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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Sue Hong Office of Chief Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1161 Bar # 285852	Case Number(s): 15-C-12745	For Court use only <div style="text-align: center;"> FILED APR 29 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: right; font-size: 1.5em;">P.B.</div>	
In Pro Per Respondent Theodore Edward Malpass Law Offices of T. Edward Malpass 4931 Birch Street, Suite 300 Newport Beach, CA 92660 (949) 474-9944 Bar # 112914	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter of: THEODORE EDWARD MALPASS Bar # 112914 A Member of the State Bar of California (Respondent)	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 **January 3, 1984**.
- (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 **10** 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.
 - ☒ 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(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **12-O-12745**
 - (b) ☒ Date prior discipline effective **February 6, 2016**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **RPC 4-200(A)**
 - (d) ☒ Degree of prior discipline **two years of stayed suspension, three years of probation with conditions, including 90 days of actual suspension.**
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) ☐ **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..

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- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☐ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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.

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- (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

Pretrial Stipulation: See Attachment at Page 7.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **one year**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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 **one 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

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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.
- (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: **Respondent has been ordered to complete Ethics School requirement in State Bar Case No. 12-O-12597.**

- (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: **Respondent has been ordered to complete MPRE in State Bar Case No. 12-O-12597.**

- (2) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: THEODORE EDWARD MALPASS

CASE NUMBER: 15-C-12745

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved other misconduct warranting discipline.

Case No. 15-C-12745 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On May 7, 2009, the Orange County District Attorney filed a complaint in the Orange County Superior Court, Newport Beach Facility, case number 08HMO4210, and charging respondent with one count of violation of Penal Code section 242, Battery, a misdemeanor.

3. On June 22, 2009, respondent pled nolo contendere to a violation of Penal Code section 242, a misdemeanor battery. On the same date, the court found respondent guilty of the violation.

4. On the same date, June 22, 2009, the court imposed sentence upon respondent as follows: Respondent was placed on informal probation for three years with conditions that Respondent pay a \$100 fine; stay away from the victim; complete an anger management program and complete 10 days of community service.

5. Respondent did not report his criminal conviction to the State Bar. The State Bar discovered this criminal conviction in an unrelated investigation matter in May 2015. The State Bar opened its investigation in June 2015.

6. On November 30, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other conduct warranting discipline.

FACTS:

7. On May 14, 2008, at approximately 12:00 p.m., Ms. X, an acquaintance of respondent who occasionally visited respondent's office to provide clerical assistance, answered a call from respondent's client.

8. Respondent, who was nearby speaking to an employee, Ms. Y, approached Ms. X and asked to speak to respondent's client. Ms. X refused to give the phone to respondent.

9. Respondent grabbed for the telephone, striking Ms. X in the face. Respondent then walked back to his office to speak to the client.

10. Ms. Y observed the incident and called the police.

11. The police subsequently arrived, questioned respondent, Ms. X, and Ms. Y. Respondent was arrested for violation of Penal Code section 242, a battery.

CONCLUSIONS OF LAW:

12. The facts and circumstances surrounding respondent's conviction do not involve moral turpitude, but do involve other conduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior imposition of discipline in State Bar Case No. 12-O-12597. In that matter, respondent stipulated to misconduct consisting of a violation of Rules of Professional rule 4-200(A), for collecting illegal fees in a client's bankruptcy matter. Respondent was suspended for three-years, stayed, with conditions that respondent complete three-year probation and be suspended for 90-days. Respondent's stipulation regarding discipline in that matter was filed with the court on September 1, 2015. The discipline recently became effective on February 6, 2016.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged his misconduct and is entitled to mitigating credit for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigating 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).)

Respondent's culpability in these proceedings is conclusively established by respondent's plea of *nolo contendere* and conviction of the crime. (Business and Professions Code section 6101(a); *In re Gross* (1983) 33 Cal.3d 561.) However, the facts and circumstances surrounding respondent's conviction do not involve moral turpitude. Moral turpitude was defined in *In re Craig* (1938) 12 Cal.2d 93, 97 as "[An] act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." Additionally, the Supreme Court has stated that moral turpitude is a "commonsense" standard (*In re Mostman* (1989) 47 Cal.3d 725, 738) with its purpose to protect the public and the legal community against unsuitable practitioners. (*In re Scott* (1991) 52 Cal.3d 968, 978.)

Standard 2.16(b) applies to this matter and provides that "[s]uspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline." Respondent committed a misdemeanor battery on Ms. X, in his law office. Although such conduct does not constitute an act of moral turpitude, it is conduct warranting discipline. (*In re Hickey* (1990) 50 Cal.3d 571; *In the Matter of Stewart* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 52.)

Respondent has one prior disciplinary matter in case no. 12-O-12597. In that matter, respondent stipulated to misconduct, consisting of a 2011 violation of Rules of Professional rule 4-200(A), for collecting illegal fees in a client's bankruptcy matter. In that matter, respondent's discipline consists of a two-year suspension, stayed, with conditions that respondent complete three-year probation and be actually suspended for 90-days. Since this is respondent's second discipline case, Standard 1.8(a) applies and on its face calls for progressive discipline in this matter.

This 2008 battery occurred approximately three years before the misconduct occurred in State Bar case no. 12-O-12597, which is important to consider when determining an appropriate level of discipline. The aggravating force of a prior discipline is generally diminished if the misconduct underlying that discipline occurred during the same time period as the current misconduct. (See *In the Matter of Hagen* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 153, 171; *In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.) Part of the rationale for considering prior discipline as an aggravating factor is that it is typically indicative of an attorney's inability to conform his conduct to ethical norms. It is appropriate to consider the fact that the misconduct was contemporaneous with, or prior to the misconduct in the "prior" case, as it diminishes the aggravating force of the prior misconduct. (See *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618-619; see also *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646.) Here, respondent's misconduct in the present case occurred three years before respondent was disciplined in State Bar case no. 12-O-12597. Therefore, although State Bar case no. 12-O-12597 is considered as a prior discipline, the law provides that the aggravating force of the prior discipline is diminished as respondent did not have the benefit of

being on notice to comport to ethical norms at the time he violated Penal Code section 243(e)(1) since respondent had not yet been disciplined by the State Bar at the time he committed the crime.

An instructive Supreme Court case is *In re Hickey* (1990) 50 Cal.3d 571. In *Hickey*, respondent was actually suspended for 30 days. Hickey had repeatedly assaulted his wife, including striking her in the head with a gun, swinging at slapping her across the face, and swinging at her with his fist. Hickey had also threatened his wife and assaulted and injured a female bystander who had tried to intervene to help the victim. Respondent's misconduct in the present matter was significantly less egregious and less serious than that of the respondent in *Hickey*. Further, the discipline imposed in *Hickey* included respondent's misconduct in an unrelated client matter. Therefore, the level of discipline imposed in the present matter should be less than that in *Hickey*.

Respondent has demonstrated remorse and recognition of his wrongdoing by accepting responsibility for his actions by entering a plea agreement at an early stage in the criminal proceedings. Respondent has since successfully completed the terms of his criminal probation.

In consideration of the nature of respondent's misconduct and the mitigating factors and aggravating factors, along with the reason justifying a deviation from imposing progressive discipline, and the rationale behind the analysis of prior discipline espoused by *Sklar, supra*, a one year stayed suspension, and one year probation is appropriate. This level of discipline gives recognition to the prior discipline even though it need not be given full effect as a prior, and is consistent with the Standards and case law.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of March 14, 2016, the prosecution costs in this matter are \$2,392. 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, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of:
THEODORE EDWARD MALPASS

Case number(s):
15-C-12745

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.

4/5/16
Date

Theodore Malpass
Respondent's Signature

THEODORE EDWARD MALPASS
Print Name

4/18/16
Date

Respondent's Counsel Signature

Print Name

SUE HONG
Deputy Trial Counsel's Signature

SUE HONG
Print Name

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In the Matter of:
THEODORE EDWARD MALPASS

Case Number(s):
15-C-12745

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.
1. On page 2 of the stipulation, in paragraph B(6), an "X" is INSERTED in the box to provide for uncharged-violations aggravation, and the following text is INSERTED at the end of paragraph B(6): "Respondent's uncharged violation of Business and Professions Code section 6068, subdivision (o)(5) is an aggravating circumstance. Respondent violated section 6068, subdivision (o)(5) when he failed to report, to the State Bar, his misdemeanor conviction for battery (Pen. Code, § 242), which crime respondent committed in the course of his practice of law."
 2. On page 5 of the stipulation, at the end of paragraph F(1), the following text is INSERTED: "And all of the misconduct in the present proceeding occurred before the Supreme Court ordered respondent to take and pass the MPRE in that case. (Cf. *Rhodes v. State Bar* (1989) 49 Cal.3d 50, 61.)"
 3. On page 9 of the stipulation, at the end of the first full paragraph, the following text is INSERTED: "In *Hickey*, the attorney was placed on three years' stayed suspension and three years' probation with conditions, including a thirty-day actual suspension."

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.)**

April 29, 2016
Date

W. Kearsie McGill
W. KEARSE MCGILL
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 April 29, 2016, 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:

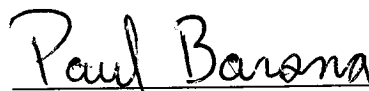
**THEODORE EDWARD MALPASS
LAW OFFICES OF T. EDWARD MALPASS
1278 GLENNEYRE ST # 420
LAGUNA BEACH, CA 92651**

**Courtesy copy to:
THEODORE EDWARD MALPASS
4931 BIRCH STREET, SUITE 300
NEWPORT BEACH, CA 92660**

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

SUE K. HONG, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 29, 2016.



Paul Barona
Case Administrator
State Bar Court