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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar Lori Brodbeck Contract Attorney 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1075 Bar # 291116	Case Number(s): 14-O-00057; 14-O-03700	For Court use only PUBLIC MATTER FILED  JAN 26 2015 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Jeffrey B. Smith 301 E Ocean Blvd Ste 1700 Long Beach, CA 90802 Bar # 150095	Submitted to: Settlement Judge	
In the Matter of: JEFFREY BRYAN SMITH Bar # 150095 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO 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.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 4, 1990**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective January 1, 2014)

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- (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):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **the three billing cycles following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [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 or a separate attachment entitled "Prior Discipline."
- (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.
- (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, Page 10.**

(Do not write above this line.)

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

Additional mitigating circumstances

(Effective January 1, 2014)

Stayed Suspension

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**No Prior Discipline, See Attachment, Page 11.
Pre-Filing Stipulation, See Attachment, Page 11.**

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **1 year**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **1 year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

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

(2) 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.

(3) 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.

(4) 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.

(5) 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.

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- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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 within one year. **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) **Other Conditions:**

7. On October 17, 2013 and again on October 31, 2013, Ms. Floyd requested from Respondent an accounting of all earned fees and the return of her file plus any documents created for the case. Respondent failed to respond.

8. On November 15, 2013, frustrated with his lack of communication and failure to provide an accounting, Ms. Floyd decided she did not want Respondent representing her anymore and sent him a certified letter terminating his employment. Through the certified letter and through e-mail, Ms. Floyd asked Respondent to return all documents to her and give her a billing statement for the services. Over the next few weeks she sent follow up e-mails reiterating her requests and the termination of his services.

9. On December 6, 2013, Ms. Floyd e-mailed Respondent asking for the original materials she gave him, plus copies of all the documents he had generated during the matter. Ms. Floyd did not receive a response back until she telephoned his office on December 19, 2013.

10. Respondent made an appointment for December 30, 2013. At that appointment, Respondent apologized for how her case had been handled and explained that he had two large Chapter 11 cases swamping him at that time. Respondent stated there was a remaining balance of \$1,500 on the retainer and he would like to use this to complete the case. He agreed to also advise Ms. Floyd as trustee regarding when it is "safe" to distribute the inheritance for her mother's estate.

11. Respondent returned her original materials and copies of the letters sent to the creditors. Respondent's billing was delayed because of a computer crash, but he promised to provide it Ms. Floyd no later than January 3, 2014. He then instructed Ms. Floyd to remind him if he does not send the billing to her by then. Respondent took no further action on Ms. Floyd's case after their December 30, 2013 meeting.

12. On January 14, 2014, Ms. Floyd reminded Respondent through e-mail that he had not sent her a billing as it had been two weeks since she requested the accounting. She informed him that she received more debt collection letters, which frustrated her as she previously provided Respondent with the creditors' information.

13. On January 27, 2014, Ms. Floyd again e-mailed Respondent about the accounting. She asked to be refunded the \$1,500 plus a copy of the billing for what he had already charged her.

14. On January 28, 2014 she mailed Respondent by certified mail a copy of the e-mail she sent above. Respondent did not respond. With guidance from the estate attorney, Ms. Floyd searched for the litigation against her mother herself. Respondent provided no legal services to Ms. Floyd beyond April 29, 2013.

15. On March 26, 2014, the State Bar mailed a letter to Respondent, following up a telephone conversation regarding the complaint against him. On April 14, 2014, our investigator mailed a letter to Respondent reminding him that the response to the State Bar's March 26, 2014 letter was due by April 9, 2014, and the State Bar had not yet received said response. Respondent would be given until April 21, 2014 to respond, which he failed to do.

16. On December 18, 2014, Respondent provided a full refund of the attorney's fees to Ms. Floyd.

CONCLUSIONS OF LAW:

17. By failing to provide a substantive responses to the State Bar inquiry letters, dated March 26, 2014 and April 14, 2014, Respondent willfully violated the duty to cooperate and participate in disciplinary investigations against him, as required in Business and Professions Code, section 6068(i).

18. By failing to promptly respond to fifteen reasonable status inquiries made by his client, Kathleen Floyd, between April 25, 2013 and January 27, 2014, in a matter for which Respondent agreed to provide legal services, Respondent willfully violated Business and Professions Code, section 6068(m).

19. By failing to negotiate and resolve credit card debt on behalf of his client, Kathleen Floyd, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

20. By failing to take reasonable steps to avoid reasonably foreseeable prejudice to his client, Kathleen Floyd, upon constructive termination of his employment on December 30, 2013, Respondent willful violated the Rules of Professional Conduct, rule 3-700(A)(2).

21. By failing to promptly refund the unearned fees of \$1,500 to his client, Kathleen Floyd, upon the termination of his employment, Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

22. By failing to render an appropriate accounting to his client, Kathleen Floyd, regarding the advanced fees, upon her multiple requests, Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 14-O-03700 (Complainant: Martin Arroyo)

FACTS:

23. On January 16, 2014, Martin Arroyo paid Respondent \$10,000 in advanced fees to prepare a Chapter 11 bankruptcy petition for Mr. Arroy's business. Respondent would charge by the hour and pull from the \$10,000 of unearned fees.

24. By March 2014, Mr. Arroyo determined his business no longer needed to file for bankruptcy. He immediately left messages for Respondent stating he no longer needed his services and requested a refund of the unearned fees. Respondent failed to return Mr. Arroyo's messages.

25. In April 2014, Respondent contacted Mr. Arroyo and apologized for not returning his calls. Respondent asked for Mr. Arroyo to make an appointment in the following week so they could discuss Mr. Arroyo's refund. Mr. Arroyo e-mailed Respondent on April 21, 2014, detailing his attempts to speak with Respondent on April 14 and 17, 2014, but Respondent failed to call back.

26. Mr. Arroyo again e-mailed Respondent on June 4, 2014, stating he had not received any phone call or response from Respondent. On June 10, 2014, Mr. Arroyo e-mailed Respondent stating he needed to set up an appointment to discuss the conclusion of the legal representation. Respondent failed to respond.

27. On August 25, 2014, Mr. Arroyo informed the State Bar that he still had not received any communication, refund, or accounting from Respondent. Mr. Arroyo was not sure how much Respondent owes him as Respondent failed to provide an accounting.

28. The State Bar contacted Respondent via letter on September 5, 2014, requesting a response to Mr. Arroyo's complaint. On October 1, 2014, the State Bar sent another letter to Respondent, referencing the earlier letter and asking for cooperation with this investigation. Respondent did not cooperate with the investigation.

29. On December 10, 2014, Respondent provided a full refund of the attorney's fees to Mr. Arroyo.

CONCLUSIONS OF LAW:

30. By failing to provide a substantive response to the State Bar inquiry letters, dated September 5, 2014 and October 1, 2014, regarding the Martin Arroyo client matter, Respondent willfully violated the duty to cooperate and participate in disciplinary investigations against him, as required in Business and Professions Code, section 6068(i).

31. By failing to promptly refund the unearned fees of \$10,000 to his client, Martin Arroyo, upon the termination of his employment, Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

32. By failing to render an accounting to his client, Martin Arroyo, regarding the advanced fees, upon his multiple requests, Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct, Standard 1.5(b): Respondent committed multiple acts of misconduct over two different matters, specifically violations of Rules of Professional Conduct, rules 3-110(A) (failure to perform), 3-700(D)(2) (failing to promptly refund unearned fees), and 4-100(B)(3) (failing to account), plus Bus. & Prof. Code Sections 6068(m) (failing to communicate) and 6068(i) (failure to cooperate with an investigation). (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 105; *In the Matter of Seltzer* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 270.)

ADDITIONAL MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent had been in practice discipline-free for over 22 years at the time of the misconduct, which is worth a highly significant amount of weight in mitigation. (*Friedman v. State Bar* (1990) 51 Cal.3d 235, 245.)

Pre-filing Stipulation: Respondent is entering into this stipulation as to facts and culpability prior to filing the Notice of Disciplinary Charges and therefore is entitled to mitigation. (*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 the 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 discipline 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 that 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).)

The most severe sanction applicable to Respondent’s misconduct is found in standard 2.2(b) (Respondent’s violation of Rules of Professional Conduct, Rule 4-100(B)). Standard 2.2(b) provides that suspension to reproof is the appropriate range of discipline for any violation of 4-100 that does not involve comingling or failure to promptly pay entrusted funds to a client. After reviewing the misconduct along with the aggravating and mitigating circumstances, as discussed below, the most appropriate discipline to impose is a 1-year stayed and 1-year of probation, with the usual conditions plus restitution.

In aggravation, Respondent committed multiple acts of misconduct. The Review Court has considered multiple acts of misconduct serious aggravation. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555). In this case involving two client matters, the Respondent failed to cooperate with the State Bar Investigations, failed to keep his client reasonably informed after several written and telephonic inquiries, failed to perform competently, failed to promptly refund unearned advance fees, failed to render a complete record of accounts, and improperly withdrew his representation. For several months, Ms. Floyd repeatedly attempted to contact Respondent; he either failed to respond or sent uninformative responses. Respondent further failed to provide an accounting and refund of unearned fees to both Ms. Floyd and Mr. Arroyo, when they specifically and repeatedly requested refunds and accountings, even though such requests are not predicates for Respondent’s obligation to render an accounting. (*In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, 952.)

However, in mitigation, Respondent has been practicing for over 22 years by the time the misconduct occurred without any prior discipline. The Supreme Court has found that any amount of discipline-free practice above 20 years is worth a highly significant amount of weight in mitigation. *Friedman v. State Bar* (1990) 51 Cal.3d 235, 245. Respondent also stipulated in this disciplinary matter before the charges were filed. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079.) Additionally, Respondent fully refunded Ms. Floyd and Mr. Arroyo. Respondent made this refund under the force of discipline; therefore, it cannot be considered as mitigation. (*Hitchcock v. State Bar* (1989) 48 Cal.3d 690, 708-09.) Nevertheless, in making the refund, Respondent has recognized his misconduct, made his clients whole before stipulating, and demonstrated his practice no longer poses a risk. Based on all these factors, the imposition of a 1-year stayed suspension and 1-year of probation is appropriate. This option would fulfill the primary purposes of discipline, which are the protection of the public, the maintenance of the highest professional standards and preservation of public confidence in the legal profession.

Case law, too, supports this level of discipline. The California Supreme Court, in *Bach v. State Bar* (1991) 52 Cal.3d 1201, 1208-09, ordered an attorney to be actually suspended for 30 days for failing to perform legal services competently in a single-client matter regarding the client's divorce, failing to communicate with the client, withdrawing from representation without the client's consent or court approval, failing to refund unearned fees, and failing to cooperate with the State Bar's investigation. Bach had been practicing discipline-free for over 23 years before his misconduct. Here, while Respondent's case is similar to Bach's, Respondent has stipulated before filing and has refunded his clients in full. Therefore, a one-year stayed suspension, plus 1 year of probation with the usual conditions is an appropriate level of discipline.

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.)

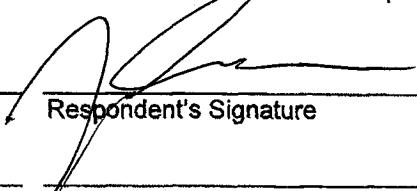
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In the Matter of: JEFFREY BRYAN SMITH	Case number(s): 14-O-00057; 14-O-03700
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SIGNATURE OF THE PARTIES

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.

12/23/14
Date



Respondent's Signature

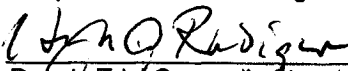
Jeffrey B. Smith
Print Name

Date

Respondent's Counsel Signature

Print Name

January 2 '13
Date



Deputy Trial Counsel's Signature

JOHN C. RADIGAN
Print Name

(Do not write above this line.)

In the Matter of: JEFFREY BRYAN SMITH	Case Number(s): 14-O-00057; 14-O-03700
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STAYED 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 11 of the stipulation, last sentence of the fourth paragraph, the words "plus restitution" are deleted.

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.)**

1-23-15
Date



GEORGE E. SCOTT, JUDGE PRO TEM
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 January 26, 2015, 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:

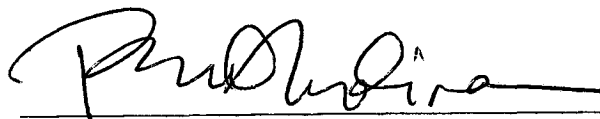
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JEFFREY B. SMITH
CURD GALINDO & SMITH LLP
301 E OCEAN BLVD STE 1700
LONG BEACH, CA 90802

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

LORI D. BRODBECK, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 26, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court