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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

ORIGINAL

<p>Counsel For The State Bar</p> <p>Melissa R. Marshall Contract Attorney Office of the Chief Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2515 Telephone: (213) 765-1277</p> <p>Bar # 192625</p>	<p>Case Number(s): 13-C-13080-DFM 13-C-13081 13-C-13082 13-C-13083 13-C-13479 13-C-13480 13-C-15302</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>FEB 19 2014</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Peter Nathan Osborn 146A N Holliston Avenue Pasadena, CA 91106 Telephone: (424) 208-4468</p> <p>Bar # 107360</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: PETER NATHAN OSBORN</p> <p>Bar # 107360</p> <p>A Member of the State Bar of California (Respondent)</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 **January 7, 1983**.
- (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 **21** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2014)



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- (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.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **00-O-12427.**
 - (b) Date prior discipline effective **January 6, 2002.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **rule 3-110(A), Rules of Professional Conduct.**
 - (d) Degree of prior discipline **private reproof. See Attachment to Stipulation, at page 17.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See Attachment to Stipulation, at page 17.**

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- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment to Stipulation, at pages 17-18.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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.

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- (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:

Pretrial Stipulation - See Attachment to Stipulation, at page 19.
Emotional and Physical Difficulties - See Attachment to Stipulation, at page 18.

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 1.2(c)(1) 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 1.2(c)(1), 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 1.2(c)(1), 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:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions 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**

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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: **November 21, 2013.**
- (5) **Other Conditions:**

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In the Matter of: PETER NATHAN OSBORN	Case Number(s): 13-C-13080, 13-C-13081, 13-C-13082, 13-C-13083, 13-C-13479, 13-C-13480, 13-C-15302
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Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

1. During the probation period, Respondent must continually participate in the Lawyer Assistance Program ("LAP"), and comply with all provisions and conditions of LAP, including his Participation Plan During Evaluation, his Participation Agreement/Plan, or any other Plan or Agreement or modification to any such Plan or Agreement (the "Plan") which is in effect at any time during the probation period.

2. **Within thirty (30) days of commencing participation in the Plan or any modifications thereof, Respondent must provide a complete copy of the Plan and any modifications to the Office of Probation.**
3. **Withdrawal or termination from LAP, whether voluntary or involuntary, is a violation of this condition.**
4. **Within ten (10) days of signing this Stipulation, Respondent must provide a complete copy of this Stipulation to LAP and the LAP Evaluation Committee, and obtain a letter from LAP acknowledging its receipt of the Stipulation.**
5. **Within thirty (30) days of signing this Stipulation, Respondent must provide a complete copy of this Stipulation to the Office of Probation.**
6. **Within thirty (30) days of the effective date of discipline, Respondent shall sign and return to the Office of Probation the written waiver/authorization provided to him by the Office of Probation authorizing LAP to provide all information and all documents in its possession regarding Respondent to the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court, including but not limited to the terms and conditions of the Plan, any subsequent modifications to the Plan as they may occur during Respondent's period of probation, and Respondent's compliance or failure to comply with the Plan (the "LAP Waiver").**
7. **Any revocation of the LAP Waiver by Respondent shall constitute a violation of probation and Respondent must report such revocation in writing to the Office of Probation within five (5) days of revocation.**
8. **Respondent shall report in writing, and under penalty of perjury, any incident of non-compliance with the terms and conditions of the Plan to the Office of Probation within five (5) days of its occurrence.**
9. **Respondent shall report his compliance and/or non-compliance with the terms and conditions of the Plan in each written quarterly and final report to the Office of Probation required as a condition of probation, as set forth in the Additional Conditions of Probation, Section E(5) at page 5 ("Section E(5)").**
10. **No later than 10 days before a quarterly report or the final report is due as required by Section E(5), Respondent shall provide LAP with written authorization instructing LAP to provide its own separate written quarterly report regarding Respondent's compliance and/or non-compliance with the terms and conditions of the Plan to the Office of Probation to be received by the Office of Probation no later than each January 10, April 10, July 10, and October 10, as well as a final LAP report that will be due on the same date that Respondent's final report is due as required by Section E(5).**
11. **Participation in LAP shall be at Respondent's sole expense.**
12. **Failure to comply with these Substance Abuse Conditions is a violation of Respondent's probation.**

violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked], a misdemeanor.

6. Respondent failed to appear in court on September 29, 2006. Based on Respondent's failure to appear, the court issued a bench warrant for his arrest, and Respondent was arrested on the warrant on October 19, 2006.

7. On March 15, 2007, the court entered Respondent's plea of no contest to the count of violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked], a misdemeanor, and based thereon, the court found Respondent guilty of that count.

8. On March 15, 2007, the court suspended the imposition of sentence and placed Respondent on unsupervised probation for a period of three years on conditions which included orders that he pay fines and fees, obey all laws and commit no similar violation of the law, not drive a motor vehicle unless in possession of a valid California driver's license, registration and insurance, and not drive during any period of DMV suspension of his driving privilege.

9. On September 6, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Case No. 13-C-13479 (Conviction Proceedings)

PROCEDURAL BACKGROUND AND FACTS IN CONVICTION PROCEEDING:

10. 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.

11. On September 22, 2006, the California Department of Motor Vehicles mailed a notice to Respondent that his driver's license was suspended effective October 26, 2006 through April 25, 2007, for negligent operation as prescribed in Vehicle Code section 12810. Respondent received notice of the suspension.

12. On March 31, 2007, in Santa Barbara, California, despite knowledge that his driver's license was suspended, Respondent drove anyway. A Santa Barbara Police officer stopped Respondent for a violation of the Vehicle Code. Respondent advised the officer that his license was suspended. The officer confirmed through dispatch that Respondent's license was suspended and issued Respondent a citation for the violation.

13. On April 10, 2007, the Santa Barbara County District Attorney filed a criminal complaint in the Santa Barbara County Superior Court, case no. 1237861, charging Respondent with one count of violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked], a misdemeanor.

14. On May 9, 2007, the court entered Respondent's plea of no contest to an added lesser charge of violation of Vehicle Code section 12500(a) [Driving Without a License], a misdemeanor, and based thereon, the court found Respondent guilty of that count. Pursuant to a plea agreement, the court dismissed the greater charge in the furtherance of justice.

15. On May 9, 2007, the court did not place Respondent on probation but ordered him to pay fines and fees.

16. On September 26, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Case No. 13-C-13080 (Conviction Proceedings)

PROCEDURAL BACKGROUND AND FACTS IN CONVICTION PROCEEDING:

17. 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.

18. On September 22, 2006, the California Department of Motor Vehicles mailed a notice to Respondent that his driver's license was suspended effective October 26, 2006 through April 25, 2007, for negligent operation as prescribed in Vehicle Code section 12810. Respondent received notice of the suspension.

19. On February 20, 2007, in the city of Ventura California, despite knowledge that his driver's license was suspended, Respondent drove anyway. Respondent was stopped by police for an unknown traffic infraction and arrested for driving on a suspended license and failing to provide proof of insurance.

20. On March 13, 2007, the Ventura County District Attorney filed a criminal complaint in the Ventura County Superior Court, case no. 2007008174, charging Respondent with one count of violation of Vehicle Code section 14601(a) [Driving When Privilege Suspended or Revoked], a misdemeanor, and one count of violation of Vehicle Code section 16028(a) [Failure to Provide a Peace Officer Evidence of Financial Responsibility], an infraction.

21. After the Ventura County District Attorney filed charges against Respondent, he failed to appear for court appearances on March 20, 2007, June 4, 2007, September 21, 2007, and December 27, 2007, in violation of Penal Code section 978.5, and bench warrants were issued on each of those dates. Respondent received notice of each of the court appearances for which he later failed to appear.

22. On December 31, 2007, the court entered Respondent's plea of guilty to the count of violation of Vehicle Code section 14601(a) [Driving When Privilege Suspended or Revoked], a misdemeanor, and based thereon, the court found Respondent guilty of that count. The court had previously dismissed the count of violation of Vehicle Code section 16028(a) [Failure to Provide a Peace Officer Evidence of Financial Responsibility], an infraction, on its own motion on April 30, 2007.

23. On December 31, 2007, the court sentenced Respondent by ordering him to pay a fine of \$272.00 and other fees.

24. On July 22, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense

for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Case No. 13-C-13082 (Conviction Proceedings)

PROCEDURAL BACKGROUND AND FACTS IN CONVICTION PROCEEDING:

25. 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.

26. On May 27, 2008, the California Department of Motor Vehicles mailed a notice to Respondent that his driver's license was suspended effective June 26, 2008, pursuant to Vehicle Code section 13365 for failure to appear. Respondent received notice of the suspension.

27. On November 23, 2009, in Claremont, California, despite knowledge that his driver's license was suspended, Respondent drove anyway. A Claremont Police officer stopped Respondent for failing to obey a right turn only sign. Respondent had no identification on his person, but verbally identified himself to the officer. A records check revealed that Respondent's license was suspended for failures to appear and that he had two prior convictions for driving on a suspended license and two failures to appear for driving on a suspended license. The officer asked Respondent why his license was suspended, and Respondent explained that he needed to pay fines. The officer placed Respondent under arrest for driving on a suspended license.

28. On January 6, 2010, the Los Angeles County District Attorney filed a criminal complaint in the Los Angeles County Superior Court, case no. 0PK00046, charging Respondent with one count of violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked with Priors], a misdemeanor. The complaint further alleged that Respondent had a prior conviction on March 15, 2007, for violation of Vehicle Code section 14601.1 [Driving When Privilege Suspended or Revoked] committed on August 29, 2006 (See State Bar Court Case No. 13-C-13480 above), and that Respondent had a prior conviction on December 31, 2007, for violation of Vehicle Code section 14601(a) [Driving When Privilege Suspended or Revoked] committed on February 20, 2007 (See State Bar Court Case No. 13-C-13080 above).

29. On March 8, 2010, the court entered Respondent's plea of nolo contendere to the count of violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked with Priors], a misdemeanor, and based thereon, the court found Respondent guilty of that count. Respondent also admitted the two alleged prior convictions, and based thereon, the court found the alleged priors to be true.

30. On March 8, 2010, the court suspended the imposition of sentence and placed Respondent on summary probation for a period of three years on conditions which included five days in the Los Angeles County Jail or five days of tree farm work in lieu of jail, payment of fines and fees totaling \$2,091, and an order that Respondent not drive a motor vehicle unless lawfully licensed and insured.

31. After being convicted and placed on probation, Respondent violated his probation as follows: On March 21, 2011, the court revoked Respondent's probation and issued a bench warrant for Respondent's failure to perform five days of tree farm work and pay the \$2091 fine balance. Respondent was subsequently arrested on the warrant, and he posted bond. On May 27, 2011, Respondent failed to appear and another bench warrant was issued for his arrest. On June 1, 2011,

counsel appeared for Respondent and admitted a probation violation for failing to pay the fine and complete the tree farm work. The court reinstated Respondent's probation with modifications to the terms and conditions. On December 1, 2011, the court again revoked Respondent's probation and issued a bench warrant for failing to perform 5 days of tree farm work and pay the \$1091 fine balance. On January 12, 2012, Respondent admitted a violation of his probation. The court sentenced Respondent to serve 90 days in jail and terminated his probation.

32. On August 9, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Case No. 13-C-13081 (Conviction Proceedings)

PROCEDURAL BACKGROUND AND FACTS IN CONVICTION PROCEEDING:

33. 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.

34. On January 22, 2008, the California Department of Motor Vehicles mailed a notice to Respondent that his driver's license was suspended effective February 25, 2008 through August 24, 2008, for negligent operation as prescribed in Vehicle Code section 12810. Respondent received notice of the suspension.

35. On May 4, 2008, in Los Angeles, California, despite knowledge that his driver's license was suspended, Respondent drove anyway. Respondent was stopped by police for an unknown traffic infraction and arrested for driving on a suspended license and failing to provide proof of insurance.

36. On November 20, 2008, the Los Angeles City Attorney filed a criminal complaint in the Los Angeles County Superior Court (Metro Division), case no. 8MP14083, charging Respondent with one count of violation of Vehicle Code section 14601(a) [Driving When Privilege Suspended or Revoked], a misdemeanor, and one count of violation of Vehicle Code section 16028(a) [Failure to Provide a Peace Officer Evidence of Financial Responsibility], an infraction. The complaint further alleged that Respondent had a prior conviction on March 15, 2007, for violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked] committed on August 29, 2006 (See State Bar Court Case No. 13-C-13480 above).

37. After the Los Angeles City Attorney filed charges against Respondent, he failed to appear at his arraignment on November 21, 2008. Respondent had notice of the court date, and the court issued a bench warrant for his failure to appear. Respondent was subsequently arrested on the bench warrant, but released on his signed promise to appear in court on November 25, 2009. Respondent again failed to appear for his arraignment, and the court issued another bench warrant for his failure to appear. Respondent was again arrested on the bench warrant, but he was released on bail. Respondent was given notice that his arraignment was now scheduled for April 6, 2010. Respondent again failed to appear, and the court forfeited his bail and issued another bench warrant. This bench warrant was recalled and quashed on April 30, 2010, when counsel appeared on behalf of Respondent. The court vacated the bail forfeiture and reinstated and exonerated the bond.

38. On July 26, 2010, the court entered Respondent's plea of nolo contendere to an added lesser charge of violation of Vehicle Code section 12500(a) [Driving Without a License], a misdemeanor, and

based thereon, the court found Respondent guilty of that count. Pursuant to a plea agreement, the court dismissed the remaining counts in the furtherance of justice.

39. On July 26, 2010, the court suspended the imposition of sentence and placed Respondent on 36 months of summary probation on conditions which included, among other things, pay a fine of \$400; or serve one day in jail; or in lieu of fine or jail, perform five days of community labor; and not drive a vehicle without a valid license. Respondent was ordered to provide proof of compliance with his conditions of probation by January 26, 2011.

40. On February 4, 2011, the court revoked Respondent's probation and issued a bench warrant for Respondent when he failed to provide proof of compliance with the terms of his probation by January 26, 2011. Respondent was subsequently arrested on the bench warrant and released on bail. Respondent was given notice that his next court appearance for possible violation of probation was May 18, 2011. Respondent failed to appear on May 18, 2011, and the court issued another bench warrant for Respondent and forfeited his bail. On June 1, 2011, counsel appeared in court on Respondent's behalf. Respondent's counsel showed proof to the court that Respondent had paid \$1,000 toward his fine balance, and the court reinstated Respondent's probation and recalled and quashed the bench warrant. Respondent was ordered to pay the balance of his fines and fees by September 1, 2011. Respondent failed to pay the balance of his fines and fees by September 1, 2011, and the court issued a bench warrant for Respondent's failure to comply with that condition of his probation. Respondent was subsequently arrested on the bench warrant but released on his signed promise to appear in court on November 8, 2011. Respondent failed to appear in court on November 8, 2011, and the court issued a bench warrant for his failure to appear, his failure to provide proof of performing five days of community labor, and his failure to provide proof of payment of the remaining fine balance. Respondent appeared in court on January 17, 2012 and admitted a violation of probation. The court then deleted the remaining fine balance and community labor requirement and ordered Respondent to serve 12 days in jail with credit for 12 days served. The Court terminated Respondent's probation on January 17, 2012.

41. On November 19, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Case No. 13-C-13083 (Conviction Proceedings)

PROCEDURAL BACKGROUND AND FACTS IN CONVICTION PROCEEDING:

42. 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.

43. On July 19, 2011, the California Department of Motor Vehicles mailed a notice to Respondent that his driver's license was suspended effective August 18, 2011, pursuant to Vehicle Code section 13365 for failure to appear. Respondent received notice of the suspension.

44. On July 6, 2012, in Orange County, California, despite knowledge that his driver's license was suspended, Respondent drove anyway. Respondent was stopped for unlawful use of a cell phone

while driving and for failing to wear his seat belt, and the officer learned that Respondent's driving privilege was suspended. The officer cited Respondent for the violations.

45. On August 10, 2012, the Orange County District Attorney filed a criminal complaint in the Orange County Superior Court, case no. 12NM09500, charging Respondent with one count of violation of Vehicle Code section 14601.1(a) [Driving on Suspended/Revoked License with Prior], a misdemeanor, one count of violation of Vehicle Code section 23123(a) [Unlawful Use of Cell Phone while Driving], an infraction, and one count of violation of Vehicle Code section 27315(d)(1) [Seat Belt Required], an infraction. The complaint further alleged that Respondent suffered a prior conviction on December 31, 2007, for violation of Vehicle Code section 14601 [Driving on Suspended/Revoked License] committed on February 20, 2007 (See State Bar Court Case No. 13-C-13080 above), a prior conviction on August 31, 2010, for violation of Vehicle Code section 14601 [Driving on Suspended/Revoked License] committed on March 19, 2009 (Los Angeles County Superior Court (Metro Division), case no. 0908852, which was subsequently determined to be an infraction), and a prior conviction on March 8, 2010, for violation of Vehicle Code section 14601 [Driving on Suspended/Revoked License] committed on November 23, 2009 (See State Bar Court Case No. 13-C-13082 above).

46. After the Orange County District Attorney filed charges, Respondent failed to appear at his arraignment on August 22, 2012, and a bench warrant was issued for his arrest. Respondent subsequently appeared through retained counsel, who later asked to be relieved due to a lack of contact with Respondent. A bench warrant was again issued for Respondent on December 5, 2012. Respondent was arrested on the warrant on April 7, 2013.

47. On May 29, 2013, the court entered Respondent's plea of guilty to the count of violation of Vehicle Code section 14601.1(a) [Driving on Suspended/Revoked License with Prior], a misdemeanor, the count of violation of Vehicle Code section 23123(a) [Unlawful Use of Cell Phone while Driving], an infraction, and the count of violation of Vehicle Code section 27315(d)(1) [Seat Belt Required], an infraction. The court also entered Respondent's admissions to the three alleged prior convictions. Based on Respondent's guilty pleas, the court found Respondent guilty, and based on Respondent's admissions, the court found the alleged priors to be true.

48. On May 29, 2013, the court suspended the imposition of sentence and placed Respondent on informal probation for a period of three years on conditions which included orders that he serve five days in jail or five days Cal Trans work in lieu of jail, pay fines and fees, violate no law, not drive without a valid driver's license in his possession, and not drive without proof of valid auto liability insurance or financial responsibility as required by law.

49. Subsequent to Respondent's conviction and sentencing, he violated the terms and conditions of his probation. On July 3, 2013, Respondent was arraigned on a probation violation for a new violation of law in case 13WM06394 (See State Bar Court Case Number 13-C-15302 below). Respondent admitted the violation and was sentenced. He was given credit for 6 days in jail and given an extension to pay his fines.

50. On September 6, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

CONCLUSIONS OF LAW PERTAINING TO CASE NOS. 13-C-13480, 13-C-13479,
13-C-13080, 13-C-13082, 13-C-13081, AND 13-C-13083:

51. The facts and circumstances surrounding the above-described violations involved moral turpitude.

Case No. 13-C-15302 (Conviction Proceedings)

PROCEDURAL BACKGROUND AND FACTS IN CONVICTION PROCEEDING:

52. 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.

53. On July 1, 2013, Respondent entered the Target store in Seal Beach, California with the intent to steal a laptop charging cord. Prior to entering the store, Respondent covered his front license plate with a plastic bag, backed his vehicle into a handicapped parking space, and left his driver's door open. Respondent had a folding box cutter concealed on his person when he entered the Target store. Target loss prevention personnel observed Respondent acting suspiciously in the electronics department. Respondent then walked to the luggage department and stuffed a laptop charging cord into the front of his pants. Respondent exited the store without paying for the merchandise, but he surrendered it to Target loss prevention personnel upon being contacted in the parking lot. Later, police were able to locate Respondent at a nearby hotel, as he was attempting to use the hotel's business computer. Upon being arrested, Respondent surrendered a folding box cutter, which the officer noted is commonly used in retail thefts.

54. On July 3, 2013, the Orange County District Attorney filed a criminal complaint in the Orange County Superior Court, case no. 13WM06394, charging Respondent with one count of violation of Penal Code section 459-460(b) [Second Degree Commercial Burglary], a misdemeanor, one count of violation of Penal Code section 484(a)-488 [Petty Theft], a misdemeanor, and one count of violation of Penal Code section 466 [Possession of Burglary Tools], a misdemeanor.

55. On July 3, 2013, the court entered Respondent's plea of guilty to the count of violation of Penal Code section 459-460(b) [Second Degree Commercial Burglary], a misdemeanor, and the count of violation of Penal Code section 484(a)-488 [Petty Theft], a misdemeanor, and based thereon, the court found Respondent guilty of those counts. Pursuant to a plea agreement, the court dismissed the remaining charge on motion of the People in the furtherance of justice.

56. On July 3, 2013, the court suspended the imposition of sentence and placed Respondent on informal probation for a period of three years on conditions which included orders that he violate no law, pay fines and fees, complete 25 days Cal Trans work, and stay away from and do not go within 100 yards of Target in Seal Beach.

57. On November 8, 2013, the Review Department of the State Bar Court issued an order pursuant to Business and Professions Code section 6102 that Respondent be suspended from the practice of law effective November 21, 2013, pending final disposition of this proceeding.

58. On December 5, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline

to be imposed for the offense(s) for which Respondent was convicted, which the Review Department determined involved moral turpitude as a matter of law.

CONCLUSIONS OF LAW PERTAINING TO CASE NOS. 13-C-15302:

59. As determined by the Review Department in its order referring this matter for hearing, the above-described violations involved moral turpitude.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent received a private reproof in 2002 for repeatedly failing to appear at his client's criminal court hearings and thereby failing to perform legal services competently in violation of rule 3-110(A) of the Rules of Professional Conduct. The prior misconduct occurred between December 1999 and June 2000. The prior misconduct was mitigated by the fact that Respondent had no prior record of discipline and was suffering from extreme emotional and physical disabilities at the time of the misconduct. The prior misconduct was found to involve no aggravating circumstances. Respondent's prior record of discipline constitutes an aggravating circumstance pursuant to standard 1.5(a).

Indifference (Std. 1.5(g)): Respondent has displayed total indifference to his legal obligations by continuing to drive without a valid license, failing to appear at his own court dates, and failing to abide by the conditions of probation. These facts constitute an aggravating circumstance pursuant to standard 1.5(g).

Pattern of Misconduct (Std. 1.5(c)): Respondent has suffered six misdemeanor criminal convictions as a result of six separate instances in which he has driven while his privilege to drive was suspended. These six violations occurred between August 29, 2006 and July 6, 2012.

In addition to these six misdemeanor convictions, Respondent was convicted of a violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked], an infraction, on August 30, 2010. Initially, Respondent was cited for driving on a suspended license and seatbelt violation in Los Angeles, California on March 19, 2009. The officer conducted a traffic stop due to Respondent not wearing his seat belt. Upon contact by the officer, Respondent stated he was a pro tem judge at Hill Street Courts. Respondent did not have his license in his possession but provided his information to the officer verbally. Upon running Respondent's information, dispatch advised the officer that Respondent's license was suspended. Respondent begged the officer not to take him to jail as he knew he had a warrant for failing to appear on a previous citation. The officer issued a citation to Respondent and impounded his vehicle, but the officer did not arrest Respondent on his outstanding bench warrants. The officer did make a report of the incident which was forwarded to the Chair of the Complaints Subcommittee of the Temporary Judge Committee. The Chair of the Complaints Subcommittee of the Temporary Judge Committee then made a complaint to the State Bar, due to her concern that Respondent was attempting to obtain favorable treatment as a result of his previous service as a judge pro tem, but also her concern that Respondent was being dishonest with the officer. Respondent had not actually sat as a judge pro tem since 2005. Although Respondent was originally charged in the Los Angeles County Superior Court (Metro Division), case no. 0908852, with one count of violation of Vehicle Code section 40508(a) [Violation of a Promise to Appear], a misdemeanor, one count of violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked], a misdemeanor, and one count of violation of Vehicle Code section 27315(d)(1) [Seatbelt Required], an

infraction, the court reduced the violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked] to an infraction pursuant to Penal Code section 17(d)(2).

On August 30, 2010, , the court entered Respondent's plea of nolo contendere to the count of violation of Vehicle Code section 14601.1(a) [Driving When Privilege Suspended or Revoked], an infraction and the count of violation of Vehicle Code section 27315(d)(1) [Seatbelt Required], an infraction, and based thereon, the court found Respondent guilty of those counts. Pursuant to a plea agreement, the court dismissed the remaining charge in the furtherance of justice, and ordered Respondent to pay fines in the amount of \$120 plus penalty assessments. As with Respondent's other conviction matters, Respondent failed to appear in this case on March 16, 2010, and April 19, 2010, and the court issued bench warrants for his arrest.

In addition to the pattern of disregard for the criminal laws of the state by driving on a suspended license, Respondent has also failed to appear after signing a promise to appear on multiple occasions, and he has failed to comply with the terms of his probation orders on multiple occasions. These facts alone establish a pattern of habitual disrespect for the legal system. Additionally, Respondent now has a conviction for burglary and petty theft. When the current misconduct is coupled with the misconduct in Respondent's prior, this pattern of disrespect spans over 12 years. Respondent's pattern of misconduct constitutes an aggravating factor pursuant to standard 1.5(c).

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Emotional and Physical Difficulties: Respondent states that he abused illegal drugs for approximately nine years starting in 2004. Respondent has presented an evaluation by a Certified Drug Counselor establishing that Respondent's misconduct was a direct result of Respondent's substance abuse problem, and that Respondent has made steady progress towards recovery since entering treatment on September 20, 2013. Respondent checked himself into a residential outpatient treatment program on September 20, 2013. Respondent successfully completed an initial intensive program which required him to submit to random testing for drugs and alcohol, attend four group counseling sessions per week, attend two individual counseling sessions per week, and complete written assignments focused on rehabilitation. Upon completing the initial intensive program, Respondent enrolled in and was admitted to the Lawyer Assistance Program ("LAP") in October 2013. Respondent's participation in LAP requires him to attend at least one 12-step meeting a day. Additionally, since completing the intensive treatment program, Respondent has continued to live in one of the treatment center's sober living houses. The sober living facilities are closely monitored, and the residents are randomly tested for drugs and alcohol. The treatment center requires all sober living residents to attend a minimum of four 12-step meetings outside the center and to meet with a sponsor each week. Both the resident manager and the director of treatment for the center note that Respondent far exceeds his weekly program goals by routinely attending two meetings per day. While Respondent's substance abuse problem developed into abuse of illegal amphetamines, it began with the prescription use of legal amphetamines prescribed by a doctor for Attention Deficit Disorder ("ADD"). The court has afforded mitigation for difficulties or disabilities in the absence of complete rehabilitation where steady rehabilitation was shown and where the member's addiction to an illicit drug resulted from what began as legitimate medical treatment. (*In the Matter of Deierling* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 552, 560-561; *In re Nadrich* (1988) 44 Cal.3d 271, 276.) Because Respondent has only been in treatment for his substance abuse problem since September 20, 2013, only minimal weight in mitigation is appropriate.

Pretrial Stipulation: Respondent stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, thereby avoiding the necessity of a trial and saving State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.)

The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.11 provides that “[d]isbarment or actual suspension is appropriate for the final conviction of a misdemeanor involving moral turpitude.” In Respondent’s commercial burglary case, moral turpitude exists inherently. In Respondent’s driving convictions, the facts and circumstances surrounding the convictions involved moral turpitude. “Criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney’s conduct would be likely to undermine public confidence in and respect for the profession.” (*In re Lesansky* (2001) 25 Cal.4th 11, 16.)

The totality of circumstances surrounding Respondent’s convictions warrants a two-year actual suspension. The convictions involve moral turpitude, and Respondent has demonstrated a pattern of habitual disrespect for the legal system. As the Court indicated in *Kelley*, “We think it clear that attorneys should realize that repeated failure to conform their conduct to the requirements of the criminal law and court orders specially imposed on them may call into question their integrity as officers of the court and their fitness to represent clients.” (*Kelley, supra*, 52 Cal.3d at 497.) Respondent abused illegal drugs for approximately nine years. While he has made steady progress towards recovery, his rehabilitation process has only recently begun and will require a significant additional period of time.

An actual suspension of two years is necessary to protect the public, the courts and the legal profession; to maintain high professional standards by attorneys and preserve public confidence in the legal profession.

The Supreme Court has not hesitated to impose discipline less than disbarment for crimes involving moral turpitude based on the facts unique to the case. (See, e.g., *In re Leardo* (1991) 53 Cal.3d 1 [five-year stayed suspension for two felony violations of 21 U.S.C. § 841(a)(1) (possessing controlled substances with intent to distribute)]; *Chadwick v. State Bar* (1989) 49 Cal.3d 103 [one-year suspension for misdemeanor convictions for fraudulent insider trading and counseling co-conspirator to lie to Securities and Exchange Commission]; *In re Chira* (1986) 42 Cal.3d 904, 909 [one-year stayed suspension for felony conspiracy to obstruct collection of federal tax revenues].)

The Supreme Court deviated from former standard 3.2¹ in *In re Nadrich* (1988) 44 Cal.3d 271, and like Respondent's current matter, *Nadrich* involved crimes that occurred outside of the attorney's law practice. (*Id.* at 276.) Ultimately, though it acknowledged the relevance of standard 3.2, the Supreme Court ordered just one year actual suspension, well below the minimum two years actual suspension described in standard 3.2. (*Id.* at 277 FN3, 278). In *Nadrich*, the attorney sustained a federal conviction for distributing LSD (*Id.* at 273), a conviction which triggered standard 3.2 due to the presence of moral turpitude (*Id.* at 277 FN3).² However, the evidence in *Nadrich* was that the attorney became a drug courier to subsidize his involuntary, medically-induced drug addiction (he was prescribed an opiate pain reliever following a motorcycle accident, developed an addiction, and was later denied opiate pain relievers by his physicians); that he had submitted to psychotherapy since his misconduct; that he had engaged himself in both Alcoholics Anonymous and Narcotics Anonymous during his three years of incarceration and after his release despite neither being required by his criminal sentence; and that he had abstained from drugs for the intervening six years between his misconduct and the Supreme Court decision. (*Id.* at 274-275.) The Supreme Court's decision was also aided by the 45 character reference letters submitted on the attorney's behalf (including 28 letters from State Bar members), as well as the 10 witnesses who testified in the matter on the attorney's behalf. (*Id.* at 277.) While *Nadrich* involved more compelling mitigation than is present in Respondent's case, it also involved a significantly more serious crime. *Nadrich* is instructive on the appropriate level of discipline in this case.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 22, 2014, the prosecution costs in this matter are approximately \$19,483. 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 or any other educational course(s) to be ordered as a condition of suspension]. (Rules Proc. of State Bar, rule 3201.)

¹ Prior to January 1, 2014, standard 3.2 applied to misdemeanor convictions of moral turpitude, and the presumptive level of discipline was disbarment absent compelling mitigating circumstances, in which case a minimum two-year actual suspension was required.

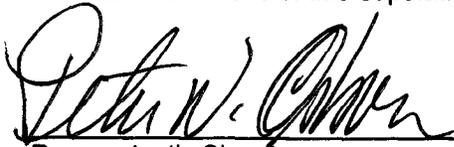
² Crimes which necessarily involve an intent to defraud, or dishonesty for personal gain, may establish moral turpitude. (See *In re Kristovich* (1976) 18 Cal.3d 468, 472.)

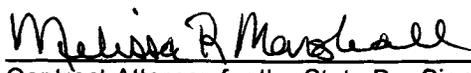
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In the Matter of: PETER NATHAN OSBORN	Case number(s): 13-C-13080, 13-C-13081, 13-C-13082, 13-C-13083, 13-C-13479, 13-C-13480, 13-C-15302
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SIGNATURE OF THE PARTIES

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 Fact, Conclusions of Law and Disposition.

2/12/2014  Peter Nathan Osborn
Date Respondent's Signature Print Name

2/12/14  Melissa R. Marshall
Date Contract Attorney for the State Bar Signature Print Name

(Do not write above this line.)

In the Matter of: PETER NATHAN OSBORN	Case Number(s): 13-C-13080, 13-C-13081, 13-C-13082, 13-C-13083, 13-C-13479, 13-C-13480, 13-C-15302
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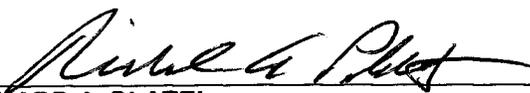
ACTUAL SUSPENSION ORDER

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.)**

02-19-2014
Date


RICHARD A. PLATEL
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, 2014, 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:

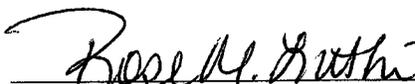
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PETER NATHAN OSBORN
146A N HOLLISTON AVE
PASADENA, CA 91106

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

MELISSA MARSHALL, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 19, 2014.



Rose M. Luthi
Case Administrator
State Bar Court