to account to the client or the person who is the object of the misconduct for improper conduct toward said funds or property.
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Pursuant to Standard 1.6 of the Standards for Attorney Sanctions for Professional Misconduct:

(b)(i) Aggravating circumstances are found to surround the particular act of misconduct found or acknowledged and the net effect of those aggravating circumstances, by themselves and in balance with any mitigating circumstances found, demonstrates that a greater degree of sanction is required to fulfill the purposes of imposing sanctions set forth in standard 1.3. In that case, a greater degree of discipline than the appropriate sanction shall be imposed or recommended.

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Pursuant to Standard 2.2(a) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than one-year actual suspension, irrespective of mitigating circumstances.

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Pursuant to Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful 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.

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In this case, Respondent has misappropriated over \$117,000 from his client, then delayed discovery of his misconduct by making a series of misrepresentations to his client about his receipt of the proceeds from the settlement of the *Harman Trust* matter. This matter warrants Respondent's disbarment.

#### **FURTHER AGREEMENTS OF THE PARTIES**

The factual statements contained in this Stipulation constitute admissions of fact and may not be withdrawn by either party, except with court approval.



(Do not write above this line.)

In the Matter of <b>Redmond Peter McAneny</b>	Case Number(s): <b>10-O-04373</b>
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

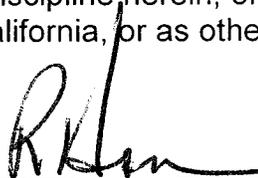
The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

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

Date

1-14-10

Judge of the State Bar Court

  
**RICHARD A. HONN**

**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 18, 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:

REDMOND PETER MCANENY  
1500 QUAIL ST STE 460  
NEWPORT BEACH, CA 92660

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Erin M. Joyce, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 18, 2011.

  
\_\_\_\_\_  
Cristina Potter  
Case Administrator  
State Bar Court