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<b>State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Heather E. Abelson Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105-1639 (415) 538-2357  Bar # 243691	<b>Case Number(s):</b> 13-J-10396	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>   <b>MAY 22 2013</b>  <b>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</b>
<b>Counsel For Respondent</b>  Jonathan I. Arons Law Office of Jonathan I. Arons 221 Main St., Ste 740 San Francisco, CA 94105 (415) 957-1818  Bar # 111257	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
<b>In the Matter of:</b> <b>LEWIS STEVEN GOLDBLATT</b>  Bar # 90674  A Member of the State Bar of California (Respondent)	<b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 7, 1979.
- (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 14 pages, not including the order.

(Effective January 1, 2011)

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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: 2014 and 2015. (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. See "Facts Supporting Aggravating Circumstances" in the attachment at page 11.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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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:**

See "Additional Facts Re Mitigating Circumstances" in the attachment at page 11.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two (2) years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two (2) 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 ninety (90) days.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

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

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

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- (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 checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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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:
- (5)  **Other Conditions:**

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In the Matter of: <b>LEWIS STEVEN GOLDBLATT</b>	Case Number(s): <b>13-J-10396</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



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

IN THE MATTER OF:                      LEWIS STEVEN GOLDBLATT  
CASE NUMBER(S):                        13-J-10396

**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. 13-J-10396 (Discipline in Other Jurisdiction)

**PROCEDURAL BACKGROUND IN OTHER JURISDICTION:**

1. This is a proceeding brought pursuant to Business and Professions Code section 6049.1 – Professional Misconduct Proceeding in Another Jurisdiction.”
2. On April 26, 1980, Respondent was admitted to the practice law in the State of Missouri. Respondent’s Missouri Bar No. is 27642.
3. On October 13, 2011, the Office of Chief Disciplinary Counsel for the Supreme Court of Missouri (“OCDC”) filed an Information with the Missouri Supreme Court Advisory Committee in Case No. DHP-11-043, against Respondent.
4. On September 14, 2012, in Case No. DHP-11-043, Respondent and OCDC submitted a Joint Stipulation as to Facts, Conclusions of Law and Recommended Discipline (“Stipulation”) to the Disciplinary Hearing Panel. In the Stipulation, Respondent admitted to violating Missouri Supreme Court Rules (“Rules”) 4-1.15(c), 4-1.15(d) and 4-8.4(d).

5. Missouri Rule 4-1.15(c) provides as follows:

A lawyer shall hold property of client or third person that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property. Client or third party funds shall be kept in a separate account designated as a “Client Trust Account” or words of similar import maintained in the state where the lawyer’s office is situated or elsewhere if the client or third person consents. Every client trust account shall be either an IOLTA account or a non-IOLTA trust account. No earnings from an IOLTA account or a non-IOLTA trust account shall be made available to any lawyer or law firm, nor shall any lawyer or law firm have a right or claim to such earnings. Other property shall be identified as such and appropriately safeguarded.

6. Missouri Rule 4-1.15(d) provides as follows:

Complete records of client trust accounts shall be maintained and preserved for a period of at least five years:

1. After termination of the representation, or
2. After the date of the last disbursement of funds; whichever is later.

Complete records include, but are not limited to, checkbooks, cancelled checks, check stubs, vouchers, ledgers, journals, closing statements, accountings or other statements of disbursements rendered to clients or other parties with regard to trust funds or similar equivalent records clearly and expressly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries and disbursements of the funds or other property of a client or other parties.

7. On October 19, 2012, the Disciplinary Hearing Panel issued an order adopting the facts, conclusions, and recommendations set forth in the Stipulation.

8. On January 2, 2013, the Supreme Court of Missouri, en banc, issued Order No. SC93007. In Order No. SC93007, the Missouri Supreme Court found that Respondent violated Rules 4-1.15(c) and 4-1.15(d). The Missouri Supreme Court ordered Respondent's law license suspended indefinitely, and further held that no petition for reinstatement would be entertained for a period of one year from the date of the Order. Thereafter, Order No. SC93007 became final.

9. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

#### FACTUAL BACKGROUND

10. In August 2011, OCDC performed a trust account audit of Respondent's trust account.

11. OCDC determined that Respondent's accounting of his trust account was deficient in many respects: No client ledger was maintained; no monthly trust account bank reconciliations were performed; and Respondent did not monitor or supervise activity in his trust account.

12. In June 2010, Respondent was hired by 18 plaintiffs in a real estate matter involving a medical building in Chesterfield, Missouri ("CMOX plaintiffs") under a fee arrangement for a \$100,000 flat fee plus an additional contingency fee on the amount of recovery plus expenses.

13. On June 25, 2010, Respondent filed a case on behalf of the CMOX plaintiffs in St. Louis County Circuit Court entitled *Geneva GMOX I LLC, et al v. Duane H. Lund, et al*, Case No. 10SL-CC02531.

14. From June 9, 2010 to August 18, 2011, the CMOX plaintiffs made payments to Respondent in the amount of \$120,069.89.

15. Respondent advised the CMOX plaintiffs that all amounts over \$100,000 were for expenses incurred in the case.

16. OCDC performed an audit of Respondent's client trust account with regard to payments made by the CMOX plaintiffs. OCDC's audit established that Respondent failed to keep trust account records, including receipts, payments, income balances and client ledgers, such that his trust account recording was difficult, if not impossible, to ascertain.

17. In July 2010, Respondent was hired by twenty-nine (29) separate clients to represent them in a matter involving Kirkwood Station Plaza, an office building in Kirkwood, Missouri (“KSPX clients”).

18. Respondent was hired to represent the KSPX clients for a fee of \$100,000 plus an additional contingency for any amount of recovery in counter claims, cross claims and third party activities, plus expenses. Respondent received from the KSPX clients the \$100,000 and received payment for all amounts requested for the expenses of investigation, including filing fees, service costs, procurement of experts and technical assistance.

19. On August 23, 2010, Respondent made an initial appearance in St. Louis County Court on behalf of the KSPX clients in an action entitled *Kirkwood Station ACQ, LL, et al v. Geneva Exchange, et al*, Case No. 10SL-CC02846.

20. OCDC performed an audit of Respondent’s client trust account records with regard to payments made by the KSPX clients. OCDC’s audit established that Respondent failed to keep trust account records, including receipts, payments, income balances and client ledgers, such that his trust account recording was difficult, if not impossible, to ascertain.

#### CONCLUSIONS OF LAW:

21. As a matter of law, Respondent’s culpability of professional misconduct determined in the proceeding in Missouri warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

#### ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct (Std. 1.2(b)(ii)):** The Missouri Supreme Court found that Respondent violated Missouri Rules 4-1.15(c) and 4-1.15(d), which are equivalent to California Rules of Professional Conduct, rules 4-100(A) and 4-100(b)(3). Respondent’s multiple acts of misconduct constitute an aggravating factor pursuant to Standard 1.2(b)(ii).

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Although Respondent’s misconduct is serious, he is entitled to substantial mitigation for having practiced law for more than 32 years without discipline. *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.

**Pre-trial Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickel* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.).

#### 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.

Standard 2.2(b) applies because the Supreme Court of Missouri found that Respondent violated Missouri Rule 4-1.15(c), which is the equivalent of California Rules of Professional Conduct, rule 4-100(A) (failing to maintain the balance of funds received for the benefit of a client and deposited in a Client Trust Account), and Missouri Rule 4-1.15(d), which is the equivalent to California Rules of Professional Conduct, rule 4-100(b)(3) (failing to maintain, and to preserve for five years from final appropriate discipline, complete records of all client funds coming into respondent's possession), but did not find that Respondent engaged in willful misappropriation. Standard 2.2(b) provides that "culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances." Based on Standard 2.2(b), a three-month actual suspension is appropriate.

Here, Respondent's misconduct warrants the minimum level of discipline set forth in Standard 2.2(b). Although Respondent's misconduct is aggravated by multiple acts of misconduct, his misconduct is also substantially mitigated by a 32 year discipline free practice of law in California, and is further mitigated by Respondent's lack of a prior record of discipline in Missouri prior to the underlying disciplinary action, and by his entering into a pre-trial stipulation. Further, there was no finding of misappropriation by the Missouri Supreme Court. Balancing the aggravating factors with the mitigating factors present here, Respondent's misconduct warrants a three-month or 90 day actual suspension under Standard 2.2(b).

*Sternlieb v. State Bar* (1990) 52 Cal. 3d 317, also supports a three-month (or ninety day) actual suspension. In *Sternlieb*, the Supreme Court found that respondent committed similar misconduct involving a failure to maintain and account for client trust funds in a single client matter. 52 Cal. 3d at 321. The Court gave respondent mitigation credit for no prior record of discipline, good character, and remorse. *Id.* at 331-333. The Court did not discuss any aggravating circumstances. The Court suspended respondent for one-year, stayed, conditioned on a one-year probation and 30-day actual suspension. *Id.* at 321.

Here, Respondent's misconduct warrants more discipline than respondent Sternlieb. Unlike respondent Sternlieb, Respondent's misconduct involved multiple clients, is aggravated by one factor, and mitigated by only two factors.

A two year stayed suspension conditioned on a 90 day actual suspension, and two year probation with 9.20, Ethics School, Client Trust Accounting School, and MPRE requirements is consistent with the Standards and applicable caselaw, and is appropriate taking into consideration the facts and circumstances of this case.

**PENDING PROCEEDINGS.**

The disclosure date referred to on page 2, paragraph A(7), was April 30, 2013.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 30, 2013, the prosecution costs in this matter are \$2,865.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

**EXCLUSION FROM MCLE CREDIT**


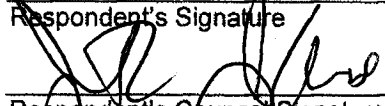

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School or State Bar Client Trust Accounting School. Rules Proc. of State Bar, rule 3201.

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In the Matter of: LEWIS STEVEN GOLDBLATT	Case number(s): 13-J-10396
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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.

<u>May 8, 2013</u> Date	 Respondent's Signature	<u>Lewis Steven Goldblatt</u> Print Name
<u>May 10, 2013</u> Date	 Respondent's Counsel Signature	<u>Jonathan I. Arons</u> Print Name
<u>May 10, 2013</u> Date	 Deputy Trial Counsel's Signature	<u>Heather E. Abelson</u> Print Name

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In the Matter of: LEWIS STEVEN GOLDBLATT	Case Number(s): 13-J-10396
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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:

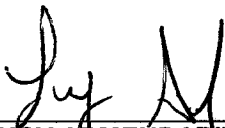
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 10 of the stipulation, between paragraph number 6 and paragraph number 7, the following paragraph number 6.5 is INSERTED:

6.5. Missouri Rule 4-8.4(d) provides: "It is professional misconduct for a lawyer to ... (d) engage in conduct that is prejudicial to the administration of justice...."

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

Date Mar 22, 2013

  
LUCY ARMENDARIZ  
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 San Francisco, on May 22, 2013, I deposited a true copy of the following document(s):

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

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

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

JONATHAN IRWIN ARONS  
LAW OFC JONATHAN I ARONS  
221 MAIN ST STE 740  
SAN FRANCISCO, CA 94105

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

HEATHER E. ABELSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 22, 2013.



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Bernadette C.O. Molina  
Case Administrator  
State Bar Court