

ORIGINAL

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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		
<b>Counsel For The State Bar</b>  <b>Ann J. Kim</b> <b>Deputy Trial Counsel</b> <b>845 S. Figueroa Street</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1230</b>  <b>Bar # 259222</b>	<b>Case Number(s):</b> <b>14-O-01539</b>	<b>For Court use only</b>  <b>FILED</b>  <b>JAN 07 2015</b>  <b>STATE BAR COURT</b> <b>CLERK'S OFFICE</b> <b>LOS ANGELES</b>
<b>Counsel For Respondent</b>  <b>William Balin</b> <b>Balin &amp; Kotler, LLP</b> <b>345 Franklin Street</b> <b>San Francisco, CA 94102</b> <b>(415) 241-7360</b>  <b>Bar # 59104</b>	<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING</b>  <b>PUBLIC REPROVAL</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	
<b>In the Matter of:</b> <b>MONTIE STOWELL DAY</b>  <b>Bar # 73327</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **January 3, 1977**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - ☐ Case ineligible for costs (private reproof).
  - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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.
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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.
- (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:**

**No Prior Discipline:** see stipulation, at page 8.

**Remorse/Recognition of Wrongdoing:** see stipulation, at page 8.

**Pro Bono Work/Community Service:** see stipulation, at page 8.

**Prefiling Stipulation:** see stipulation, at page 8.

**D. Discipline:**

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1) ☒ Respondent must comply with the conditions attached to the reproval for a period of **one (1) year**.
- (2) ☒ During the condition period attached to the reproval, 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 condition period attached to the reproval. 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 the reproval during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproval.
- (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: **Because respondent lives out of state, an alternative to Ethics School is provided in section F below.**
- (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) ☐ 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 of the effective date of the reproval.

☒ No MPRE recommended. Reason: **The protection of the public and the interests of respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181.).**

- (11) ☐ 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:**

### **Other Reproval Condition**

**As a further condition of reproval, because respondent lives out of state, respondent must either 1) attend a session of State Bar Ethics School, pass the test given at the end of that session, and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline herein; or 2)**

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**complete six (6) hours of live, in-person Minimum Continuing Legal Education ("MCLE") approved courses in legal ethics offered through a certified MCLE provider in Idaho, Nevada or California and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline. If respondent elects to complete six hours of MCLE approved courses in lieu of State Bar Ethics School, the MCLE hours required are in addition to any MCLE hours required by statute.**

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

IN THE MATTER OF:                      MONTIE STOWELL DAY

CASE NUMBER:                          14-O-01539

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of the violation of the specified statute.

Case No. 14-O-01539 (State Bar Investigation)

**FACTS:**

1. As a member of the State Bar, respondent was required to complete 25 hours of minimum continuing legal education ("MCLE") during the period commencing on February 1, 2010, and ending on January 31, 2013 (the "compliance period").

2. On December 4, 2012, respondent reported under penalty of perjury to the State Bar that he was in compliance with the MCLE requirements, and, in particular, that he had completed 25 hours of MCLE during the compliance period.

3. In fact, respondent was not able to produce evidence that he had completed any hours of MCLE within the compliance period.

4. At the time he reported to the State Bar that he was in compliance with the MCLE requirements, respondent states that he believed that he had completed the required 25 hours of MCLE based on having listened to MCLE CDs. However, he later realized that he had failed to maintain adequate records of his MCLE compliance and had not taken steps required to obtain participatory MCLE credit.

5. When respondent reported to the State Bar that he was in compliance with the MCLE requirements, respondent was grossly negligent in not knowing that he was not in compliance with the MCLE requirements.

6. Respondent took additional MCLE courses necessary to bring himself into compliance after being contacted by the Office of Member Records and Compliance regarding an MCLE audit.

**CONCLUSION OF LAW:**

7. By reporting to the State Bar that he was in compliance with the MCLE requirements when he was grossly negligent in not knowing that he was not in compliance with the MCLE requirements, respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code section 6106.

## MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Respondent has been an attorney since 1977 and has no record of discipline. Respondent's almost 36 years in practice with no prior discipline at the time of the misconduct is entitled to significant mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49; see *Friedman v. State Bar* (1990) 50 Cal.3d 235, 242 [20 years in the practice of law without discipline is afforded significant weight in mitigation].)

**Remorse/Recognition of Wrongdoing:** When contacted by the State Bar regarding the MCLE audit, respondent immediately acknowledged that he was unable to locate any of his MCLE records, rectified the situation by completing a 25-hour bundle of MCLE courses and implemented a corrective plan to avoid future problems with recordkeeping for MCLE compliance purposes. Respondent now understands that if he listens to MCLE CDs, there are additional steps he must take to obtain participatory MCLE credits. In addition, he now keeps his MCLE records in his office and gives them the same care and treatment he gives his client files. (*In the Matter of Yee* (Review Dept. 2014) 2014 WL 3748590.)

**Pro Bono Work/Community Service:** Respondent provided evidence that he has a significant record of community volunteer work and pro bono service. Respondent coached football at a local high school on a voluntary basis from 2004 to 2007 and was nominated by students to be the school's graduation speaker. Respondent also provided pro bono services and representation to multiple religious groups from 2007 to 2012. Respondent donated his own funds towards the costs of the cases. Respondent is a former Federal U.S. Treasury Criminal Investigator and former Special Appointment Assistant U.S. Attorney. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785 [service to the community is a mitigating factor that is entitled to considerable weight]; *Rose v. State Bar* (1989) 49 Cal.3d 646, 667 [mitigation assigned for demonstrated legal abilities and zeal in undertaking pro bono work].)

**Prefiling Stipulation:** Respondent has voluntarily entered into this stipulation to resolve the matter before the filing of disciplinary charges and should receive mitigative credit for his admission of culpability and consent to the imposition of discipline, thus saving limited State Bar resources and acknowledging and accepting responsibility for his misconduct. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney



misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

Standard 2.7 is applicable to respondent’s misconduct and provides that “[d]isbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty” and that the “degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law.”

Respondent’s misrepresentation to the State Bar, made under penalty of perjury, was a dishonest act directly related to the practice of law. Misrepresentations are compounded when made in writing under penalty of perjury, which includes an imprimatur of veracity which should place a reasonable person on notice to take care that their statement is accurate, complete, and true. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786.) Respondent’s misconduct pertaining to MCLE requirements circumvented the continuing legal educational requirements established for the purpose of enhancing attorney competence and protecting the public. However, after receiving notice from Member Records and Compliance of an MCLE audit, respondent brought himself into compliance by taking 25 hours of MCLE and implemented a corrective plan.

Respondent had practiced law for almost 36 years without a record of discipline at the time the misconduct occurred, which warrants significant mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49; see *Friedman v. State Bar* (1990) 50 Cal.3d 235, 242 [20 years in the practice of law without discipline is afforded significant weight in mitigation].) Respondent also has a significant record of community volunteer work and pro bono service. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785 [service to the community is a mitigating factor that is entitled to considerable weight]; *Rose v. State Bar* (1989) 49 Cal.3d 646, 667 [mitigation assigned for demonstrated legal abilities and zeal in undertaking pro bono work].) Respondent’s many years in practice with no prior discipline, his service to the community, the fact that respondent has cooperated with the State Bar in entering into this stipulation fully resolving the matter prior to the filing of disciplinary charges, thereby saving the State Bar time and resources and demonstrating respondent’s acknowledgment and acceptance of responsibility for his misconduct, and the fact that respondent has implemented a corrective plan all suggest that the current misconduct is aberrational and that he is willing to conform to ethical responsibilities in the future. In light of the mitigating circumstances, a deviation from the Standard is appropriate.

Thus, a public reproof with conditions will serve to protect the public, the courts and the legal profession; maintain the highest professional standards; and preserve public confidence in the legal profession.

The stipulated level of discipline is also consistent with case law. In *In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. \_\_\_, 2014 WL 3748590, Yee affirmed her MCLE compliance when she

had not taken any courses during the relevant reporting period. Yee mistakenly recalled that she had completed the courses and did not check or maintain any records to confirm if her recollection was accurate. The Review Department found that Yee's failure to verify her MCLE compliance before affirming it, constituted gross negligence amounting to moral turpitude. The Review Department found no aggravation, but compelling mitigation: no prior record of discipline, candor and cooperation, good character, remorse and recognition of wrongdoing, pro bono work and community service, and no harm to the public or the judicial system. Due to the compelling mitigation, the lack of aggravating circumstances, and Yee's genuine recognition of wrongdoing, the Review Department ordered a public reproof.

Similar to *Yee*, respondent was grossly negligent in failing to verify his MCLE compliance before submitting a statement of compliance, which amounts to moral turpitude. Also like *Yee*, there are no aggravating circumstances and respondent's mitigation is compelling, warranting a deviation from the Standard. Accordingly, a public reproof is appropriate in this case.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 25, 2014, the prosecution costs in this matter are approximately \$2,992. 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 Ethics School or MCLE hours completed in lieu of Ethics School ordered as a condition of discipline. (Rules Proc. of State Bar, rule 3201.)

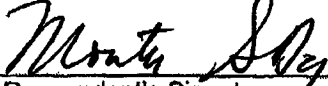

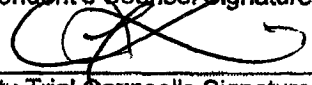
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In the Matter of:  
MONTIE STOWELL DAY

Case number(s):  
14-O-01539

### 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>12-12-2014</u> Date	<u></u> Respondent's Signature	<u>MONTIE STOWELL DAY</u> Print Name
<u>Dec. 12, 2014</u> Date	<u></u> Respondent's Counsel Signature	<u>WILLIAM M. BALIN</u> Print Name
<u>12/15/2014</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>ANN J. KIM</u> Print Name

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In the Matter of:  
MONTIE STOWELL DAY

Case Number(s):  
14-O-01539

### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department 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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date

1-6-15

  
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 Los Angeles, on January 7, 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:

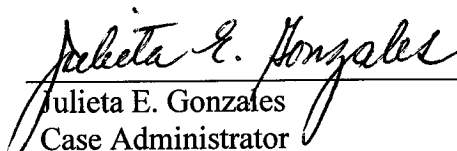
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WILLIAM M BALIN  
345 FRANKLIN ST  
SAN FRANCISCO, CA 94102

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

Ann J. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 7, 2015.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court

**AMENDED CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 8, 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:

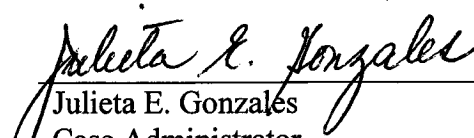
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WILLIAM M BALIN  
345 FRANKLIN ST  
SAN FRANCISCO, CA 94102

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

Ann J. Kim, Enforcement, Los Angeles  
Terrie Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 8, 2015.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court