


ORIGINAL

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<b>State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Michael J. Glass Senior Trial Counsel Anand Kumar Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1254  Bar # Glass - 102700 Kumar - 261592	<b>Case Number(s):</b> 12-C-12448-RAH	<b>For Court use only</b>  <b>FILED</b>  FEB 19 2013   STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<b>Counsel For Respondent</b>  James B. Kamanski 6601 Center Drive West, Suite 500 Los Angeles, CA 90045 (888) 907-4111  Bar # 174237	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> Robert David Little  Bar # 178206  A Member of the State Bar of California (Respondent)	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 1, 1995.
- (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 13 pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: three (3) 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
  - (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. See stipulation, at page 9.

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

**Additional aggravating circumstances:**

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (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. See stipulation, at pages 9-10.
- (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 stipulation, at page 10.

(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 stipulation, at pages 10.

**D. Discipline:**

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of three (3) 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:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of three(3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 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:

**E. Additional Conditions of Probation:**

(1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

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

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

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

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☒ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

☐ No MPRE recommended. Reason:

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

Attachment language (if any):

**ATTACHMENT TO**

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

IN THE MATTER OF: Robert David Little

CASE NUMBERS: 12-C-12448-RAH

**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-12448-RAH (Conviction Proceeding)**

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDINGS:**

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 March 12, 2012, the Office of the Attorney General of California filed a criminal complaint in San Bernardino County Superior Court case number FSB1201059 charging Respondent with two felony counts of identity theft for violating Penal Code, section 530.5, subdivision (a) on July 25, 2009 and July 26, 2009 respectively.
3. On March 28, 2012, Respondent pled nolo contendere to violating Penal Code, section 530.5, subdivision (a) on July 25, 2009 as alleged in count one, which was reduced to a misdemeanor.
4. On August 3, 2012, the Review Department of the State Bar Court issued an order stating that Respondent's conviction for identity theft involved moral turpitude and referred the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed.

**FACTS:**

5. In August 2007, Respondent was hired by the San Bernardino County District Attorney's Office as a Deputy District Attorney and Respondent was employed in such capacity until July 2008.
6. Between August 2007 and July 2008, Respondent worked with San Bernardino County Deputy District Attorney Denise Y.
7. On July 25, 2009, Denise Y. was working for the San Bernardino County District Attorney's office as a Deputy District Attorney.

8. On July 25, 2009, Respondent illegally assumed the identity of Denise Y., from his prior employment at the San Bernardino County District Attorney's office by unlawfully creating false account profiles in the name of Denise Y. on two social media websites, Facebook.com and MySpace.com. In the profiles, Respondent listed personally identifying information regarding Denise Y. such as her age, location, prior education history, and that she worked in San Bernardino County.
9. On July 25, 2009, the same day he created the profiles, Respondent posted a link on the profiles for Denise Y. to a May 29, 2009 article from a local newspaper that described allegations about the San Bernardino County District Attorney engaging in extramarital affairs and sexual relations with numerous women, including several women from the San Bernardino County District Attorney's office. Denise Y. was one of the women mentioned in the article. The article alleged that these women were being promoted in exchange for engaging in sexual interactions with the San Bernardino County District Attorney.
10. On July 25, 2009, along with posting the links on both social media websites, Respondent posted a caption "Porking the Boss!" On the Facebook.com profile Respondent also posted a caption with the link to the article that read "Hey, I'm in the news!"
11. Unbeknownst to Denise Y., Respondent then proceeded to invite several of Denise Y.'s friends who had profiles on Facebook.com to become friends with her on Facebook.com, four of which accepted.
12. Denise Y. did not discover that Respondent had created the profiles under her name until May 2010.
13. In April and May of 2010, Respondent posted comments on two internet blogs relating to local politics entitled Inland Politics and iePolitics under Denise Y.'s name. Some of the comments were similarly directed towards San Bernardino County District Attorney's purported extramarital sexual relations.
14. On March 28, 2012, Respondent pled nolo contendere to violating Penal Code, section 530.5, subdivision (a) and pursuant to the plea agreement, Respondent agreed to perform 100 hours of unpaid community service no later than January 3, 2013 in lieu of serving any days in jail, he was placed on 36 months of summary probation with certain conditions including not to violate any laws, to pay fees and fines totaling approximately \$334.00, attend a 16-week anger management course to be completed by December 31, 2012, and to stay away from Denise Y.

#### CONCLUSION OF LAW:

15. The facts and circumstances surrounding Respondent's misdemeanor conviction for violating Penal Code, section 530.5, subdivision (a) involves moral turpitude warranting discipline.



## **ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.**

**Harm:** Under standard 1.2(b)(iv), Respondent's misconduct "harmed significantly a client, the public or the administration of justice" and therefore constitutes an aggravating circumstance.

Based on prior decisional law, simply conducting oneself in a fashion which tarnishes the reputation of the legal profession to members of the public has been held to constitute significant harm to the administration of justice. (See *In the Matter of Kroff* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 838, 857 [an attorney who illegally solicited clients by telephone "caused significant harm to the administration of justice because it tarnished the reputation of the legal profession, at least in the eyes of those persons solicited"].) An attorney's misconduct need not occur in court proceedings to constitute significant harm to the administration of justice for purposes of State Bar Court discipline. (See *In the Matter of Dixon* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 23, 45 [an attorney's "labeling of opposing counsel, witness, judges and others as racists, fascists, pedophiles and persons covering up molestation and abuse of minor children seriously harms the administration of justice, the public and the profession"].)

As in *Kroff*, Respondent has taken affirmative steps to go out of his way to reach out to members of the public. The manner in which Respondent carried out his misconduct, by posting inflammatory remarks and attempting to demoralize his female colleague by accusing her of engaging in illicit sexual behavior concerns a negative and embarrassing portrayal of the inner-workings of the chief prosecutorial arm of the San Bernardino County criminal justice system, of which Respondent was attempting to expose by impersonating a Deputy District Attorney in that office who presumably would have knowledge about the veracity of the contents of the article. Accordingly, by engaging in identity theft of a fellow Deputy District Attorney, Respondent has caused significant harm to both the administration of justice and to the reputation of the individual Deputy District Attorney.

## **ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.**

**Emotional Difficulties:** As described under standard 1.2(e)(iv), at the time of the misconduct, Respondent suffered from extreme emotional difficulties which were directly responsible for the misconduct, which were not the product of any illegal conduct and Respondent no longer suffers from such difficulties. In particular, in August 2008, shortly after Respondent was terminated from the San Bernardino County District Attorney's Office, Respondent was diagnosed by Dr. Nanditha Kongara with clinical depression and acute stress reaction and was prescribed medication. In September 2010, Respondent was examined by Dr. Iman Hanna, a psychiatrist, who diagnosed Respondent with depression and anxiety. Respondent continued to treat with Dr. Hanna throughout 2011 and 2012. In or about March 2012, through the present, Respondent has undergone weekly psychotherapy visits with Ken Olson, M.A., Marriage and Family Therapist.

In August 2012, Respondent was also been seen by Dr. Paul H. Brown, a psychiatrist, who reviewed Respondent's prior medical records, concluded that Respondent was suffering from clinical depression at the time of his misconduct and diagnosed Respondent with a Major Depressive Disorder, Single Episode, Moderate, In Full Remission. Accordingly, Respondent's misconduct was caused by a combination of his depression, acute stress reaction and anxiety, which has now been stabilized through therapy with various doctors. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr.

138, 150 [chronic depression constitutes a mitigating circumstance if directly responsible for the attorney's misconduct and if proven by clear and convincing evidence that attorney no longer suffers from the condition].) Here, based on the diagnoses of the various doctors consulted by Respondent, his depressive condition was directly responsible for the misconduct and he no longer suffers from the depression.

**Good Character / Pro Bono Activities:** Respondent has submitted eight character letters from a widespread sample of the community with knowledge of the instant misconduct attesting to his good character. He has also contributed to and participated in various civic activities showing his involvement in the community and pro bono activities such as performing over 30 hours of pro bono services for a local elementary school in Alta Loma, California and providing over 12 hours of counseling at the Olive Branch Counseling Centers in Riverside, California to people suffering from mental health conditions. (See *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [performance of civic service and charitable work is entitled to mitigation as evidence of good character under standard 1.2(e)(vi)]; see also *Porter v. State Bar* (1990) 52 Cal.3d 518, 529.)

**Additional Mitigating Circumstance:** While the instant misconduct is serious, Respondent has no prior record of discipline over 13 years of practice prior to the instant misconduct. In addition to practicing law in California, Respondent has been licensed Missouri, Illinois, Tennessee, New York and New Jersey and has no record of discipline in any of those jurisdictions. (See *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [absence of prior disciplinary record constitutes mitigating circumstance when an attorney has practiced for many years without misconduct].)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "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 re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

The sanction applicable to Respondent's misconduct in case number 12-C-12448 is found in standard 3.2, in which the surrounding facts and circumstances of Respondent's conviction involved moral turpitude. Standard 3.2 provides that final 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. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a two-year actual suspension, prospective to any interim suspension imposed, irrespective of mitigating circumstances.

The surrounding facts and circumstances of Respondent's identity theft involved moral turpitude as determined by the Review Department in this matter. Accordingly, the appropriate level of discipline here would be disbarment under standard 3.2, except that the most compelling mitigating circumstances clearly predominate here to justify a two-year actual suspension.

A comparison to similar criminal identity theft case demonstrates why Respondent's misconduct, despite involving moral turpitude, does not warrant disbarment here. In *In re Lamb* (1989) 49 Cal.3d 239, an attorney was convicted of falsely impersonating another person to obtain a benefit in violation of Penal Code, section 529, subdivision 3. In that matter, Lamb, who was already a licensed attorney in California, took the California Bar exam on her husband's behalf. On review, the Supreme Court accepted a disbarment recommendation from the State Bar Court, despite finding that Lamb was suffering from extreme emotional difficulties at the time. The Supreme Court held that Lamb's "deceitful acts were of exceptional gravity. Her conduct threatened innumerable clients with significant injury through unknowing exposure to an unqualified practitioner. It undermined the integrity of the State Bar's admission system, on which public confidence in the competence of attorneys is founded." The Court reasoned that "because petitioner's criminal breach of professional standards was so morally serious and so dangerous, only the most overwhelming evidence of mitigation could prevent her disbarment in the public interest," a burden which Lamb failed to meet.

Here, Respondent's misconduct, while very serious and harmful to the administration of justice as described above, does not rise to the level of Lamb's misconduct and is distinguishable in several important ways. In the instant case, Respondent's misconduct was aimed at a single person as opposed to an attempt to defraud the integrity of the entire legal profession as Lamb's misconduct did. As the Supreme Court stated, the harm posed by Lamb's misconduct put "innumerable" clients at risk, while Respondent's misconduct here did not involve any clients. Moreover, unlike Lamb, Respondent's misconduct did not involve any attempt for financial gain. Additionally, while Lamb suffered from extreme emotional difficulties at the time of her misconduct, she had a higher burden than Respondent to meet to prevent her disbarment because her misconduct was such a serious moral breach. By comparison, while Respondent's poor judgment clearly involved moral turpitude, it appears to have been an isolated response resulting from his dismissal at the San Bernardino County District Attorney's Office during a period when his acute depression compromised his emotional intelligence.

Accordingly, discipline consisting of a three (3) year stayed suspension, a three (3) year probation with conditions including a two (2) year actual suspension and until Respondent complies with standard 1.4(c)(ii) is appropriate for Respondent's misconduct described herein.

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### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was January 22, 2013.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 22, 2013, the prosecution costs in this matter are approximately \$6,597.00. 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.

### **EXCLUSION FROM MCLE CREDIT**

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, ordered as a condition of suspension here. (Rules Proc. of State Bar, rule 3201.)

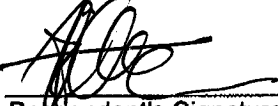


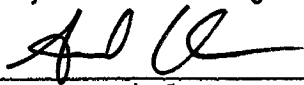
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In the Matter of:  
Robert David Little

Case number(s):  
12-C-12448-RAH

### 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>1/23/2012</u> Date	 Respondent's Signature	<u>Robert David Little</u> Print Name
<u>1/24/13</u> Date	 Respondent's Counsel Signature	<u>James B. Kamanski</u> Print Name
<u>1/27/13</u> Date	 Deputy Trial Counsel's Signature	<u>Michael J. Glass</u> Print Name
<u>1/24/13</u> Date	 Deputy Trial Counsel	<u>Anand Kumar</u> Print Name

(Do not write above this line.)

In the Matter of: Robert David Little	Case Number(s): 12-C-12448-RAH
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### ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

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

Date

2-15-13

  
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 February 19, 2013, 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 Los Angeles, California, addressed as follows:

JAMES B. KAMANSKI  
6601 CENTER DRIVE WEST  
STE 500  
LOS ANGELES, CA 90045

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

Michael Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 19, 2013.



Angela Carpenter  
Case Administrator  
State Bar Court