

ORIGINAL

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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Diane J. Meyers Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1496 Bar # 146643	Case Number(s): 12-O-13031	For Court use only <div style="text-align: center;"> FILED OCT 30 2012 <i>Pro</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center; border: 1px solid black; padding: 5px;"> PUBLIC MATTER </div>
Counsel For Respondent Arthur Margolis 2000 Riverside Drive Los Angeles, CA 90039-3758 (323) 953-8996 Bar # 57703	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: Allyson Erwin De Guzman Bautista Bar # 202023 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input checked="" 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 June 15, 1999.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 11 pages, not including the order.

(Effective January 1, 2011)

Actual Suspension



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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: Costs are to be paid in equal amounts for the two 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.

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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. See Attachment at p. 8.
- (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.

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- (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 at pp. 8-9.
- (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 at pp. 8-9.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of three 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 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 six months.
- 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.

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- (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:

(Effective January 1, 2011)

Actual Suspension

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- (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:**

(a) To satisfy the condition of Ethics School, Respondent may attend a session of Ethics School between the date that Respondent executes this Stipulation and the effective date of the discipline herein. In that event, Respondent must provide to the Office of Probation satisfactory proof of his attendance at Ethics School and passage of the test given at the end of that session with his first quarterly report due under this Stipulation.

(b) To satisfy the requirement of the MPRE, Respondent may take the MPRE between the date that Respondent executes this Stipulation and the effective date of the discipline herein. In that event, Respondent must provide proof of passage of the MPRE to the Office of Probation with his first quarterly report due under this Stipulation.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Allyson Erwin De Guzman Bautista
CASE NUMBER(S): 12-O-13031

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-O-13031 (Complainant: Maria Salgado Garcia)

FACTS:

1. In November 2007, Maria Salgado Garcia ("Garcia") employed Respondent to represent her in a personal injury claim arising from an incident that occurred on November 6, 2007. In November 2007, Garcia entered into a written contingency fee agreement with Respondent for the representation.

2. In July 2008, Respondent settled the claim for \$15,000. Garcia received medical treatment from Stephen Najera, D.C. ("Najera") related to the claim. Najera claimed \$4,567.68 for the treatment rendered to Garcia.

3. In or about August 2008, Respondent received the \$15,000 settlement draft for the claim, dated August 27, 2008, and deposited the draft into his client trust account at Union Bank of California, account number xxxx3208 (the "CTA").

4. In September 2008, Respondent issued the following checks totaling \$15,000 from the CTA:

<u>Date of Check</u>	<u>Payee</u>	<u>Amount</u>
09-03-08	A. Erwin Bautista	\$ 8,467.68
09-10-08	Maria Garcia	\$ 5,032.32
09-10-08	Dr. Stephen Najera	\$ 1,500.00

5. Since Respondent's admission to the State Bar in June 1999, his primary areas of practice have been immigration, family law, and bankruptcy and he has charged clients on an hourly fee basis. In or around 2007, Respondent began accepting personal injury cases and employed a paralegal with experience in that area to assist him. At the time of the distribution of the settlement funds, Respondent relied upon his paralegal to provide an accounting of the settlement funds to Garcia, based on his office procedures at the time. However, no accounting had been provided to Garcia. Consequently, Garcia was not informed that Dr. Najera's bill had been reduced from \$4,567.68 to \$1,500 or that Respondent was paid \$8,467.68.

6. After Garcia received \$5,032.32 from Respondent in or about September 2008, Respondent did not receive any complaint from Garcia regarding the amount of the settlement received or about her

not receiving an accounting of the settlement funds until approximately three years later when Respondent received correspondence from Garcia in August 2011. In the correspondence, Garcia for the first time complained about the amount of Dr. Najera's bill, contended that Dr. Najera should have received only \$1,000, and claimed that she was entitled to another \$4,000.

7. Respondent provided an accounting to Garcia in September 2011, which showed that Dr. Najera was paid \$1,500 and that Respondent was paid \$5,000 as fees and \$3,467.68 as "administrative costs." However, Respondent did not provide Garcia with an itemized accounting of the "administrative costs."

8. Under the terms of Respondent's fee agreement with Garcia, he was entitled to only \$5,000 as fees plus "litigation costs and expenses," including but not limited to the cost of investigation and court reporter and filing fees. From the \$3,467.68 withheld as "administrative costs," Respondent claimed \$500 in out-of-pocket expenses for postage, paper, and telephone and transportation costs. Respondent paid himself the remaining \$2,967.68 withheld as "administrative costs" for such services as interviewing the client, communicating with the client, visiting and photographing the scene of the incident, reviewing medical records, and preparing a demand package. Due to his inexperience in handling case on a contingency fee basis and based on his reliance on information received from his paralegal, Respondent had intended to charge \$5,000 as a contingency fee and \$3,467.68 as "administrative costs." Respondent acknowledges that his reliance on his paralegal was unreasonable and that his fee agreement with Garcia did not authorize him to charge \$2,967.68 as "administrative costs." Respondent acknowledges that by charging and collecting \$2,967.68 as "administrative costs" and charging and collecting \$5,000 as a contingency fee, Respondent was effectively double-billing Garcia for the same services.

9. In January 2012, Garcia complained to the State Bar about Respondent. On July 9, 2012, Respondent returned \$2,967.32, plus interest in the amount of \$1,186.93 (10% interest per year from September 10, 2008 to September 10, 2012 or \$296.73 per year), to Garcia.

CONCLUSIONS OF LAW:

1. By withholding \$2,967.68 for hourly fees from the \$15,000 settlement, when Respondent withheld \$5,000 from Garcia as a contingency fee for the same legal services, Respondent charged and collected an unconscionable fee, in wilful violation of Rules of Professional Conduct, rule 4-200(A).

2. By not providing Garcia with a full accounting of the \$15,000 settlement, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Candor/Cooperation: Respondent was candid and cooperative during the State Bar's investigation and proceedings.

Good Character: Respondent provided numerous letters regarding Respondent's good character from attorneys, clergymen, his clients, a former employee, and other members of the general public, although they did not state that they were aware of the full extent of his misconduct. Respondent has

been actively involved in community service for many years. Respondent has performed volunteer work for the American Immigration Lawyer Association. Respondent has been a member of the Bankruptcy Section of the North County Bar Association since 1999 and served as its Chairman. The Association provides continuing education to its members. Respondent has performed countless hours of volunteer work for the Association, including volunteering at the North County Superior Court for Law Week and Youth and Court Day Program activities. Respondent trained student interns for California Western School of Law. Respondent provided pro bono legal services to the Widows' Sons Foundation, Inc. from April 2010 to April 2012; and handled three jury trials pro bono in conservatorship matters for Short Foundation Legal Center, Inc. within the last three to five years.

Additional Mitigating Circumstances: Respondent was admitted to the State Bar on June 15, 1999 and has no prior record of discipline. At the time of Respondent's misconduct, he was not experienced in handling and supervising a personal injury practice. Respondent does not offer his lack of experience as an excuse for his misconduct, but to explain that his conduct was not venal. Respondent ceased his practice of having someone else provide accountings to clients in contingency fee matters. Respondent demonstrated recognition of wrongdoing by entering into this stipulation, thereby saving the resources of the State Bar.

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.)

Respondent admits to committing two acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct is found in standard 2.7, which applies to the violation of Rules of Professional Conduct, rule 4-200(A). Standard 2.7 provides that a violation of rule 4-200(A) shall result in at least a six-month actual suspension from the practice of law, irrespective of mitigating circumstances. Here, the amount of the unconscionable fee charged and collected is about \$3,000 and Respondent has completed restitution of this amount to Garcia with

interest. Considering the mitigating factors involved, including Respondent's cooperation with the State Bar and his showing of good character, the minimum sanction of a six-month actual suspension is appropriate. There are no aggravating factors and the net effect of the mitigating factors present demonstrates that the purpose of imposing sanctions as set forth in standard 1.3 will be fulfilled if the minimum sanction under standard 2.7 is imposed. (Standard 1.6(b)(ii).)

The parties have been unable to find a comparable case involving an unconscionable fee. However, this recommendation is consistent with the discipline imposed by the Supreme Court in *Bates v. State Bar* (1990) 51 Cal.3d 1056, which involved a unilateral application of entrusted funds for reimbursement of costs. Bates admitted that he misappropriated \$700.60 from a \$2,000 medical payment received from his client's insurance company. Bates failed to pay the client's portion of the \$2,000 to the client. Bates contended that he used a portion of the funds to reimburse himself for costs incurred on behalf of the client, but he had insufficient records to support his contention. The hearing referee concluded that regardless of whether the funds represented reimbursement of costs, Bates had misappropriated the funds because he had no authorization from the client to reimburse himself for costs. After the client terminated Bates's employment, another attorney settled the client's injury claim and Bates claimed entitlement to a share of the settlement funds. Bates then misrepresented to the client's successor attorney that the \$2,000 was still in his client trust account pending resolution of the fee dispute. The primary mitigating factor present was that Bates suffered from alcoholism at the time of his misappropriation of funds, but showed that his addiction was permanently under control. Bates's 14 years of discipline-free practice and good character were other mitigating factors. Bates received a six-month actual suspension and a three-year stayed suspension.

Like *Bates*, Respondent here unilaterally charged a portion of the settlement funds as reimbursement of "administrative costs," and Respondent has no prior discipline and presented evidence of his good character. However, Respondent's misconduct stemmed from his overcharging for services rendered as "administrative costs" due to his reliance on information from his paralegal and stemmed from his not providing an accounting to his client due to his reliance on his paralegal. Unlike *Bates*, Respondent's misconduct did not involve any misrepresentation or moral turpitude.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was September 26, 2012.

COSTS OF DISCIPLINARY PROCEEDINGS.

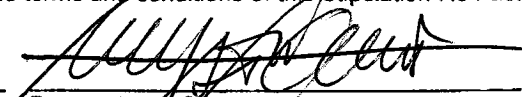
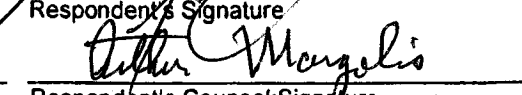
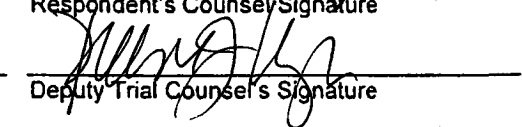
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 9, 2012, the prosecution costs in this matter are \$2,865. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Allyson Erwin De Guzman Bautista	Case number(s): 12-O-13031
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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.

Oct 1, 2012		A. Ervin Bautista Print Name
Oct 4, 2012		Arthur L. Margolis Print Name
10/10/12		Diane J. Meyers Print Name

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In the Matter of: Allyson Erwin De Guzman Bautista	Case Number(s): 12-O-13031
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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:

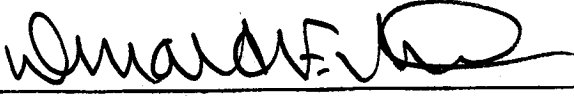
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Page. 3: The box for paragraph B.(7) [Multiple/Pattern of Misconduct] is deemed checked and the check in box for B.(8) is deemed removed.

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

10/29/12

Date



DONALD F. MILES
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 October 30, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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 LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

DIANE MEYERS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 30, 2012.



Tammy Cleaver
Case Administrator
State Bar Court