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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Sherrie B. McLetchie Deputy Trial Counsel 180 Howard Street San Francisco CA 94105 (415) 538-2297 Bar # 85447	Case Number(s): 10-O-11373 11-O-13908	For Court use only PUBLIC MATTER FILED  JAN 18 2012 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Edward Griffin Duree In Propria Persona 622 Jackson Street Fairfield, California 94533 (707) 422-8933 Bar # 116569	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: Edward Griffin Duree Bar # 116569 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED kwiktag ® 018 044 657 	

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 3, 1984.
- (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.

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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):
 - ☒ 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: (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 S 062620 (95-O-13101; 96-O-1479)
 - (b) ☒ Date prior discipline effective 10/11/97
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Bus. & Prof. Code sections 6068(i) & 6125
 - (d) ☒ Degree of prior discipline 1 year probation, 90-day stayed suspension.
 - (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. See "Facts", generally.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

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- (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. See "Facts Supporting Mitigating Circumstances".
- (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 "Facts Supporting Mitigating Circumstances".
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (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.

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- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of one year.
- 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 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 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.

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- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National

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Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

☐ No MPRE recommended. Reason:

- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

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In the Matter of: EDWARD GRIFFIN DUREE	Case Number(s): 10-O-11373; 11-O-13908
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Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

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

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

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

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: EDWARD GRIFFIN DUREE

CASE NUMBERS: 10-O-11373; 11-O-13908

VARIANCE BETWEEN THE NDC AND STIPULATION

Any variance between the language of the Notice of Disciplinary Charges filed November 9, 2011, and the language of this Stipulation is waived.

FACTS AND CONCLUSIONS OF LAW

10-O-11373

Facts

1. At all relevant times herein, respondent maintained a client trust funds account at Bank of the West account no. 255-059354 ("CTA").

2. Between October 20, 2010, and May 16, 2011, respondent repeatedly issued checks or otherwise authorized transfers from his CTA against insufficient funds, including:

<u>Check #</u>	<u>Date Issued</u>	<u>Ck. Amt.</u>	<u>Date Presented</u>	<u>Account Balance</u>
1114	10/20/10	\$57.29	October 21, 2010	\$26.85
1112	10/22/10	\$16.71	October 25, 2010	-\$56.44
1120	11/18/10	\$15	January 11, 2011	\$14.91
		\$300	May 10, 2011	\$137.42
		\$300	May 16, 2011	\$67.43

3. Respondent issued the checks or transfers identified in the paragraph above when he knew or should have known that there were insufficient funds in his CTA to pay them.

4. By letter dated November 8, 2010, the State Bar advised respondent that Bank of the West had notified the State Bar that respondent's CTA check numbers 1114 and 1112 had been issued against insufficient funds and requested respondent's written explanation for the reported insufficient funds activity.

5. Respondent received the State Bar's November 8, 2010 letter shortly after November 8, 2010, but did not respond to it in any way.

6. By letter dated December 9, 2010, the State Bar notified respondent that it had not received a response to its November 8, 2010 letter and requested a response by December 23, 2010.

7. Respondent received the State Bar's December 9, 2010 letter shortly after December 9, 2010, but did not respond to it in any way.

8. By letter dated March 28, 2011, State Bar Investigator Laura Sharek ("Sharek") requested respondent's written explanation for the issuance of CTA check numbers 1112, 1114, and 1120 against insufficient funds ("NSF checks"). Additionally, Sharek notified respondent that he was being investigated for failure to cooperate with the State Bar investigation because of his failure to respond in any way to the November 8, and December 9, 2010 letters from the State Bar. Among other things, Sharek requested that respondent provide copies of the front and reverse sides of the NSF checks, all items deposited to the Bank of the West CTA and accompanying deposit slips, and all checks written against that account from and including July 1, 2010 to March 28, 2011, monthly bank statements from July 1, 2010 to March 28, 2011, all client trust account ledger cards which relate to the NSF checks, and a written trust account journal and each monthly reconciliation from July 1, 2010, to March 28, 2011.

9. Respondent received Sharek's March 28, 2011 letter shortly after March 28, 2011, but did not respond to it in any way.

10. By letter dated April 22, 2011, Sharek notified respondent that she had not received a response to her March 28, 2011 letter and requested a response by May 6, 2011.

11. By letter dated April 29, 2011, respondent acknowledged his "tardy response" and estimated that he could provide all the documentation Sharek requested in her March 28, 2011 letter by May 20, 2011.

12. By letter dated May 4, 2011, Sharek acknowledged respondent's April 29, 2011 letter and granted his request for an extension of time to respond until May 20, 2011.

13. Thereafter and to date, respondent did not contact Sharek in any way, nor did he provide the documentation requested by Sharek in the March 28, 2011 letter.

14. By letter dated August 2, 2011, Sharek requested – no later than August 13, 2011 – respondent's written explanation for the "overdrafts" that occurred in the Bank of the West CTA on May 10, and May 16, 2011, respectively, both in the amount of \$300. Among other things, Sharek

specifically requested a written explanation "as to why there were insufficient funds to cover the withdrawals". Sharek also requested that if the overdrafts were the result of checks being issued, copies of the front and reverse sides of the each check, all items deposited to the Bank of the West CTA and accompanying deposit slips, and all checks written against that account from and including February 1, 2011, through August 2, 2011, monthly bank statements from February 1, 2011, through August 2, 2011, all client trust account ledger cards which relate to the checks, and a written trust account journal and each monthly reconciliation from February 1, 2011, through August 2, 2011.

15. Respondent received Sharek's August 2, 2011 letter shortly after August 2, 2011, but did not respond to it in any way.

11-O-13908

Facts

16. Respondent did not withdraw funds from his CTA at the earliest reasonable time after his interest in the funds became fixed such that during the period between October 1, 2010, and August 31, 2011, respondent repeatedly issued checks or authorized transfers from his CTA to pay his personal expenses, including, but not limited to:

<u>Check #</u>	<u>Date Issued</u>	<u>Payee</u>	<u>Ck. Amt.</u>	<u>Date Paid</u>
1156	10/5/10	SPM (Solano Prop. Mgmt.)	\$1,425.00	10/7/10
1130	10/10/10	Chase ("Maxima")	\$620	10/12/10
1157	10/07/10	Titan (Auto Insurance)	\$317	10/12/10
	10/18/10	Raleys Store #33	\$61.88	10/18/10
	10/18/10	Raleys Store #33	\$58.98	10/18/10
	10/21/10	Raleys Store #33	\$57.29	10/21/10
	10/21/10	Raleys Store #33	\$16.71	10/21/10
1115	11/12/10	Postmaster	\$40.00	11/16/10
	11/17/10	Raleys Store #33	\$79.92	11/17/10
	11/19/10	Raleys Store #33	\$72.30	11/19/10
	11/21/10	Raleys Store #33	438.72	11/21/10
1120	11/18/10	Solano Youth Theater	\$15.00	1/11/11
	3/7/11	Raleys Store #33	\$47.10	3/7/11

1134	3/4/11	Comcast	\$459.96	3/7/11
	3/8/11	Raleys Store #33	\$35.00	3/8/11
1137	3/6/11	Raley's	\$104.78	3/8/11
	3/10/11	VZ Wireless	\$250.00	3/10/11
1139	3/07/11	Solano Property Mgmt.	\$1,425.00	3/10/11
	3/11/11	Sprint	\$133.96	3/11/11
1176	3/14/11	Titan (Auto Insurance)	\$234.00	3/28/11
1159	4/04/11	Solano Property Mgmt.	\$1,425.00	4/6/11
1161	4/05/11	Fairfield Muni. Utilities	\$363.17	4/06/11
	4/11/11	Raleys Store #33	\$38.69	4/11/11
	4/16/11	Wal-Mart Stores	\$105.12	4/16/11
1179	4/24/11	Safeway	\$46.08	4/26/11

Conclusions of Law

1. By failing to withdraw funds which belonged to him from his CTA at the earliest reasonable time, and thereafter issuing client trust account checks against insufficient funds when he knew or should have known that there were insufficient funds, respondent wilfully violated rule 4-100(A), Rules of Professional Conduct.

2. By failing to withdraw funds which belonged to him from his CTA at the earliest reasonable time, but instead using those funds in his CTA to pay personal expenses, respondent wilfully violated rule 4-100(A), Rules of Professional Conduct.

3. By not responding in any way to the State Bar's letters of November 8, December 9, 2010, and August 2, 2011, and by failing to provide the documentation requested by the State Bar in its letter of March 28, 2011, respondent failed to cooperate and participate in disciplinary investigations pending against him.

PENDING PROCEEDINGS

The disclosure date referred to on page 2, paragraph A(7), is December 27, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 27, 2011, the prosecution costs in this matter are approximately \$4,161. 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.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES

Cooperation

Respondent cooperated with the State Bar by entering into this stipulation.

No Harm

Because respondent had a check-covering arrangement with Bank of West, no clients or third parties were harmed.

AUTHORITIES SUPPORTING DISCIPLINE

Standards for Attorney Sanctions for Professional Misconduct

2.2 Offenses Involving Entrusted Funds or Property

-
- (b) 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.

Case Law

In *Bernstein v. State Bar* (1972) 6 Cal.3d 909, 919, the Supreme Court stated

The imposition of penalty does not issue from a fixed formula but from a balanced consideration of the relevant factors. We start at least from the premise that petitioner's infractions of commingling the funds and concomitant misuse of funds compel discipline. . . . [S]ince no one involved suffered any financial loss, we hold that the offense of commingling should call for an actual suspension of 30 days.

In *Heavey v. State Bar* (1976) 17 Cal.3d 553, the attorney commingled *and misappropriated* \$350. Heavey's CTA was overdrawn 13 times in one year. Heavey practiced 30 years with no prior discipline. The Supreme Court imposed a 30-day suspension.

WAIVER OF REFERRAL TO STATE BAR COURT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND/OR MENTAL HEALTH CONDITIONS

In signing this stipulation, respondent hereby acknowledges that the State Bar Court's separate program for respondents with substance abuse or mental health conditions has been fully explained to him, that he has had an opportunity to request to be considered for that program, and that he has specifically waived any such consideration.

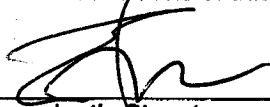
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In the Matter of:
EDWARD GRIFFIN DUREE

Case number(s):
10-O-11373; 11-O-13908

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>12/29/11</u> Date	 Respondent's Signature	<u>Edward Griffin Duree</u> Print Name
<u>1-3-12</u> Date	<u>Sherrie B. McLetchie</u> Deputy Trial Counsel's Signature	<u>Sherrie B. McLetchie</u> Print Name

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In the Matter of:
EDWARD GRIFFIN DUREE

Case Number(s):
10-O-11373; 11-O-13908

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.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

Jan. 18, 2012


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 January 18, 2012, I deposited a true copy of the following document(s):

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

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

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:
- EDWARD GRIFFIN DUREE
622 JACKSON ST
FAIRFIELD, CA 94533
- ☐ 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:

Sherrie McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 18, 2012.


George Hue
Case Administrator
State Bar Court