

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Susan J. Jackson Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1498 Bar # 125042	Case Number(s): 13-O-12196-LMA 13-O-12197 13-O-12199 13-O-12415 13-O-12419 13-O-12804 13-O-13113 13-O-14174 13-O-14311 13-O-14528 13-O-14600 13-O-14749 13-O-15631 13-O-16112 13-O-17081 13-O-17229 14-O-00035 14-O-00306 14-O-01015 14-O-02091	For Court use only <div style="text-align: center; font-size: 1.2em;"> PUBLIC MATTER FILED MAY 27 2014 </div> <div style="text-align: center; font-size: 0.8em; margin-top: 20px;"> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
Counsel For Respondent David Cameron Carr 525 B Street Suite 1500 San Diego, CA 92101 (619) 696-0526 Bar # 124510	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Jeremy Jon Alberts Bar # 273290 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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.

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A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 1, 2010**.
- (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 **15** 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)

Actual Suspension

- (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
 - (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 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. **See Attachment to Stipulation at page 10.**
- (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 Attachment to Stipulation, at page 10.**
- (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.

- (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 10.

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 1.2(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 **30 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 1.2(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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

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

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

☐ No MPRE recommended. Reason:

- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☒ **Other Conditions:** Although Respondent is required to report quarterly his compliance with the Rules of Professional Conduct and the State Bar Act, he must also specifically report his compliance with Rules of Professional Conduct, rule 1-400, and each of its standards. In each quarterly report, Respondent shall state under penalty of perjury that he has complied with this condition.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

JEREMY JON ALBERTS

CASE NUMBERS:

13-O-12196, 13-O-12197, 13-O-12199, 13-O-12415,
13-O-12419, 13-O-12804, 13-O-13113, 13-O-14174,
13-O-14311, 13-O-14528, 13-O-14600, 13-O-14749,
13-O-15631, 13-O-16112, 13-O-17081, 13-O-17229,
14-O-00035, 14-O-00306, 14-O-01015, 14-O-02091

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-O-12196 (Complainant: Murray Kwon, M.D.)

Case No. 13-O-12197 (State Bar Investigation)

Case No. 13-O-12199 (Complainant: Richard Catallano)

Case No. 13-O-12415 (Complainant: Richard Stucker, Esq.)

Case No. 13-O-12419 (Complainant: Michael Guske)

Case No. 13-O-12804 (Complainant: Francis Campbell, Esq.)

Case No. 13-O-14174 (Complainant: Mary Lauser, Esq., on behalf of Jose F. Puente)

Case No. 13-O-14311 (Complainant: Mark Huppert)

Case No. 13-O-14528 (Complainant: Ed Wooley)

Case No. 13-O-14600 (Complainant: Deborah Donovan on behalf of William Donovan)

Case No. 13-O-15631 (Complainant: Jeanine Andriano)

Case No. 13-O-16112 (Complainant: Mohammed Shoaib)

Case No. 13-O-17081 (Complainant: Shirley McNeal)

Case No. 13-O-17229 (Complainant: Erikson M. David)

Case No. 14-O-00035 (Complainant: Sandra Siroonian)

Case No. 14-O-00306 (Complainant: Angela D. Willis)

Case No. 14-O-02091 (State Bar Investigation)

FACTS

1. From March 8, 2013 to January 30, 2014, Respondent sent by mail, letters offering his legal services to 17 prospective clients, which:
 - a. Misled the prospective clients to believe that:
 - as to a civil lawsuit that had been filed against the prospective client but had not yet been served on the prospective client, the prospective client's wages, bank accounts, home, and other assets were in imminent danger of being seized to satisfy a default judgment unless the prospective client acted quickly and hired Respondent to represent the prospective client, or

- a civil lawsuit had been filed against the prospective client when there was no such lawsuit, and that the prospective client's wages, bank accounts, home, and other assets were in imminent danger of being seized to satisfy a default judgment in the purported civil action unless the prospective client acted quickly and hired Respondent to represent the prospective client, or
 - the attorney employed by the prospective client in connection with the lawsuit had failed to take appropriate action to defend the prospective client, and the prospective client had to immediately hire Respondent to obtain the best representation, when in fact the communication from Respondent was sent only five days after the civil lawsuit was filed and before the lawsuit was served on the prospective client.
- b. omitted to state the following facts necessary to make the statements made in the letters, in light of circumstances under which they are made, not misleading to the public:
- That even if there was a pending lawsuit in which a prospective client was a defendant, until the lawsuit was served a defendant in the lawsuit is not in imminent danger of having his or her wages, bank accounts, home, and other assets seized to satisfy a default judgment;
 - That it was not necessary for a defense attorney to take action in a case in the period after a complaint was filed and before defendants were served; and
 - That if the prospective client to whom Respondent's letter was sent, was the plaintiff in the lawsuit, not a defendant, that as the plaintiff, the prospective client was not in danger of having his/her wages, bank accounts and other assets seized to satisfy a default judgment
2. When Respondent sent the letters to the 17 prospective clients, none of the prospective clients had been served with notice of any legal proceeding.
3. Respondent did not keep for two years, a copy of any of the letters sent to the prospective clients.

CONCLUSIONS OF LAW

4. By sending by mail, letters offering legal services to 17 prospective clients from March 8, 2013 to January 20, 2014 that reasonably misled the prospective clients, Respondent made communications to 17 prospective clients, concerning Respondent's availability for professional employment which communications contained, presented, and arranged a matter in a manner which was false and deceptive, in violation of Rules of Professional Conduct, rule 1-400(D)(2).
5. By sending letters to the 17 prospective clients that omitted certain facts, Respondent made a communication that omitted to state facts necessary to make the statements made in the letters not misleading, in wilful violation of Rules of Professional Conduct, rule 1-400 (D)(3).

6. By failing to keep copies of the letters offering legal services to the 17 prospective clients for two years, Respondent wilfully violated Rules of Professional Conduct, rule 1-400(F).

Case No. 13-O-13113 (Complainant: Richard Johnson)

FACTS

7. Between April 25, 2013 and April 26, 2013, Respondent or an employee of Respondent's telephoned Richard Johnson, a prospective client, approximately four times, and each time, Respondent offered his legal services, for a fee, in a civil case then pending against a company that Mr. Johnson had engaged to perform certain work for him.
8. Prior to April 25, 2013, and April 26, 2013, Respondent had no professional relationship with Richard Johnson. At no time did Respondent have a familial relationship with Richard Johnson.

CONCLUSIONS OF LAW

9. By offering his legal services, for a fee, by telephone and in person, to Richard Johnson, with whom Respondent had no familial or prior professional relationship, Respondent made a solicitation to a prospective client concerning Respondent's availability for professional employment, in wilful violation of Rules of Professional Conduct, rule 1- 400(C).

Case No. 13-O-14729 (Complainant: Barry Jorgenson, Esq. on behalf of Sabrina D'Agostino-Alt)

FACTS

10. Between May 9, 2013 and May 15, 2013, Respondent or an employee of Respondent's telephoned Sabrina D'Agostini-Alt, a prospective client, approximately four times, and each time, Respondent offered his legal services, for a fee, in a civil case then pending against a company that Ms. D'Agostini-Alt had engaged to perform certain work for her.
11. Prior to May 9, 2013, and May 15, 2013, Respondent had no professional relationship with Sabrina D'Agostini-Alt. At no time did Respondent have a familial relationship with Ms. D'Agostini-Alt.

CONCLUSIONS OF LAW

12. By offering his legal services, for a fee, by telephone and in person, to Sabrina D'Agostini, with whom Respondent had no familial or prior professional relationship, Respondent made a solicitation to a prospective client concerning Respondent's availability for professional employment, in wilful violation of Rules of Professional Conduct, rule 1- 400(C).

Case No. 13-O-14311 (Complainants: Mark and Beth Huppert)

FACTS

13. On April 30, 2012, Beth Huppert's sole property was sold at foreclosure.
14. Mark and Beth Huppert ("the Hupperts") later received a letter from Respondent offering to represent them in the unlawful detainer action that Respondent said would be subsequently filed against the Hupperts.
15. On May 7, 2012, the Hupperts hired Respondent to represent them in the anticipated unlawful detainer matter, with which the Hupperts were served in mid-May 2012. On May 17, 2012, the Hupperts hired Respondent to file a wrongful foreclosure matter relating to Beth Huppert's sole property. They paid Respondent a sum of \$8320, in fees.
16. On May 23, 2012, Respondent filed a mass joinder case on behalf of Beth Huppert.
17. On July 2, 2012, the defendants filed a Motion to Dismiss and the opposition to it was due July 16, 2012. Respondent had notice of the motion but did not file an opposition to the motion and on July 17, 2012, the Court granted the motion as unopposed and dismissed the case without prejudice. The Court further gave notice to the parties that if the plaintiff failed to file an amended complaint by August 6, 2012, the dismissal would be with prejudice.
18. On August 7, 2012, Respondent filed a wrongful foreclosure case on behalf of Beth Huppert.
19. The defendant/lender responded by filing a Motion to Dismiss on September 6, 2012, and the opposition was due by October 1, 2012. Respondent had notice of the motion but did not file an opposition until October 2, 2012.
20. On October 3, 2012, the court granted the Motion to Dismiss as unopposed, finding "Plaintiff has now failed to oppose the present Motion to Dismiss on time, having filed an opposition on October 2, 2012," and ordered the complaint dismissed with prejudice.

CONCLUSIONS OF LAW

21. By failing to timely oppose the Motion to Dismiss filed on September 6, 2012, which resulted in the dismissal, with prejudice, of the Beth Huppert's case, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed 20 acts of professional misconduct involving 19 prospective clients and one actual client.

Harm (Std. 1.5(f)): In the Huppert matter, the client's case was dismissed with prejudice and she lost her ability to pursue her case. Loss of case constitutes significant harm, even if the amount of

damages would have been relatively modest. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646.)

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Pretrial Stipulation: Respondent has voluntarily entered into this stipulation, avoiding the need for a multi-day trial and saving the State Bar Court 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 Silverton* (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).)

In this matter, Respondent admits to committing 20 acts of professional misconduct, including 19 violations of Rule 1-400 and one violation of Rule 3-110(A). Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction here stems from the 19 violations of Rule 1-400, and is found in Standard 2.15 which provides that:

"Suspension not to exceed three years or reproof is appropriate for a violation of a provision of the Business and Professions Code or the Rules of Professional Conduct not specified in these Standards."

Respondent repeatedly violated Rule 1-400 by making improper solicitations to several prospective clients. However, those solicitations were over a relatively short period of time and Respondent's solicitations, caused minimal, if any, harm. The recipients of Respondent's written communications and solicitation calls were naturally alarmed and anxious, specifically in reading or hearing the implication that he or she would lose assets if they do not take action as Respondent had suggested. However, none of the prospective clients reported any sustained or tangible harm.

In addition, Respondent has demonstrated a willingness to conform to his ethical responsibilities in the future by entering into a stipulation to settle these matters and as a condition of probation, to specifically report his compliance with Rules of Professional Conduct, 1-400, and each of its standards.

That being said, Respondent also committed misconduct in a client matter which resulted in a client's inability to pursue their cause of action. So, while the scope and nature of the misconduct does not require a significant period of actual suspension, a short period of actual suspension is necessary to serve the purposes of discipline.

Balancing the mitigating and aggravating circumstances, and in consideration of the factors set forth in standard 1.7, a 30-day period of actual suspension is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 7, 2014, the prosecution costs in this matter are approximately \$ 25,000. 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

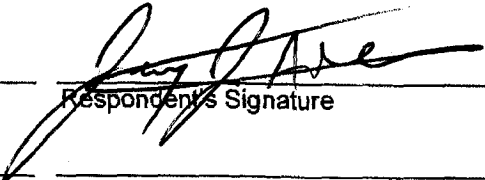
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: Jeremy Jon Alberts	Case number(s): 13-O-12196-LMA, 13-O-12197 13-O-12199, 13-O-12415 13-O-12419, 13-O-12804 13-O-13113, 13-O-14174 13-O-14311, 13-O-14528 13-O-14600, 13-O-14749 13-O-15631, 13-O-16112 13-O-17081, 13-O-17229 14-O-00035, 14-O-00306 14-O-01015, 14-O-02091
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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.

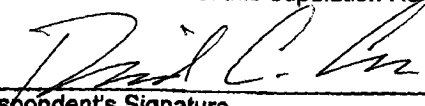
<u>5/16/14</u> Date	 Respondent's Signature	<u>Jeremy Jon Alberts</u> Print Name
 Date	 Respondent's Counsel Signature	<u>David Cameron Carr</u> Print Name
 Date	 Deputy Trial Counsel's Signature	<u>Susan J. Jackson</u> Print Name

(Do not write above this line.)

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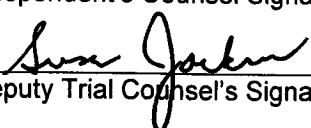
Date <u>5/16/14</u>	 Respondent's Signature	Jeremy Jon Alberts Print Name
Date _____	Respondent's Counsel Signature	David Cameron Carr Print Name
Date _____	Deputy Trial Counsel's Signature	Susan J. Jackson Print Name

(Do not write above this line.)

In the Matter of: Jeremy Jon Alberts	Case number(s): 13-O-12196-LMA, 13-O-12197 13-O-12199, 13-O-12415 13-O-12419, 13-O-12804 13-O-13113, 13-O-14174 13-O-14311, 13-O-14528 13-O-14600, 13-O-14749 13-O-15631, 13-O-16112 13-O-17081, 13-O-17229 14-O-00035, 14-O-00306 14-O-01015, 14-O-02091
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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.

_____	_____	Jeremy Jon Alberts
Date	Respondent's Signature	Print Name
_____	_____	David Cameron Carr
Date	Respondent's Counsel Signature	Print Name
5/19/14		Susan J. Jackson
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: Jeremy Jon Alberts	Case Number(s): 13-O-12196-LMA, 13-O-12197 13-O-12199, 13-O-12415 13-O-12419, 13-O-12804 13-O-13113, 13-O-14174 13-O-14311, 13-O-14528 13-O-14600, 13-O-14749 13-O-15631, 13-O-16112 13-O-17081, 13-O-17229 14-O-00035, 14-O-00306 14-O-01015, 14-O-02091
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ACTUAL SUSPENSION ORDER

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

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

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

Date

5/22/14


RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 27, 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:

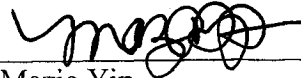
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

DAVID C. CARR
LAW OFFICE OF DAVID CAMERON CARR PLC
525 B ST STE 1500
SAN DIEGO, CA 92101

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

SUSAN J. JACKSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 27, 2014.



Mazie Yip
Case Administrator
State Bar Court