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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>DISBARMENT</b>		
<b>Counsel For The State Bar</b>  Kevin B. Taylor Office of the Chief Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015  Bar # 151715	<b>Case Number(s):</b> 11-C-12195-RAH	<b>For Court use only</b>  <div style="text-align: center;"> <b>FILED</b>   <b>FEB 10 2012</b>            STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES         </div> <div style="text-align: center; margin-top: 10px;"> <small>kwiktag®</small>      018 044 833   </div>
<b>In Pro Per Respondent</b>  Daniel L. Eisman c/o Jerome Eisman 7674 Lake Adlon Dr. San Diego, CA 92119  Bar # 248617	<b>Submitted to: 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	
<b>In the Matter of:</b> Daniel Lawrence Eisman  Bar # 248617  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 March 30, 2007.
- (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."

- (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
- (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. The victims of Respondent's exploitive video recordings suffered emotional injury. Additionally, Respondent contributed to the exploitation of children by being a participant in the child pornography market which abuses children.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$            on            in restitution to            without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (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.

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(13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

Respondent states that he is remorseful for the harm he has caused.

**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 f in the amount of \$        plus 10 percent interest per year from        . If the Client Security Fund has reimbursed        for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than        days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: DANIEL LAWRENCE EISMAN, State Bar No. 248617

STATE BAR COURT CASE NUMBER: 11-C-12195-RAH

**FACTS AND CONCLUSIONS OF LAW**

Respondent admits that the following facts are true and that he is culpable of engaging in misconduct which involved moral turpitude and other conduct warranting discipline.

**Procedural Background**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On April 28, 2011, in the case of *State of Alaska v. Daniel L. Eisman*, Superior Court for the State of Alaska, Third Judicial District at Anchorage, case number 3AN-10-4963 CR, Respondent pled guilty and was convicted of violating Alaska Statutes section 11.61.123(a)(f)(2), indecent viewing or photography, a misdemeanor, and section 11.61.127(a) possession of child pornography, a felony.
3. Respondent was sentenced to serve one year incarceration on the first count and eight years incarceration, with five years suspended, on the second count. Upon release, Respondent is required to register as a sex offender with the State of Alaska Department of Public Safety.
4. Respondent did not appeal the conviction or sentence, both of which are now final.
5. On June 9, 2011, the State Bar transmitted the record of Respondent's conviction to the State Bar Court, Review Department.
6. On August 3, 2011, the Review Department issued an order placing Respondent on interim suspension pursuant to Business and Professions Code, section 6102, and ordered the parties to file briefs addressing the issue of whether Respondent's conviction involved moral turpitude per se.
7. On August 19, 2011, the State Bar filed its brief, which argued that Respondent's conviction did involve moral turpitude per se. Respondent did not file a brief.
8. On September 9, 2011, the Review Department issued an order finding that Respondent's conviction did not inherently involve moral turpitude, but may involve moral turpitude based upon the facts and circumstances surrounding the conviction.

9. On December 1, 2011, after the Court received evidence that Respondent's conviction had become final, the Review Department referred this matter to the Hearing Department for a hearing and determination as to whether the facts and circumstance surrounding Respondent's conviction involved moral turpitude or other conduct warranting discipline, and if so, the discipline to be imposed.

#### Facts

10. The conduct which led to Respondent's conviction includes the following:
11. In 2009 and 2010, Respondent installed and operated hidden video cameras in various rooms throughout his home, including a guest bedroom and bathroom. During that time, Respondent video recorded multiple female house guests in various states of undress while they used those rooms to change clothing, shower and for other purposes. At times, Respondent encouraged female house guests to use the rooms prior to recording them. Some of the recordings captured pictures of the victims' exposed breasts and genitals.
12. The women Respondent video recorded did not know that they were being recorded and never consented to any such recording.
13. Respondent maintained the video recordings on his computer.
14. While investigating the above-described conduct of Respondent, law enforcement found that Respondent also obtained and possessed over 300 images of child pornography.
15. Respondent admits that his conduct, both the making of the exploitive video recordings and the obtaining and possession of child pornography, involve moral turpitude.

#### Legal Conclusion

16. Respondent's conviction for violating Alaska Statutes sections 11.61.123(a)(f)(2) and 11.61.127(a), and the facts and circumstances surrounding same, involve moral turpitude and other misconduct warranting discipline.

### **DISCUSSION RE DISCIPLINE**

The Standards For Attorney Sanctions For Professional Misconduct support disbarment in this matter.

Standard 1.3 provides guidance as to the imposition of discipline and interpretation of specific Standards. That Standard states that the primary purpose of discipline is the protection of the public, the courts and the legal profession.

Standard 3.2 provides that conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission, shall result in disbarment unless the most compelling mitigating circumstances clearly predominate. No such compelling mitigation exists in this matter.

### **PENDING PROCEEDINGS**

The disclosure date referred to, on page two, paragraph A.(7), was January 13, 2012.

### **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of, January 13, 2012, the prosecution costs in this matter are approximately \$2,300. 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 <b>Daniel Lawrence Eisman</b>	Case number(s): <b>11-C-12195-RAH</b>
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### SIGNATURE OF THE PARTIES

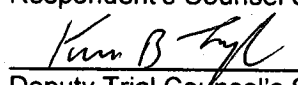
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

Jan 22, 2012  
Date

  
Respondent's Signature

Daniel L. Eisman  
Print Name

1/31/12  
Date

Respondent's Counsel Signature  
  
Deputy Trial Counsel's Signature

Print Name  
Kevin B. Taylor  
Print Name

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In the Matter of:  
Daniel Lawrence Eisman

Case Number(s):  
11-C-12195-RAH

### 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:

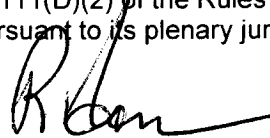
- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

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 Daniel Lawrence Eisman 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.

Date

2/10/12



Judge of the State Bar Court  
RICHARD A. HORN

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 10, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

DANIEL L EISMAN ESQ  
C/O JEROME & KAREN EISMAN  
7674 LAKE ADLON DR  
SAN DIEGO, CA 92119

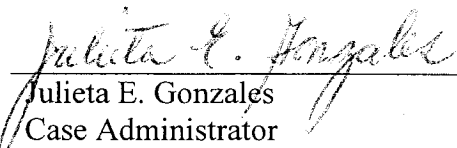
Courtesy copy:

DANIEL L EISMAN ESQ  
PALMER CORRECTIONAL CENTER  
PALMER, AK 99645

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

Kevin B. Taylor, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 10, 2012.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court