

**FILED**

APR 18 2013

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**PUBLIC MATTER**

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case No.: 11-O-15174-RAH
	)	
VICKI SEGAL DALVA,	)	DECISION
	)	
Member No. 210683,	)	
	)	
A Member of the State Bar.	)	

**Introduction**<sup>1</sup>

This matter reflects the serious pitfalls of attorneys failing to carefully monitor their client trust accounts over an extended period of time. As is discussed in more detail below, respondent, Vicki Segal Dalva, relied on an assistant to handle her banking in a case not directly related to the present case. Through inadvertence on his part, he failed to deposit \$16,000 in funds, although he posted the "deposit" in the firm's computer records. Thereafter, respondent did not properly attend to her client trust account over several years, resulting in her failure to recognize the fact that this check was never deposited. When she wrote checks against these non-deposited funds in the instant matter, the account dipped, resulting in a misappropriation of client funds. In addition, respondent faces other charges of misconduct, some of which arise out of the same inattention to her client trust account.

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<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

### **Significant Procedural History**

The State Bar initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on September 14, 2012. Respondent filed responses to the NDC on October 15, 2012. The parties filed a stipulation of facts on January 7, 2013; and trial commenced that same day.

The State Bar was represented by Deputy Trial Counsel William Todd and Kelsey Blevings. Respondent was represented by Stephen Strauss. The court took this matter under submission on January 22, 2013.

### **Findings of Fact and Conclusions of Law**

Respondent was admitted to the practice of law in California on December 5, 2000, and has been a member of the State Bar of California at all times since that date.

#### **Case No. 11-O-15174 - The Karlson Matter**

##### **Facts**

On December 13, 2006, Deborah Karlson (Karlson) employed respondent to represent her in a personal injury matter that resulted from a slip and fall incident that occurred on or about November 29, 2006. Respondent agreed to represent Karlson on a contingency fee basis of 40 percent, plus costs. On November 14, 2008, respondent filed an action on behalf of Karlson in the Orange County Superior Court entitled *Deborah Karlson v. Chevron Stations, Inc., et al.* (the Karlson matter).

In October 2009, respondent settled the Karlson matter for \$25,000. When the Karlson matter was settled, Medicare and Medi-Cal had medical liens on the settlement proceeds.

On December 21, 2009, the defendants in the Karlson matter issued a settlement check for \$25,000 (settlement check) and sent it to respondent. Respondent received the settlement check. At all relevant times, respondent maintained a client trust account at Wells Fargo Bank (CTA). On December 28, 2009, respondent deposited the settlement check into her CTA.

Pursuant to the terms of the contingency fee agreement, respondent was entitled to receive \$10,000 as her fee (40 percent of the \$25,000 settlement), plus costs advanced.

On the following dates, respondent issued the following checks from her CTA made payable to herself for her attorney fees:

<u>Date:</u>	<u>Check No.:</u>	<u>Amount:</u>
December 27, 2009	2303	\$4,000
January 4, 2010	2305	\$2,000
April 6, 2010	2337	\$2,500
January 18, 2011	2395	\$500
<u>January 29, 2011</u>	<u>2397</u>	<u>\$1,000</u>

Total: \$10,000

Respondent's fee of 40 percent was fixed at the time she deposited the settlement check into her CTA, on or about December 28, 2009. Respondent failed to withdraw her entire \$10,000 fee at the earliest reasonable time after she deposited the settlement check into her CTA.

From December 28, 2009 through February 2, 2012, after subtracting \$10,000 for respondent's fees and \$679.34 for costs, respondent was required to maintain \$14,320.66 on behalf of Karlson in her CTA. From December 28, 2009 through February 2, 2012, respondent made no other payments to Karlson or on her behalf.

On June 7, 2011, the balance in respondent's CTA fell below \$14,320.66 to \$13,365.71. On July 14, 2011, the balance in respondent's CTA balance fell below \$14,320.66 to \$6,753.71 and remained below \$14,320.66 until February 2, 2012. On December 2, 2011, respondent's CTA balance fell to \$721.75.

In March 2010, respondent told Karlson that respondent would attempt to negotiate the Medicare and Medi-Cal liens and thereafter pay the negotiated liens using Karlson's settlement

funds. Respondent estimated the process to negotiate the liens would take approximately six months. However, at no time between the December 2009 receipt of payment on Karlson's behalf and respondent's first contact by the State Bar in December 2011, regarding the Karlson matter, did respondent attempt to negotiate or pay Medicare or Medi-Cal's liens on behalf of Karlson. During this period, respondent made several telephone calls to Karlson regarding the Medicare and Medi-Cal liens. On at least two occasions, respondent and Karlson spoke about these liens.<sup>2</sup>

On December 20, 2011 and January 9, 2012, a State Bar Investigator sent letters to respondent requesting that she respond in writing to specified allegations of misconduct being investigated by the State Bar in the Karlson complaint. Respondent received the letters.

On January 9, 2012, the State Bar Investigator subpoenaed respondent's trust account records. After January 4, 2012, respondent attempted to retain counsel. She initially contacted Michael Wine, Esq., who obtained an extension of time on her behalf. Thereafter, she retained Phillip Feldman, Esq. He also sought an extension of time to learn about the facts of the case, but this extension was denied. On February 3, 2012, Mr. Feldman provided a detailed letter explaining respondent's conduct. (See Exhibit O.)<sup>3</sup>

Included in Mr. Feldman's letter was an explanation of the alleged misrepresentation to the State Bar which eventually became the basis for Count Five of the NDC. As was explained by Mr. Feldman, respondent inadvertently included a photocopy of check number 2366 as part of the documents provided to the State Bar regarding the Karlson costs that had been expended. In fact, this check involved a completely different case and was included by mistake.

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<sup>2</sup> There were some minor delays resulting from respondent's medical condition, as discussed more fully in the Mitigation portion of this decision.

<sup>3</sup> The letter faxed to the State Bar contains a typographical error, referring to the date as "February 3, 2011." In fact, as is noted on the fax cover sheet, this letter should have been dated "February 3, 2012."

On or about February 2, 2012, respondent issued check no. 2448 from her CTA in the amount of \$11,985.66 to Karlson representing a portion of her settlement funds after receiving the two letters from the State Bar notifying her of the Karlson complaint and a State Bar investigation. Respondent kept \$2,335 of Karlson's funds as an estimated amount to satisfy the Medi-Cal lien. The liens were eventually paid.

From June 7, 2011 through August 2, 2011, respondent received the following checks which consisted of, in part, respondent's personal funds:

<u>Check No.:</u>	<u>Amount:</u>	<u>Date Deposited:</u>	<u>Payer:</u>
125	\$50	06/07/11	Gil Dalva
9158	\$2,000	07/22/11	Scott Sabath
1027	\$100	07/22/11	Debbie & Scott McCann
111	\$100	07/22/11	Adi Peretz
484	\$100	07/22/11	Lance Cox
4419	\$100	07/22/11	David & Lisa Fines
1731	\$100	07/22/11	Jeff & Michelle Frimer
929	\$200	07/22/11	Jonathan & Amy Dorsey
1331	\$200	07/22/11	Ezra Horesh
2339	\$200	07/22/11	Ronald & Kerry Rothfeld
12304	\$150	07/22/11	Refael & Yafit Zohar
2369	\$150	07/22/11	Hagit & Hanan Eden
09940	\$250	07/22/11	Lauraine & Moshe Dalva
797	\$250	07/22/11	Natalie Lavin
4871	\$300	07/22/11	Galit & Eliyahu Yona
4558	\$300	07/22/11	Isaac Goren & Irit Goldblum
9214	\$100	08/02/11	Harry & Tomiko Ozawa
131	\$75	08/02/11	Deborah Sheiman

Respondent deposited all of these checks into her CTA on the dates of deposit indicated above.

Between January 14, 2010 and January 5, 2012, respondent issued the following checks from her CTA to pay her personal and business expenses:

<u>Check No.:</u>	<u>Date Issued:</u>	<u>Amount:</u>	<u>Payee:</u>
2309	01/14/10	\$640	Brian M. Lederfine
2341	04/06/10	\$450	Brian M. Lederfine
2353	05/03/10	\$2,000	Brian M. Lederfine
2351	05/04/10	\$500	Brian M. Lederfine
2385	10/28/10	\$1,000	Brian M. Lederfine

2400	02/26/11	\$1,150	Brian M. Lederfine
2406	06/07/11	\$1,830	Scott Sabath
2414	07/22/11	\$700	Vicki Dalva
2423	09/11/11	\$2,005	Brian M. Lederfine
2435	01/05/12	\$600	Brian M. Lederfine

**Yantorn v. City of Buena Park**

Although not part of the charged misconduct in this case, respondent's actions in this unrelated case significantly impacted the eventual misconduct alleged in the NDC. In June 2007, respondent settled a case entitled *Yantorn v. City of Buena Park*. As part of the settlement, the City of Buena Park sent a draft to respondent in the amount of \$16,000, dated June 22, 2007. (Exhibit O-13.) The draft was issued by State Farm Insurance, which apparently was either an insurance carrier for the City of Buena Park or was otherwise managing the distribution of settlement funds. In early July 2007, respondent's office received the draft. Processing of the draft was handled by respondent's assistant, Brian Lederfine and not by respondent.<sup>4</sup>

In carrying out his tasks as an office helper, after receiving the State Farm draft, Mr. Lederfine stamped the endorsement on the back of the draft for depositing in the CTA, and posted the "deposit" to the firm's computerized account journal. He also posted the \$16,000 payment to the client ledger. However, he inadvertently failed to actually deposit the funds in the CTA. Instead, he placed the endorsed, but uncashed, check in the client file. The settlement in the *Yantorn* case was completed and payments disbursed to the proper parties. The file was then sent to storage.

After respondent did not cash the check, the State Farm Insurance proceeds escheated to the State. Several years later, Yantorn received a notice from the State of California, indicating

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<sup>4</sup> Mr. Lederfine is not an attorney or an accountant. Rather, he has known respondent for over 25 years and frequently volunteers to help her in the management of the office, including photocopying, bookkeeping, preparing files, and other general office tasks, including making trips to the bank or post office and serving subpoenas. He never handled bank statements or reconciled bank accounts. He usually worked after hours or on weekends.

that she had \$15,998 in unclaimed property.<sup>5</sup> In October 2011, thinking that she had “found” nearly \$16,000, Yantorn called respondent and told her that she had gotten this notice. She explained that she had tried to reclaim the funds, and was told that she needed respondent “to sign something” so she could get the unclaimed check. Neither Yantorn nor respondent was aware of the origin of these funds, since (a) respondent thought that all of her matters involving Yantorn had been resolved, (b) the amount was not familiar, and (c) the notice referenced “State Farm” instead of the City of Buena Park and respondent was unaware of the relationship between Buena Park and State Farm Insurance. Nevertheless, respondent asked Mr. Lederfine to pull from storage both of the files she had involving Yantorn, on the chance that the files might shed light on the source of the funds.

Between Christmas and New Year’s Day, on December 29, 2011, Mr. Lederfine delivered the Yantorn files to respondent. On January 2, 2012, respondent reviewed the file and discovered the uncashed \$16,000 draft. The next day, respondent confronted Mr. Lederfine with her discovery. According to Mr. Lederfine, she was extremely upset. Later that day, respondent checked the website of the Unclaimed Property Division. The check no longer appeared as unclaimed property on the website, so respondent called the Unclaimed Property Division. On January 4, 2012, the Unclaimed Property Division ran a report showing the amount being held and sent this report to respondent. (See Exhibit F.)

As a result of the failure to deposit the Yantorn check in her CTA, the balance reflected on the account journal was \$16,000 higher than the actual balance of her CTA. Consequently, when she later wrote checks on that account, the account balance dipped as alleged in the NDC.

Respondent realized at this point that her procedures needed to be altered to prevent this from happening again. She immediately set out to prepare a manual to be followed by staff

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<sup>5</sup> The State had taken a \$2 service charge. However, this is not reflected on the notice from the State.

when processing settlement checks. She prepared sample checks (with the client's name removed) to be used as examples in properly depositing and distributing funds.<sup>6</sup> In addition, she developed clear procedures to avoid a recurrence of the problems she now faces.

### **Conclusions**

#### ***Count One – Rule 4-100(A) [Failure to Maintain Client Funds in Trust]***

Rule 4-100(A) provides that all funds received or held for the benefit of clients must be deposited in a client trust account and no funds belonging to the attorney or law firm must be deposited therein or otherwise commingled therewith, except for limited exceptions. By failing to maintain \$14,320.66 on behalf of Karlson in her CTA, respondent willfully failed to comply with rule 4-100(A).

#### ***Count Two – § 6106 [Moral Turpitude – Misappropriation]***

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment. While moral turpitude generally requires a certain level of intent, guilty knowledge, or willfulness, the law is clear that where an attorney's fiduciary obligations are involved, particularly trust account duties, a finding of gross negligence will support such a charge. (*In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 410.)

Respondent was grossly negligent in failing to accurately maintain, review, and reconcile her client trust account between July 2007 and December 2011. Respondent's gross negligence led to the misappropriation of Karlson's funds. By misappropriating \$13,598.91 of Karlson's

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<sup>6</sup> One such check, number 2366, was altered to remove the name of the client in the memo line. This is the same check referred to in Count Five and above, which was inadvertently sent to the State Bar as part of the documentation in the Karlson matter. As a result of the deletion of the client's name on this check, the State Bar incorrectly concluded that respondent intended to alter the check to mislead the State Bar Investigators. The State Bar maintained this conclusion after it was fully explained by Mr. Feldman in his February 3, 2012 letter. (See Exhibit O.)

funds, respondent committed an act involving moral turpitude, in willful violation of section 6106.

***Count Three – § 6068, subd. (m) [Failure to Respond to Client Inquiries]***

Section 6068, subdivision (m), provides that an attorney has a duty to promptly respond to reasonable status inquiries of clients in matters with regard to which the attorney has agreed to provide legal services. The State Bar failed to produce clear and convincing evidence of a failure to respond to client inquiries. In fact, the evidence showed a continued exchange of communication between respondent and Karlson, except during periods of time when respondent suffered from exacerbations from her multiple sclerosis, as set forth in more detail, below. As such, Count Three is dismissed with prejudice.

***Count Four – Rule 3-110(A) [Failure to Perform Legal Services with Competence]***

Rule 3-110(A) provides that an attorney must not intentionally, recklessly, or repeatedly fail to perform legal services with competence. The parties have stipulated that respondent did not take any steps to attempt to negotiate a reduction of the liens for Karlson. By failing to take any steps to attempt to negotiate a reduction of the Medicare and Medi-Cal liens on behalf of Karlson, respondent intentionally, recklessly, or repeatedly violated rule 3-110(A). As such, respondent is found culpable of a willful violation of rule 3-110(A).

***Count Five – § 6106 [Moral Turpitude – Misrepresentation]***

The State Bar alleges that respondent intentionally altered check number 2366 by removing the client's name, in order to mislead the State Bar into thinking that the check was part of the Karlson matter. In reality, respondent's providing check number 2366 to the State Bar investigator was an honest mistake. Further, the deletion of the other client's name was not to mislead the State Bar, but was done so that the client's confidentiality could be maintained when this check was used as an example in the employee procedures handbook respondent was

compiling. As such, the State Bar has failed to prove by clear and convincing evidence that respondent committed moral turpitude in providing the incorrect check to the State Bar. Count Five is therefore dismissed with prejudice.

***Count Six – Rule 4-100(A)(2) [Failure to Promptly Withdraw Client Funds in Trust]***

Rule 4-100(A)(2) provides that all funds belonging to a member held in a client trust account must be withdrawn at the earliest possible time after the member's interest becomes fixed and undisputed. By failing to withdraw her \$10,000 fee at the earliest reasonable time after she deposited the settlement check into her client trust account, respondent willfully violated rule 4-100(A)(2).

***Count Seven – Rule 4-100(A) [Failure to Maintain Client Funds in Trust]***

By depositing personal funds into her CTA, respondent deposited or commingled funds belonging to respondent in her client trust account, in willful violation of rule 4-100(A).

***Count Eight – Rule 4-100(A) [Misuse of Funds in Trust]***

Rule 4-100(A) precludes an attorney from issuing personal checks from a client trust account. By issuing checks to pay personal and business expenses from her client trust account, respondent willfully violated rule 4-100(A).

**Aggravation<sup>7</sup>**

**Multiple Acts/Pattern of Misconduct (Std. 1.2(b)(ii).)**

Respondent was found culpable of six acts of misconduct. Multiple acts of misconduct are an aggravating factor.

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<sup>7</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

## **Mitigation**

### **No Prior Record of Discipline (Std. 1.2(e)(i).)**

Respondent has no prior record of discipline over several years of practice. Respondent had been admitted to practice law in California for approximately nine years before the misconduct in this matter. Respondent's nine years of practice without prior discipline warrant some consideration in mitigation.

### **Extreme Emotional/Physical Difficulties (Std. 1.2(e)(iv).)**

Beginning in 2007, respondent suffered unexplained pain. In January 2008, she went to an eye doctor because she was seeing black spots. These problems began to cause respondent to suffer severe depression. The doctor recommended an MRI and thereafter, her medical doctors discovered the existence of multiple sclerosis. She became more depressed at this diagnosis and had difficulty functioning from 2008 through 2010. She was prescribed several antidepressants. After bad experiences with some of the drugs she was prescribed, she was able to find a combination that helped her symptoms. She began to feel better in 2011. She was able to participate in psychotherapy and has seemingly resolved her depression and its related symptoms.

No formal medical evidence was offered to support the psychological problems referred to above. However, there was evidence from a character witness, Jessica Schulman, that corroborated respondent's condition and symptoms. Further, Dr. Schulman has an undergraduate degree from UCLA in psychology, a Ph.D. in Health Behavior from University of Florida, and is currently in a Masters Degree program in clinical psychology.

Respondent is entitled to some mitigation for her health problems, as set forth above.

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**Candor/Cooperation to Victims/State Bar (Std. 1.2(e)(v).)**

Respondent cooperated with the State Bar as soon as she learned of the charges. Further, she executed an extensive stipulation, admitting much of the charged misconduct. In doing so, she saved the court and the parties a substantial amount of time in trial. She is entitled to significant mitigation for this cooperation.

**Good Character (Std. 1.2(e)(vi).)**

Respondent presented a showing from a wide range of witnesses attesting to her good character. Some of these witnesses were lawyers, who were effusive in their praise for respondent's good character and for her traits of honesty, integrity, and dedication to her clients and the law. Respondent is entitled to significant mitigation for this evidence.

**Remorse/Recognition of Wrongdoing (Std. 1.2(e)(vii).)**

When respondent learned of the problems in her CTA she expressed sincere remorse at not having properly managed the account. Further, she took substantive steps to correct the problem by preparing detailed procedures to avoid a recurrence of a similar event. In addition, she now personally monitors and reviews her CTA. Respondent's demonstrated remorse and recognition of wrongdoing warrant some consideration in mitigation.

**Discussion**

In determining the appropriate discipline to recommend in this matter, the court looks at the purposes of disciplinary proceedings and sanctions. Standard 1.3 sets forth the purposes of disciplinary proceedings and sanctions as "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."

In addition, standard 1.6(b) provides that the specific discipline for the particular violation found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing disciplinary sanctions.

Standards 2.2(a), 2.2(b), and 2.3, among others, apply in this matter. The most severe sanction is found at standard 2.2(a) which recommends disbarment for willful misappropriation of entrusted funds unless the amount misappropriated is insignificantly small or unless the most compelling mitigating circumstances clearly predominate, in which case the minimum discipline recommended is a one-year actual suspension.

The standards, however, “do not mandate a specific discipline.” (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) It has long been held that the court is “not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, [the Supreme Court is] permitted to temper the letter of the law with considerations peculiar to the offense and the offender.” (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) Yet, while the standards are not binding, they are entitled to great weight. (*In re Silvertown* (2005) 36 Cal.4th 81, 92.)

The State Bar requested that respondent be disbarred. Respondent, on the other hand, argued that a recommendation of disbarment would be excessive under the facts and circumstances involved in the present case. The court looked to *In the Matter of Robins* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr 708, and *In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47, for instruction.

In *Robins*, the attorney stipulated to misconduct including, but not limited to, six counts of grossly negligent misappropriation of trust funds totaling over \$20,000 in medical liens. In aggravation, the attorney’s misconduct was found to constitute a seven-year pattern, he failed to remedy the misappropriations for up to two years after learning about them, and he significantly

harmred one client who was sued by a collection agency. In mitigation, the attorney had no prior record of discipline, he had physical disabilities at the time of some of the misconduct, he was candid and cooperative, he made belated restitution, he performed extensive pro bono services, he worked to improve his law office management practices, he changed his values through a spiritual reawakening, and he demonstrated sincere remorse for his misconduct. The Review Department recommended, among other things, that the attorney be suspended for two years, stayed, with a one-year period of actual suspension.

In *Ward*, the attorney collected through a combination of client payments and unauthorized withdrawals from client trust funds, \$5,000 more than he was entitled to according to his own bills, without realizing that he had done so. The attorney was found grossly negligent, but not dishonest, in his handling of his client's funds, constituting moral turpitude. In mitigation, the attorney had no prior record of discipline over an extensive period of time, he presented an extraordinary demonstration of good character, and was experiencing extreme emotional difficulties at the time of the misconduct. In aggravation, the attorney committed multiple acts of misconduct. The Review Department recommended, among other things, that the attorney be suspended for 90 days.

The court finds the present case falls somewhere in between *Robins* and *Ward*. While respondent's misconduct does not establish a pattern, her inattention to her client trust account caused it to be out of balance for approximately four and a half years. In addition, respondent committed multiple client trust account violations and failed to perform legal services with competence.

While respondent's gross negligence resulted in misappropriation, she did not possess a venal or dishonest motive. In fact, respondent's misconduct was caused, to some degree, by her bad health at that time in her life.

Similar to *Robins* and *Ward*, the present case involves considerable mitigation. The court is encouraged by respondent's efforts to immediately correct the problem by re-training her staff and personally devoting close attention to her CTA. The facts and circumstances surrounding the present misconduct, coupled with respondent's attitude and reaction to the charges, give the court reason to believe that respondent will not re-offend.

Finally, the court's findings in aggravation distinguish the present matter from *Robins*. Similar to *Ward*, respondent has been found culpable of a single count of aggravation for committing multiple acts of misconduct. This finding is significantly less than the aggravation found by the Review Department in *Robins*. Consequently, the court concludes that the facts and circumstances reflected in the present matter are less serious than *Robins*, but are more extensive than *Ward*.

Therefore, having considered the nature and extent of the misconduct, the aggravating and mitigating circumstances, as well as the case law, the court recommends, among other things, that respondent be suspended for six months.

#### **Recommendations**

It is recommended that respondent Vicki Segal Dalva, State Bar Number 210683, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>8</sup> for a period of two years subject to the following conditions:

1. Respondent Vicki Segal Dalva is suspended from the practice of law for the first six months of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.

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<sup>8</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Within 30 days after 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. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.
6. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and of the State Bar's Client Trust Accounting School and passage of the tests given at the end of those sessions. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School or Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)
7. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

#### **Multistate Professional Responsibility Examination**

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme

Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

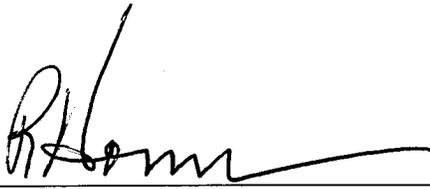
**California Rules of Court, Rule 9.20**

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: April 17, 2013

  
\_\_\_\_\_  
RICHARD A. HONN  
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 Los Angeles, on April 18, 2013, I deposited a true copy of the following document(s):

DECISION

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:

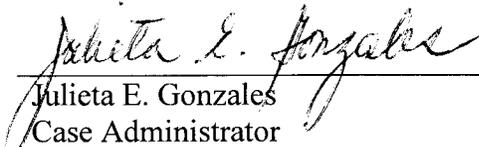
VICKI S DALVA ATTORNEY AT LAW  
DALVA & ASSOCIATES  
600 ANTON BLVD STE 1100  
COSTA MESA, CA 92626

STEPHEN J STRAUSS ESQ  
LAW OFFICES OF PHILLIP FELDMAN  
14401 SYLVAN ST STE 200  
VAN NUYS, CA 91401

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

William S. Todd, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 18, 2013.

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