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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Kim Kasreliovich Anthony Garcia State Bar of California Office of the Chief Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213)765-1000</p> <p>Bar # 261766 - Ms. Kasreliovich 171419 - Mr. Garcia</p>	<p>Case Number(s): 12-O-11670</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center;">AUG 09 2012 <i>KE</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;">kwiktag® 152 141 506</p> 
<p>In Pro Per Respondent</p> <p>Arthur Greenspan 16610 Calle Brittany Pacific Palisades, CA 90272 (323) 646-7544</p>	<p style="font-size: 24pt; font-weight: bold;">PUBLIC MATTER</p>	
<p>Bar # 150216</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: Arthur Greenspan</p> <p>Bar # 150216</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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 4, 1990.
- (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 10 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 billing cycles following the effective date of the Supreme Court Order. See pages 9-10 for a further discussion of costs. (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 05-O-00569, 07-O-13832
 - (b) Date prior discipline effective February 21, 2010
 - (c) Rules of Professional Conduct/ State Bar Act violations: 3-110(A), 4-100(A)
 - (d) Degree of prior discipline 1 year suspension, stayed, 2 years probation and 30 days actual suspension
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

Case No. 00-O-15527. Effective August 30, 2001. No specific rule or statute was articulated but Respondent stipulated that he signed his client's name, with the client's consent, to a declaration and filed the declaration with the court without indicating to the court that he, rather than the client, had signed the declaration. Respondent received a private reproof.

- (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.

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- (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.
- (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. During Respondent's probationary

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period his ex-wife died of cancer and Respondent assumed full custody of their two teenage children. Respondent has expressed that this was a tragedy for the whole family. Respondent has been spending a considerable amount of time caring for his children and helping them through the grieving process. The needs of Respondent's family have included taking the children to and from the hospital, to multiple therapy appointments, making end of life arrangements, and helping the children cope with the loss of their mother. Respondent also has experienced his own profound grief. The family stress and added responsibilities have consumed Respondent and interfered with Respondent's ability to timely comply with Probation.

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

Additional mitigating circumstances:

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of 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:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of 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 1 year.
- 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.

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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: Respondent completed Ethics School on March 24, 2011. Per the State Bar Rules of Procedure, rule 5.135, Ethics School must be imposed unless the member has completed the course within the prior 2 years.
- (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.

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- (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: The Respondent took and passed the MPRE in March 2012 in compliance with Supreme Court Order No. S178061.
- (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 TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:	ARTHUR GREENSPAN
CASE NUMBER(S):	12-O-11670

FACTS AND CONCLUSIONS OF LAW

Respondent, Arthur Greenspan ("Respondent") admits that the following facts are true and that he is culpable of violating the specified statute.

Case No. 12-O-11670 (State Bar Investigation)

FACTS:

1. On September 8, 2009, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in Case Nos. 05-O-00569 and 07-O-13832.
2. On September 22, 2009, the Hearing Department of the State Bar Court filed an Order Approving the Stipulation and recommending to the California Supreme Court the discipline set forth in the Stipulation.
3. On September 22, 2009, the Hearing Department's September 22, 2009 Order Approving the Stipulation was properly served by mail upon Respondent. Respondent received the order.
4. On January 22, 2010, the California Supreme Court filed an Order in Case No. S178061 (State Bar Court Case Nos. 05-O-00569 and 07-O-13832) that Respondent be suspended from the practice of law for one (1) year, that execution of the suspension be stayed, and that Respondent be placed on probation for two (2) years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its September 22, 2009 Order regarding the Stipulation, including the condition that the Respondent be actually suspended for thirty (30) days ("Disciplinary Order").
5. Pursuant to the Disciplinary Order, Respondent was ordered to comply with the following terms and conditions of probation, among others:
 - a. to comply with the State Bar Act and the Rules of Professional Conduct during the period of probation;
 - b. to submit to the Office of Probation written quarterly reports each January 10,

April 10, July 10, and October 10 of each year or part thereof during which the probation is in effect, certifying under penalty of perjury whether he has complied with all provisions of the State Bar Act and the Rules of Professional Conduct and all terms of probation during the preceding calendar quarter or part thereof covered by the report and to file a final report no earlier than twenty (20) days prior to the expiration of the probation period and no later than the last day of said period;

- c. to pay restitution in the amount of \$500.00 to Eugenia Oxley not later than 30 days from the effective date of the Disciplinary Order, or on or before March 23, 2010;
- d. if Respondent possessed client funds, to provide a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation ("CPA report") or if Respondent held no client funds or property during the previous quarter, Respondent must so state under penalty of perjury.

6. On January 22, 2010, the Clerk of the California Supreme Court properly served upon Respondent a copy of the Disciplinary Order. Respondent received the Disciplinary Order.

7. The Disciplinary Order became effective thirty (30) days after filing, on February 21, 2010.

8. On February 19, 2010, a Probation Deputy of the Office of Probation ("Probation") of the State Bar of California sent a letter to Respondent. In the letter, the Probation Deputy reminded Respondent of the terms and conditions of his probation imposed pursuant to the Disciplinary Order. In the February 19, 2010 letter, the Probation Deputy specifically reminded Respondent regarding his obligations to file quarterly probation and protection of client funds reports, with the first due on April 10, 2010, and to make restitution to Eugenia Oxley by March 23, 2010. Enclosed with the February 19, 2010 letter were, among other things, copies of the Disciplinary Order, the relevant portion of the Stipulation setting forth the conditions of Respondent's probation, a Quarterly Report Instruction sheet, and a Quarterly Report form specially tailored for Respondent to use in submitting his quarterly reports. Respondent received the February 19, 2010 letter.

9. Respondent did not file timely with Probation seven out of nine quarterly reports and seven out of nine CPA reports or statements under penalty of perjury that he possessed no client funds for the reporting periods. Respondent's lack of compliance for quarterly and CPA reports was as follows:

REPORTING PERIOD	DUE DATE	FILING DATE
April 1 to June 30, 2010	July 10, 2010	October 13, 2010
October 1 to December 31, 2010	January 10, 2011	February 17, 2011
January 1 to March 30, 2011	April 10, 2011	April 13, 2011
April 1 to June 30, 2011	July 10, 2011	May 8, 2012

REPORTING PERIOD	DUE DATE	FILING DATE
July 1 to September 30, 2011	October 10, 2011	May 8, 2012
October 1 to December 31, 2011	January 10, 2012	May 8, 2012
January 1 to February 12, 2012	February 12, 2011	May 8, 2012

10. Respondent did not file proof with Probation that he had completed restitution to Eugenia Oxley by the due date of March 23, 2010. Respondent filed proof with Probation that he had completed restitution to Eugenia Oxley on February 17, 2011.

CONCLUSIONS OF LAW

By not timely filing with Probation seven out of nine quarterly reports and CPA reports or statements under penalty of perjury that he possessed no client funds and by not timely filing proof of completion of restitution payments by the due date of March 23, 2010 Respondent willfully failed to comply with all conditions attached to any probation in violation of Business and Professions Code section 6068(k).

PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), was May 22, 2012.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 1.7(b) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling circumstances clearly mitigate.

Standard 2.6 culpability of violating Business and Professions Code, sections 6067 through 6068 and/or sections 6103 through 6105 shall result in disbarment or suspension depending on the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

While Standard 1.7(b) calls for disbarment where a member has two prior records of discipline, in this case the mitigating circumstances outlined on page *** constitute most compelling mitigating circumstances that clearly mitigate Respondent's misconduct. Moreover, while Respondent's compliance was repeatedly untimely, he did eventually comply with the relevant conditions.

In *Matter of Laden* (2004) 4 Cal. State Bar Ct. Rptr. 678, Respondent Laden was disciplined for failure to pay a medical provider and trust account violations. During the pendency of his probation he was untimely in filing seven of his nine quarterly reports and nineteen out of

twenty-seven restitution payments. Respondent also had three priors including a probation violation incurred during the same period of probation. In mitigation the court considered Respondent's serious financial hardship, candor, and good faith efforts to pay restitution. The Review Department imposed ninety-days actual suspension and until restitution was paid in full.

COSTS OF DISCIPLINE PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of 05-22-2012, the prosecution costs in this matter are \$2,900. The costs are to be paid in equal amounts prior to February 1 for the three billing cycles following the effective date of the Supreme Court Order. 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.



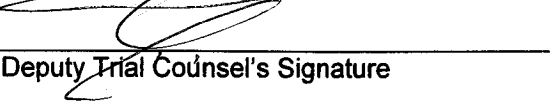
If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 5.134.)

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In the Matter of ARTHUR GREENSPAN Member # 150216	Case number(s): 12-O-11670
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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.

Date <u>7/26</u> , 2012	 Respondent's Signature	<u>Arthur Greenspan</u> Print Name
Date _____, 2012	Respondent's Counsel Signature	Print Name
Date <u>July 27</u> , 2012	 Deputy Trial Counsel's Signature	<u>Kim G. Kasreliovich</u> Print Name
Date <u>July 27</u> , 2012	 Deputy Trial Counsel's Signature	<u>Anthony J. Garcia</u> Print Name

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In the Matter of ARTHUR GREENSPAN Member # 150216	Case number(s): 12-O-11670
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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.

PAGE 1 - SECTION A.(3) - DELETE "10 PAGES" INSERT "11 PAGES"
PAGE 2 - SECTION A.(8) - INSERT AFTER "THREE BILLING CYCLES" THE FOLLOWING, "YEARS 2014, 2015, AND 2016,"
PAGE 9 - 4TH LINE - DIRECTLY UNDER "DUE DATE," - DELETE "FEBRUARY 12, 2011" AND INSERT "FEBRUARY 12, 2012"

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.)**

08-08-2012
Date


 Judge of the State Bar Court
RICHARD A. PLATEL

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 August 9, 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:

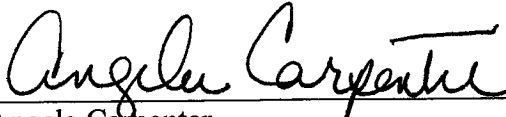
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR GREENSPAN
LAW OFFICE OF ARTHUR GREENSPAN
814 S. WESTGATE AVENUE, STE. 123
BRENTWOOD, CA 90049

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

KIMBERLY KASRELIOVICH, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 9, 2012.



Angela Carpenter
Case Administrator
State Bar Court