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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar R. Kevin Bucher Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1630 Bar # 132003	Case Number(s): 15-O-15177-WKM; 16-H-10397	For Court use only FILED OCT 12 2016 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
Counsel For Respondent James I. Ham 1010 Sycamore Ave., Suite 308 South Pasadena, CA 91030 (213) 626-7300 Bar # 100849	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: DAVID ANDREW SEELEY Bar # 78089 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 **December 21, 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 **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **13-O-16479; See attachment, page 8.**
 - (b) Date prior discipline effective **December 1, 2014**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-110(A); Business and Professions Code, section 6068(m).**
 - (d) Degree of prior discipline **Private Reproval**
 - (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.
- (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, page 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.
- (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. **See attachment, page 8.**

- (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. **See attachment, page 9.**
- (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:

Good Character - See attachment, page 9.

Pre-trial Stipulation - See attachment, page 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 **thirty 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: .

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- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID ANDREW SEELEY

CASE NUMBERS: 15-O-15177; 16-H-10397

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.

Case No. 15-O-15177 (State Bar Investigation)

FACTS:

1. Respondent did not timely pay his State Bar Membership Dues ("bar dues"), due February 1, 2015.
2. On March 6, 2015, a Final Delinquent Notice was sent to Respondent by the State Bar Membership Services on March 6, 2015, advising that if he did not pay his bar dues he would be suspended effective July 1, 2015. Respondent received the notice.
3. On May 29, 2015, a Notice of Entry Of Order of Suspension for Nonpayment of Fees, advising of his suspension effective July 1, 2015, was served on Respondent by Membership Services. Respondent received the notice.
4. On July 1, 2015, Respondent was administratively suspended by the State Bar for not paying his bar dues.
5. On July 6, 2015, Respondent filed Appellant's Petition for Review of Opinion of the Court of Appeal and on July 8, 2015 Respondent filed Appellant's Application for Relief From Default in Filing Petition for Review in the Court of Appeal, 2nd Appellant District, on behalf of his client in *Kumaraperu v. Feldsted et al*, Case No. B253978 (appeal from LA Superior Court, Case No. BC503228).
6. On July 29, 2015, Respondent self-reported to the State Bar that he practiced law while not eligible to do so.
7. On August 14, 2015, after Respondent paid his bar dues, Respondent was reinstated to active status with the State Bar.

CONCLUSIONS OF LAW:

8. By filing court documents on his client's behalf while he was administratively suspended from the practice of law, Respondent held himself out as entitled to practice law, and actually practiced law, when Respondent was not an active member of the State Bar, in violation of Business and

Professions Code, sections 6125 and 6126, in wilful violation of Business and Professions Code, section 6068(a).

Case No. 16-H-10397 (State Bar Investigation)

9. Respondent failed to comply with conditions attached to the private reproof administered to Respondent by the State Bar in case no. 13-O-16479, which discipline was effective December 1, 2014, as follows:

- a. Respondent failed to schedule a required initial meeting with the Office of Probation, due December 31, 2014, until January 8, 2015;
- b. Respondent submitted a quarterly report to the Office of Probation, due April 10, 2015, late, on April 16, 2015;
- c. Respondent submitted a quarterly report to the Office of Probation, due July 10, 2015, late, on October 27, 2015;
- d. Respondent did not submit a final report to the Office of Probation, due December 31, 2015;
- e. Respondent did not provide to the Office of Probation proof of attendance at State Bar Ethics School, and passage of the test given at the end, within one year of the effective date of his reproof;
- f. Respondent did not provide to the Office of Probation proof of taking and passage of the Multistate Professional Responsibility Examination (MPRE) within one year of the effective date of his reproof.

CONCLUSIONS OF LAW:

10. By filing three quarterly reports late, not filing a final report, failing to attend a session of State Bar Ethics School and failing to take and pass the MPRE, Respondent failed to comply with conditions attached to the private reproof administered to Respondent by the State Bar in case no. 13-O-16479, in wilful violation of Rules of Professional Conduct, rule 1-110

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline – Std. 1.5(a) – Respondent has a record of a single prior discipline involving a failure to perform and failure to communicate in a single client matter in case no. 13-O-16479, effective December 1, 2014. Respondent stipulated to a one year private reproof, with conditions that he attend a session of State Bar Ethics School and take and pass the MPRE within one year of the effective date of the discipline.

Multiple Acts of Misconduct – Std. 1.5(b) – Respondent's two instances of the unauthorized practice of law (UPL) and multiple failures to meet his reproof conditions are evidence of multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Extreme Emotional, Physical, or Mental Difficulties and Disabilities (Std. 1.6(d)): In June, 2015, Respondent suffered a seizure, characterized by his doctors as a major neurological event, for which he was hospitalized. He thereafter began taking anti-seizure medication which caused him to have difficulty with focus and concentration, memory lapses, confusion, anxiety and fear. Respondent had a

second seizure on August 18, 2015 after missing a few days of the medication. Since that time, he has continued his medication and his condition has improved. He is no longer exhibiting forgetfulness, confusion or inability to focus. Respondent has produced competent expert medical evidence that respondent's neurological condition contributed significantly to his failure to timely renew his bar membership and forgetfulness of the automatic consequences and subsequent unintentional improper practice of law in the month of July 2015.

Severe Financial Stress: During the period of his misconduct, Respondent suffered from extreme financial stress, as evidenced by documentation showing his inability to pay rent on his residence, his bank account statements showing limited income and funds, and his filing for bankruptcy in May 2016. His financial stress which resulted from circumstances which were not reasonably foreseeable and were beyond Respondent's control, and which contributed to his misconduct relating to his failure and inability to timely pay his bar dues and resulting UPL, and his failure to attend State Bar Ethics School and take the MPRE. (See *Grim v. State Bar* (1991) 53 Cal.3d 21 [mitigation is appropriate when financial problems are extreme and result from circumstances that are not reasonably foreseeable or are beyond the attorney's control.])

Good Character: Respondent has submitted eight reference letters from witnesses, six from attorneys and two from members of the general public, all of whom are aware of Respondent's misconduct, and all of whom attest to Respondent's good character. However, the character references are afforded limited mitigation as they do not represent a broad range of references from the legal and general communities. (See *In the Matter of Myerdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 469 [three attorneys and three clients not found to constitute a broad range of references from the legal communities.])

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources (See *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigation given for stipulating 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 Silvertan* (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 1.8(a) states that if a member has a prior discipline, the degree of discipline in the current proceeding shall be greater than the discipline imposed in the prior proceeding unless the prior discipline was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing a greater discipline in the current proceeding would be manifestly unjust.

Standard 2.10 provides disbarment or suspension is the presumed sanction when a member engages in the unauthorized practice of law when he or she is on actual suspension for disciplinary reasons. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law.

Standard 2.14 provides actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's willingness or inability to comply with disciplinary orders.

In the present matter, Respondent's misconduct was in no way remote in time to his prior discipline, and his prior discipline was serious. Respondent did not complete the conditions of his prior reproof in that he failed to attend State Bar Ethics School, failed to take the Multi-State Professional Responsibility Examination, and never filed a final report with the State Bar Office of Probation. Coupled with his unauthorized practice of law while on administrative suspension for failure to pay his bar dues, Respondent has committed multiple acts of misconduct. Further, harm to the administration of justice is inherent in all cases involving unauthorized practice of law. However, Respondent's misconduct is heavily mitigated, particularly by his extreme physical and mental difficulties and his financial stress which contributed to his misconduct. Nonetheless, actual suspension pursuant to Standard 2.10 and Standard 2.14 is appropriate. A one year suspension, stayed, with one year of probation, with conditions that Respondent be actually suspended for the first 30 days, and that he attend a session of State Bar Ethics school, and pass the test given at the end, and that he take and pass the MPRE, will serve the purposes of protecting the public, the courts and the legal profession.

The level of discipline is consistent with case law. Engaging in the unauthorized practice of law is a grave breach of the duties of an attorney and therefore actual suspension is warranted. (See *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896.) In *Wells* the court considered prior case law in reaching its decision. "We look to the standards for guidance (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11, 261 Cal.Rptr. 59, 776 P.2d 1021), but we also give due consideration to the decisional law. (*In the Matter of Respondent F* (Review Dept.1992) 2 Cal. State Bar Ct. Rptr. 17, 30.) The hearing judge focused on cases involving UPL, including *In the Matter of Trousil* (Review Dept.1990) 1 Cal. State Bar Ct. Rptr. 229; *In the Matter of Mason* (Review Dept.1997) 3 Cal. State Bar Ct. Rptr. 639; *Chasteen v. State Bar* (1985) 40 Cal.3d 586, 220 Cal.Rptr. 842, 709 P.2d 861; *In the Matter of Johnston* (Review Dept.1997) 3 Cal. State Bar Ct. Rptr. 585; and *Farnham v. State Bar* (1988) 47 Cal.3d 429, 253 Cal.Rptr. 249, 763 P.2d 1339. The discipline in those cases ranged from 30 days' to six months' actual suspension". (*Wells, supra*, 4 Cal. State Bar Ct. Rptr. 896, 913.)

In reviewing case law, attorneys who violate reapproval conditions have received discipline as lenient as another reapproval and as severe as a 90-day actual suspension. In *Conroy v. State Bar* (1990) 51 Cal.3d 799, an attorney who violated a single private-reapproval condition received a 60-day actual suspension. In *Conroy*, the attorney did not timely complete the professional responsibility exam, which was a condition of his reapproval. (*Conroy v. State Bar, supra*, 51 Cal.3d at p. 804.) He showed no remorse and failed to participate in the proceedings until he filed a petition for writ of review with the Supreme Court. Combined with his prior reapproval, the Court considered these factors “substantial aggravating circumstances.” In the present matter, though the conduct is akin to that in *Conroy*, given the substantial mitigative credit afforded to Respondent, a period of suspension less than that ordered in *Conroy* is sufficient to serve the purposes of protecting the courts, the public and the legal profession.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
15-O-15177	Two	Business and Professions Code, section 6106
16-H-10397	Four	Business and Professions Code, section 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of August 31, 2016, the prosecution costs in this matter are \$6,817. 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 MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT

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

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In the Matter of DAVID ANDREW SEELEY	Case number(s): 15-O-15177; 16-H-10397
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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 Fact, Conclusions of Law and Disposition.

<u>9/8/16</u> Date	<u>David A. Seeley</u> Respondent's Signature	<u>David Andrew Seeley</u> Print Name
<u>9/2/2016</u> Date	<u>[Signature]</u> Respondent's Counsel Signature	<u>James I. Harn</u> Print Name
<u>9-14-16</u> Date	<u>[Signature]</u> Deputy Trial Counsel's Signature	<u>R. Kevin Bucher</u> Print Name

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In the Matter of: DAVID ANDREW SEELEY	Case Number(s): 15-O-15177-WKM; 16-H-10397-WKM (Cons.)
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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.)**

October 12, 2016
Date

W. Kearse 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 October 12, 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:

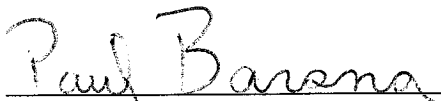
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAMES IRWIN HAM
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030**

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

RONALD K. BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 12, 2016.



Paul Barona
Case Administrator
State Bar Court