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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Shane C. Morrison Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1000 Bar # 284115	Case Number(s): 15-O-13373	For Court use only PUBLIC MATTER FILED MAY 26 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Patrick Thomas Nichols Law Ofc of Patrick T Nichols 15487 Seneca Rd Ste 201 Victorville, CA 92392 (760) 951-1500 Bar # 214860	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: PATRICK THOMAS NICHOLS Bar # 214860 A Member of the State Bar of California (Respondent)		

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 **November 19, 2001**.
- (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):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles immediately 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(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline**
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **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. **See Attachment to Stipulation at p. 8.**
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (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.
- (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. See Attachment to Stipulation at p. 8.
- (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. **See Attachment to Stipulation at p. 9.**
- (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

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pre-Filing Stipulation (see Attachment to Stipulation at p. 9).

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:

- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be 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)

- (3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

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(10) ☐ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

(1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

☐ No MPRE recommended. Reason: .

(2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: .

(5) ☐ **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PATRICK THOMAS NICHOLS

CASE NUMBERS: 15-O-13373

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

FACTS:

1. On May 24, 2015, an individual ("the decedent") was killed in a motorcycle accident in Lake Elsinore, CA.

2. The decedent's living relatives include his father, mother, and three children. At all times relevant to this matter, the decedent's three children were minors. Jane Doe 1 is the mother of two of the decedent's minor children. Jane Doe 2 is the mother of the decedent's third minor child.

3. On May 26, 2015, Respondent showed up at the home of the decedent's mother and father, where the family had gathered to mourn. While there, Respondent attempted to convince various members of the decedent's family to file a wrongful death lawsuit. None of the family members had previously had any contact with Respondent, nor had they invited Respondent to the residence. Respondent asked Jane Doe 1 for her phone number and she provided it to Respondent because she believed he had been invited and/or was there as a representative of the insurance company. The family told Respondent they were not interested in filing a lawsuit and asked him to leave.

4. Between May 26, 2015 and June 8, 2015, Respondent sent three letters to the decedent's family seeking to convince them to file suit. The family did not respond to the letters. During that time period, Respondent also called Jane Doe 1 several times and on each instance she told Respondent she was not interested in filing a lawsuit.

5. On June 9, 2015, Respondent filed in Riverside Superior Court case number RIC 1506878 an ex parte motion to appoint Respondent's personal acquaintance as Guardian ad Litem for the decedent's three minor children. Respondent's acquaintance had no familial, personal, or professional relationship with the decedent or any of his minor children. The motion listed the minor children and Respondent's acquaintance as plaintiffs. The motion identified Respondent as attorney for plaintiffs. In an attached memorandum of points and authorities, Respondent indicated Jane Doe 1 told Respondent that the family did not wish to pursue litigation. Respondent further indicated he believed "the family" also included Jane Doe 2 and the decedent's mother.

6. Respondent contemporaneously filed an application for appointment of Guardian ad Litem. In an attachment to the application, Respondent stated under penalty of perjury that he believed the decedent's heirs should pursue a claim against potential third parties. Respondent claimed he spoke with Jane Doe 1 and she told Respondent the family did not want to pursue litigation. Respondent asserted the court should appoint a Guardian ad Litem to protect the interests of the decedent's minor

children because he did not feel confident in the ability of the mothers to protect their children's interests. Respondent indicated that he believed his personal acquaintance would act in the best interests of the minor children and permit Respondent to investigate and then prosecute their claims to conclusion.

7. Respondent also contemporaneously filed a complaint that alleged two causes of action: "Dangerous Condition-Wrongful Death" and "Negligence-Wrongful Death." The complaint listed the minor children and Respondent's acquaintance as plaintiffs. The complaint identified Respondent as attorney for plaintiffs. The complaint listed only Doe defendants.

8. On June 10, 2015, the court denied Respondent's ex parte motion to appoint Guardian ad Litem in Riverside Superior Court case number RIC 1506878 and set a hearing for July 20, 2015 on an order to show cause regarding dismissal of the action as to the decedent's minor children.

9. On July 20, 2015, no parties appeared at the hearing in Riverside Superior Court case number RIC 1506878 and the court dismissed the entire action without prejudice.

CONCLUSIONS OF LAW:

10. By making a solicitation to prospective clients with whom Respondent had no family or prior professional relationship, namely the family members of the decedent and the legal guardians of his three minor children, by a communication delivered in person concerning Respondent's availability for professional employment with a significant motive of pecuniary gain, Respondent willfully violated Rules of Professional Conduct, rule 1-400(C).

11. By corruptly or willfully, and without authority, appearing as attorney for parties to an action or proceeding, namely the decedent's three minor children, by filing in Riverside Superior Court case number RIC 1506878 (1) an ex parte motion to appoint Respondent's acquaintance as Guardian ad Litem for the decedent's three minor children, (2) an application for appointment of Guardian ad Litem for the minor children, and (3) a complaint that alleged two causes of action on behalf of the minor children as plaintiffs, after being instructed by the decedent's family members and the legal guardians of his three minor children that Respondent did not have authority to commence any litigation on behalf of the minor children, Respondent willfully violated Business and Professions Code section 6104.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent made a prohibited, in-person solicitation and filed numerous documents for a party without authority.

Overreaching (Std. 1.5(g)): Respondent engaged in overreaching by attempting to subvert the authority of the legal guardians of the decedent's three minor children by having a non-related third party appointed as Guardian ad Litem so that Respondent could file a lawsuit on behalf of the minor children that the legal guardians did not wish to initiate. (*In the Matter of Guzman* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 308, 314-315 [attempts by an attorney to restrict a client's right to control his or her case are invalid and evidence of overreaching].)

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MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline (Std. 1.6(a)): Respondent has been a member of the State Bar since November 19, 2001. Respondent had practiced law for over 13 years without a prior record of discipline when the misconduct herein occurred. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr 41 [attorney's practice of law for more than 17 years considered mitigating even when misconduct was serious].) Respondent's misconduct occurred during a relatively narrow period of time and he has acknowledged his wrongdoing by entering into this stipulation, which suggests that his misconduct is aberrational. Respondent's absence of any prior record of discipline over many years of practice coupled with the present misconduct, which is not likely to recur, is a mitigating circumstance.

Pre-Filing Stipulation: Respondent is entitled to mitigating credit for entering into this stipulation as to facts, conclusions of law, and disposition, thereby obviating the need for trial, saving State Bar resources, and evidencing recognition of wrongdoing. (*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 1.7(a) requires that where "a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to Respondent's misconduct is found under Standard 2.18, which applies to Respondent's violation of Business and Professions Code section 6104 and provides:

“Disbarment or actual suspension is the presumed sanction for any violation of a provision of Article 6 of the Business and Professions Code, not otherwise specified in these Standards.”

While Respondent’s misconduct was serious, it was limited to a single matter. The extent to which the victims were misled or harmed was limited because Respondent was forthright with what he was attempting to do, if not necessarily forthcoming with his motivations, and the matter was resolved by the court dismissing the case. However, the misconduct was directly related to Respondent’s practice of law and was aggravated by Respondent’s overreaching. Nonetheless, in light of the limited scope of the wrongdoing, Respondent’s lack of a prior record of discipline, and his entering into this stipulation, the degree of sanction warranted by Respondent’s misconduct is at the low end of the range provided by Standard 2.18. As such, a period of actual suspension of 30 days is appropriate in the present matter.

The level of discipline is consistent with case law involving similar misconduct.

In *In the Matter of Regan* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 844, the attorney represented two clients whose unsuccessful claims of slander resulted in multiple awards for costs and attorney fees against the attorney and his clients. Contrary to his clients’ wishes, Regan then pursued an appeal. The Review Department concluded Regan made appearances without authority, committed acts of moral turpitude, attempted to mislead a judge, failed to communicate with his clients, and failed to return their file upon request. Regan’s misconduct was aggravated by multiple acts of misconduct, bad faith, significant client harm, and indifference towards atonement or rectification. His misconduct was mitigated by his lack of a prior record of discipline over 17 years of practice. The Review Department recommended discipline consisting of two years of stayed suspension, two years of probation, 75 days of actual suspension, and compliance with former rule 955. While Regan and Respondent both appeared without authority, Regan’s misconduct was more widespread in that he made repeated appearances on behalf of his clients without their authority and also attempted to mislead a judge. And while Respondent did not commit an act of moral turpitude, as Regan did, Respondent’s misconduct was still comparable because it involved serious overreaching. The mitigating factors involved in *Regan* were similar to those involved in the present matter, but there was more aggravation involved in *Regan*. Given that Respondent’s misconduct was more limited than Regan’s and did not involve any dishonest misconduct, a lower level of discipline than that recommended in *Regan* is appropriate in this matter.

In light of the foregoing, discipline consisting of one year of stayed suspension, one year of probation, and 30 days of actual suspension is appropriate to protect the public, the courts, and the legal profession; to maintain high professional standards by attorneys; and to preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 19, 2016, the prosecution costs in this matter are \$3,066. 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 ordered as a condition of discipline. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: PATRICK THOMAS NICHOLS	Case number(s): 15-O-13373
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>5/13/16</u> Date	<u>Patrick T. Nichols</u> Respondent's Signature	<u>Patrick Thomas Nichols</u> Print Name
<u> </u> Date	<u> </u> Respondent's Counsel Signature	<u> </u> Print Name
<u>5/17/16</u> Date	<u>Shane C. Morrison</u> Deputy Trial Counsel's Signature	<u>Shane C. Morrison</u> Print Name

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In the Matter of: PATRICK THOMAS NICHOLS	Case Number(s): 15-O-13373
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ACTUAL SUSPENSION ORDER

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

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

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

Date May 25, 2016

Rebecca Meyer Rosenberg
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 May 26, 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:

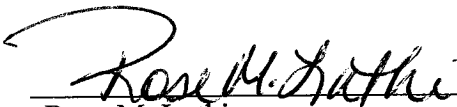
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PATRICK T. NICHOLS
LAW OFC PATRICK T NICHOLS
15487 SENECA RD STE 201
VICTORVILLE, CA 92392

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

SHANE MORRISON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 26, 2016.



Rose M. Luthi
Case Administrator
State Bar Court