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State Bar Court of California Hearing Department Los Angeles ALTERNATIVE DISCIPLINE PROGRAM			PUBLIC MATTER
Counsel For The State Bar Anthony J. Garcia Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 213-765-1089 Bar # 171419	Case Number (s) 12-C-10024	(for Court's use) <div style="text-align: center;"> FILED OCT 18 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
Counsel For Respondent Susan Lynn Margolis 2000 Riverside Drive Los Angeles, California 90039 323-953-8996 Bar # 104629	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter Of: James Peyton Collins Bar # 122739 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 June 10, 1986.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 6 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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
 - (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.
- (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. See attachment.
- (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. See attachment.
- (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:

See attachment.

ATTACHMENT TO STIPULATION
RE: FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: James Peyton Collins

CASE NUMBERS: 12-C-10024

FACTS AND CONCLUSIONS OF LAW

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

Case No. 12-C-10024

FACTS:

1. On October 16, 2005, two witnesses were walking past the neighborhood hardware store when they saw a man, not Respondent, reaching under a privacy fence surrounding the store and taking items from under the fence.
2. The witnesses called out to the man who ignored them and carried the items in his hand to the hardware store parking lot and placed them in a parked car. The man then walked off the hardware store property without speaking to the witnesses.
3. The witnesses then entered the hardware store to tell store management what they had seen. While the witnesses were speaking to the store management, Respondent exited the hardware store and entered the parked car where the man had previously placed the items that he had been carrying.
4. The store management called police who located Respondent and the other man and arrested them.
5. Although Respondent and the other man were both charged with misdemeanor burglary and possession of burglar's tools, those charges were dismissed against Respondent on December 19, 2005, when the People amended the complaint against Respondent by interlineation and added one count of trespass.
6. On December 22, 2005, Respondent pled nolo contendere to a violation of Penal Code section 602(f)(misdemeanor trespass).
7. The Court accepted Respondent's plea and suspended his sentence, placed Respondent on one year summary probation and fined Respondent \$100.

CONCLUSION OF LAW:

8. The facts and circumstances surrounding Respondent's conviction of a misdemeanor

trespass did not involve moral turpitude, but did involve other conduct warranting discipline.

ADDITIONAL MITIGATION

Respondent has been practicing since 1986 with no priors. He is entitled to mitigating credit for no prior discipline, even where the underlying conduct is found to be serious or significant. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn.13.)

Respondent has supplied thirteen (13) favorable character references who represent the legal and general community and who are aware of the full extent of his misconduct.

ADDITIONAL AGGRAVATION

Because Respondent was convicted of trespass in two separate incidents, the stipulated misconduct constitutes multiple acts of misconduct.

PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), was July 16, 2012.

COSTS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 16, 2012, the costs in this matter are approximately \$4,000. 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:
JAMES PEYTON COLLINS

Case Number(s):
12-C-10024

ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date

10-18-2012


RICHARD A. PLATEL

Judge of the State Bar Court

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In the Matter of: JAMES PEYTON COLLINS	Case number(s): 12-C-10024
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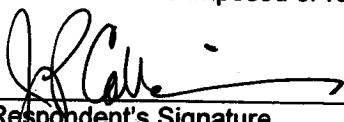


SIGNATURE OF THE PARTIES

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

Date <u>8/8/12</u>	 Respondent's Signature	<u>James Peyton Collins</u> Print Name
Date <u>8/8/12</u>	 Respondent's Counsel Signature	<u>Susan Lynn Margolis</u> Print Name
Date <u>8/8/12</u>	 Deputy Trial Counsel's Signature	<u>Anthony J. Garcia</u> Print Name

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 October 24, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW (11-C-16467)

STIPULATION RE FACTS AND CONCLUSIONS OF LAW (12-C-10024)

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

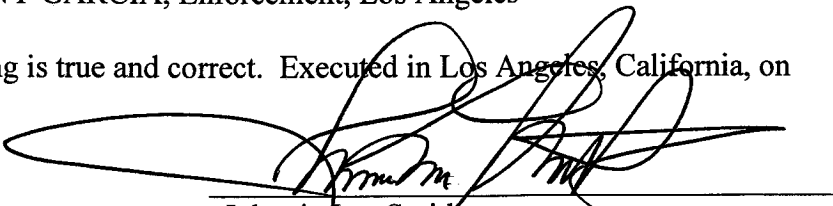
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES PEYTON COLLINS
JAMES P COLLINS, A LAW CORP
450 N BRAND BLVD #600
GLENDALE, CA 91203

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

ANTHONY GARCIA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 24, 2012.



Johnnie Lee Smith
Case Administrator
State Bar Court