
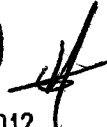


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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		kwiktag® 152 141 515 
Counsel For The State Bar Anand Kumar Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1714 Bar # 261592	Case Number(s): 11-H-14664-PEM	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED  AUG 14 2012 </div> <div style="text-align: center;"> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
In Pro Per Respondent Edward Brian Jamison 848 North Rainbow Blvd., #2305 Las Vegas, NV 89107 (561) 444-9669 Bar # 214726	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Edward Brian Jamison Bar # 214726 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 October 18, 2001.
- (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 11 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."

(Effective January 1, 2011)

Stayed Suspension

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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 are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: two (2) billing cycles immediately following the effective date of the Supreme Court order in this matter. (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 07-O-12699-RAH.
 - (b) Date prior discipline effective March 29, 2011.
 - (c) Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-310(C)(1).
 - (d) Degree of prior discipline Public reproof.
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.

(Effective January 1, 2011)

Stayed Suspension

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

Additional aggravating circumstances

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.

(Effective January 1, 2011)

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Stayed Suspension

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(13) No mitigating circumstances are involved.

Additional mitigating circumstances

See attachment, page 9.

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D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of two (2) years.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

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- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: Respondent is a resident of Florida. As per agreement by the parties, in lieu of Ethics School, see Section (F) re Other Conditions Negotiated by the Parties.
- (8) 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.
- (9) 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 type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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) **Other Conditions:**
- Within one (1) year of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory proof of completion of no less than six (6) hours Minimum Continuing Legal Education (MCLE) approved courses in general legal ethics. This six-hour MCLE requirement is separate from any MCLE requirement and Respondent will not receive MCLE credit for the hours.

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Attachment language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Edward Brian Jamison

CASE NUMBER: 11-H-14664-PEM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the facts are true and that he is culpable of the violations of the statutes and/or Rules of Professional Conduct specified herein.

Case No. 11-H-14664-PEM

FACTS:

1. On February 25, 2011, while living in Vietnam, Respondent entered into a Stipulation as to Facts, Conclusions of Law and Disposition ("Stipulation") for a public reproof with the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") in case number 07-O-12699.
2. On March 3, 2011, the Hearing Department of the State Bar Court filed an Order approving the Stipulation and imposing the discipline set forth in the Stipulation ("March 3 Order").
3. The March 3 Order directed Respondent to comply with the following reproof conditions for a period of one year, which was to commence upon the effective date of the March 3 Order, which was March 29, 2011:
 - a. that, within 30 days from the effective date of the March 3 Order (or by April 28, 2011) Respondent contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of his probation;
 - b. that, following Respondent's contact with the Office of Probation, he meet with the probation deputy either in person or by telephone;
 - c. that Respondent submit written quarterly reports ("Quarterly Reports") to the Office of Probation on each January 10, April 10, July 10, and October 10 of the reproof period; and
 - d. that Respondent submit satisfactory proof of completion of no less than twelve (12) hours Minimum Continuing Legal Education (MCLE) approved courses in general legal ethics to the Office of Probation by March 29, 2012.

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4. On March 15, 2011, Respondent's assigned probation deputy from the Office of Probation mailed a reminder letter to Respondent at his current State Bar membership records address at the time, informing Respondent of the terms and conditions of his public reprobation.
5. Respondent failed to contact the Office of Probation by April 28, 2011 to schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of his probation. On June 25, 2012, Respondent contacted the Office of Probation and had a telephonic meeting with his assigned probation deputy.
6. On June 9, 2011, Respondent's assigned probation deputy from the Office of Probation mailed a reminder letter to Respondent at his current State Bar membership records address at the time, informing Respondent that he was in non-compliance with the terms and conditions of his public reprobation.
7. While living in Vietnam, Respondent made arrangements for a post office box to receive his mail and arranged that the mail be forwarded to him. However, the March 15, 2011 and June 9, 2011 letters from the Office of Probation were not forwarded and both returned to the Office of Probation on or about June 21, 2012 as "not deliverable as addressed - return to sender" and "unable to forward—return to sender" respectively.
8. Respondent failed to timely file his Quarterly Reports due by July 2011, October 2011, January 2012, and March 29, 2012. On July 3, 2012, Respondent submitted all four of his required Quarterly Reports to the Office of Probation.
9. Respondent failed to submit satisfactory proof of completion of any hours Minimum Continuing Legal Education (MCLE) approved courses in general legal ethics to the Office of Probation by March 29, 2012. On June 30, 2012, Respondent provided proof of completion of 12.25 hours of MCLE approved courses in general legal ethics to the Office of Probation.

CONCLUSION OF LAW:

By not contacting the Office of Probation by April 28, 2011 to schedule a meeting with his assigned probation deputy to discuss the terms and conditions of his probation, and by not meeting with his assigned probation deputy, by not filing any Quarterly Reports for his reprobation condition period and by not submitting proof of completion of twelve hours MCLE approved courses by March 29, 2012, Respondent failed to comply with conditions attached to public or private reprovals or other discipline administered by the State Bar in willful violation of rule 1-110, Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was June 19, 2012.

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MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Respondent has cooperated with the State Bar by entering into a stipulated settlement for the matter described herein without the need of a trial.

Other Facts Taken into Consideration:

Respondent has belatedly complied with his reproof conditions with the Office of Probation. While living in Vietnam, Respondent did not receive the reminder letters sent by the Office of Probation concerning his non-compliance with his reproof conditions. The Public Reproof order from which Respondent's violations resulted was sent to Respondent's attorney of record at the time.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.9 provides that culpability of a member of a wilful violation of rule 1-110, *Rules of Professional Conduct*, shall result in suspension.

In fashioning the appropriate level of discipline, the Standards are the starting point. Consideration must also be given to whether the recommended discipline is consistent with prior decisions of the California Supreme Court and the Review Department of the State Bar Court.

In *Conroy v. State Bar* (1990) 51 Cal.3d 799, an attorney who had previously been privately reproofed, failed to take and pass the Professional Responsibility Exam (PRE) within one year of his private reproof. The Supreme Court took into consideration that Conroy subsequently took and passed the test at the next testing session. However, it also noted that the underlying misconduct resulting in Conroy's private reproof involved three clients, he failed to participate in the State Bar Court proceeding and he lacked remorse and failed to acknowledge the wrongfulness of his actions. (*Id.* at pp. 805-806.) Accordingly, the Supreme Court ordered Conroy to be suspended for one year (stayed) and be placed on probation for one year with conditions including a sixty (60) day actual suspension. By contrast, in *In the Matter of Posthuma* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 813, the Review Department held that an attorney who failed to take and pass the California Professional Responsibility Exam (CPRE) within one year of the effective date of his private reproof was culpable of violating rule 1-110. The Review Department determined that there were no aggravating circumstances involved and in light of the fact that the attorney diligently participated in the proceeding and his underlying misconduct did not involve any clients, the court ordered that the attorney be publicly reproofed.

Here, Respondent's misconduct is not as egregious as Conroy because Respondent's underlying misconduct involved a single client (as opposed to three), Respondent has accepted responsibility for violating the conditions attached to his public reproof and taken steps to belatedly comply with those conditions. Respondent's misconduct is more serious than that of Posthuma, whose violation arose from a private reproof for a criminal conviction and involved no clients. Accordingly, a two (2) year period of stayed suspension and a two (2) year probation with conditions is a justified level of discipline for Respondent in this matter.

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COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 10, 2012, the prosecution costs in this matter are approximately \$2,739.00. 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.


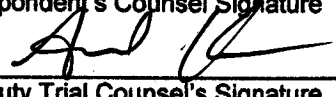
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In the Matter of: Edward Brian Jamison	Case number(s): 11-H-14664-PEM
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SIGNATURE OF THE PARTIES

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

<u>7-16-2012</u> Date	 Respondent's Signature	<u>Edward Brian Jamison</u> Print Name
 Date	 Respondent's Counsel Signature	 Print Name
<u>7/16/2012</u> Date	 Deputy Trial Counsel's Signature	<u>N/A</u> Print Name <u>Anand Kumar</u> Print Name

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In the Matter of: Edward Brian Jamison	Case Number(s): 11-H-14664-PEM
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STAYED 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

August 13, 2012


PAT E. McELROY
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 August 14, 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 B. JAMISON
848 N RAINBOW BLVD # 2305
LAS VEGAS, NV 89107

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:

Anand Kumar, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 14, 2012.


George Hue
Case Administrator
State Bar Court