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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Abraham M. Bagheri Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1216 Bar # 294113	Case Number(s): 16-O-15918	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED <i>MS</i> SEP 25 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Joseph Malte Bickley 2601 W Broadway # 390 Tuscon, AZ 85745 (619) 861-1178 Bar # 171766	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: JOSEPH MALTE BICKLEY Bar # 171766 A Member of the State Bar of California (Respondent)	(This section is merged into the previous row for layout accuracy)	

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 **October 6, 1994**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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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 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 **14-O-01562 (See Attachment to Stipulation at p. 9; Copy of prior discipline attached as Exhibit 1 (12 pages).)**
 - (b) Date prior discipline effective **May 29, 2015.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code, section 6106.**
 - (d) Degree of prior discipline **One year of stayed suspension, one year of probation, and 30 days of actual suspension.**
 - (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. **(See Attachment to Stipulation at p.9.)**
- (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.9.)
- (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

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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. **(See Attachment to Stipulation at p.10.)**

- (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:

Profiling Stipulation (See Attachment to Stipulation at p.10.)

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 **60 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

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- 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: The following shall be deemed to comply with Section E(8): Within one year of the effective date of the discipline herein respondent must attend six hours of participatory MCLE classes in ethics given by a certified provider (See rule 5.135(B), Rules Proc. of State Bar) and must provide the Office of Probation proof of the classes' completion.**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JOSEPH MALTE BICKLEY
CASE NUMBER: 16-O-15918

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. 16-O-15918 (State Bar Investigation)

FACTS:

1. On December 4, 2014, respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in case number 14-O-01562.
2. On December 29, 2014, the Hearing Department of the State Bar Court filed an Order Approving the Stipulation and recommending to the California Supreme Court the discipline set forth in the Stipulation.
3. On April 29, 2015, the California Supreme Court filed Order number S224551 (State Bar Court case number 14-O-01562), which ordered that respondent be suspended from the practice of law for one (1) year, that execution of suspension be stayed, and that respondent be placed on probation for one (1) year, subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its December 29, 2014 Order Regarding Stipulation.
4. Pursuant to the Stipulation, respondent was ordered to comply with the following conditions:
 - a. Actual suspension for thirty (30) days;
 - b. Take and pass the Multistate Professional Responsibility Examination ("MPRE") within one year from the effective date of the discipline;
 - c. Submit written quarterly reports to the Office of Probation by July 10, 2015, October 10, 2015, January 10, 2016, April 10, 2016, and a final report on May 29, 2016; and
 - d. Attend and complete Ethics School, submitting proof of same to the Office of Probation by May 29, 2016.
5. California Supreme Court Order Number S224551 became effective on May 29, 2015.
6. On June 5, 2014, the Office of Probation mailed a reminder letter to respondent's official

State Bar membership address in Tuscon, Arizona, which included a copy of relevant portions of the Stipulation, an Ethics School schedule and an Ethics School enrollment form, and an outline of the various tasks respondent was responsible for completing by specific deadlines.

7. Respondent received the June 5, 2014 letter.

8. On June 23, 2015, respondent scheduled a telephonic meeting with the Office of Probation for June 25, 2015.

9. The parties held the June 25, 2015 meeting as scheduled.

10. On June 29, 2015, the Office of Probation emailed respondent a document entitled "Office of Probation Required Meeting Record" which memorialized the issues discussed during the June 25, 2015 meeting, including quarterly report deadlines, Ethics School deadlines, the MPRE deadline, the final report deadline, and the verification of respondent's State Bar Membership Records address and telephone number.

11. Respondent received the June 29, 2015 email.

12. Respondent timely filed his quarterly report due by July 10, 2015.

13. Respondent timely filed his quarterly report due by October 10, 2015.

14. Respondent filed his January 10, 2017 quarterly report three days late on January 13, 2016.

15. Respondent filed his April 10, 2016 quarterly report two days late on April 12, 2016.

16. Respondent filed his May 29, 2016 quarterly report one day late on May 30, 2016.

17. Respondent failed to take and pass the MPRE and provide satisfactory proof of such passage to the Office of Probation by May 29, 2016.

18. On June 23, 2016, the Review Department of the State Bar Court of California ordered respondent suspended from the practice of law effective July 18, 2016, pending proof of passage of the MPRE.

19. Respondent is currently not entitled to practice law.

20. On August 16, 2016, the Office of Probation mailed a letter to respondent's official State Bar membership records address, informing him that he was not in compliance with the terms and conditions of his probation because (1) he had filed multiple late quarterly reports and (2) he had not attended State Bar Ethics School and passed the test given at the end of the session by May 29, 2016.

21. In the August 16, 2016 letter, the Office of Probation also informed respondent that the State Bar Court of California filed an order suspending him from the practice of law due to his failure to provide proof of successful passage of the MPRE by May 29, 2016.

22. On August 16, 2016, Office of Probation emailed a copy of the letter to respondent's membership records email address.

23. Respondent received the August 16, 2016 letter and email.

24. On August 29, 2016, the Office of Probation referred respondent to the Office of Chief Trial Counsel for the following reasons:

- a. Respondent did not timely file a quarterly report for January 10, 2016;
- b. Respondent did not timely file a quarterly report for April 10, 2016;
- c. Respondent did not timely file a quarterly report for May 29, 2016; and
- d. Respondent did not submit proof of Ethics School attendance and proof of passage of the test at the end of the session by May 29, 2016.

25. To date, respondent has not provided the Office of Probation proof of successful passage of the MPRE and has not submitted proof of Ethics School attendance and proof of passage of the test at the end of the session.

CONCLUSIONS OF LAW:

26. By failing to timely submit to the Office of Probation the quarterly reports that were due on January 10, 2016, April 10, 2016, and May 29, 2016; and by failing to provide to the Office of Probation proof of Ethics School attendance and proof of passage of the test at the end of the session by May 29, 2016, respondent failed to comply with the conditions attached to the actual suspension imposed by the State Bar court in case number 14-O-01562, in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one (1) prior record of discipline. In case number 14-O-01562, effective May 29, 2015, respondent received a 30-day actual suspension, one year stayed suspension, and one year of probation with conditions. Respondent's misconduct consisted of a violation of Business and Professions Code, section 6106 (Moral Turpitude – Misrepresentation of MCLE Compliance.) Respondent received mitigation credit for no prior record of discipline and for entering into a pre-filing stipulation. The conditions of respondent's probation included that respondent take and pass the Multistate Professional Responsibility Examination ("MPRE") within one year from the effective date of the discipline and to submit written quarterly reports to the Office of Probation by July 10, 2015, October 10, 2015, January 10, 2016, April 10, 2016, and a final report on May 29, 2016. Respondent was also ordered to attend and complete Ethics School, submitting proof of same to the Office of Probation by May 29, 2016.

Multiple Acts of Misconduct (Std. 1.5(b)). From January 2016 to present, respondent committed multiple acts of misconduct by failing to comply with three conditions of probation.

Indifference Towards Rectification/Atonement (Std. 1.5(k)): On August 16, 2016, the Office of Probation sent a letter to respondent's official State Bar membership records address, informing him that he had not attended State Bar Ethics School and passed the test given at the end of the session by May 29, 2016. The Office of Probation also informed respondent that the State Bar Court of California

filed an order suspending him from the practice of law due to his failure to provide proof of successful passage of the MPRE by May 29, 2016. Respondent received the letter. To date, respondent has not provided the Office of Probation proof of successful passage of the MPRE and has not submitted proof of Ethics School attendance and proof of passage of the test at the end of the session. Respondent remains suspended from the practice of law pending proof of passage of the MPRE. Respondent is indifferent towards rectification and the State Bar disciplinary system because he has failed to comply with uncompleted probation conditions for more than a year from the date they were due.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation 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 mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaitth* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

Emotional/Physical Difficulties: Since January 2016, respondent has had multiple foot infections which have limited his mobility. In March 2016, respondent had a portion of his foot amputated. In September 2016, respondent began treatment for depression and anxiety. Respondent's physical and emotional difficulties occurred during the period of respondent's probation and impacted his ability to comply with the conditions of his actual suspension. Although there is no evidence that respondent's illnesses continue to pose a risk that respondent will commit misconduct, he has been undergoing medical treatment to manage his physical and emotional difficulties since his diagnosis. (*Ainsworth v. State Bar* (1988) 46 Cal.3d 1218, 1228-1229.)

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; hereinafter "Standards.") 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*, Standard 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. (Standard 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Standard 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. (Standards 1.7(b)-(c).)

Standard 2.14 provides that actual suspension is appropriate for a failure to comply with a condition of discipline. Here, respondent violated Business and Professions Code section 6068(k) because he violated a condition attached to his disciplinary probation. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders.

Standard 1.8(a) provides that if respondent has a record of one prior discipline, the discipline imposed for the current misconduct must be greater than the previous discipline unless the prior discipline was "so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." Here, respondent's 2015 prior discipline became effective on May 29, 2015, approximately two years from the date of respondent's current misconduct. Respondent's prior discipline is not remote and his prior offense involved an act of moral turpitude. Therefore, the discipline for respondent's current misconduct must be greater than respondent's previous discipline. Respondent's prior discipline was a thirty day actual suspension. Pursuant to Standard 1.8(a), and considering respondent's aggravating and mitigating circumstances, a sixty (60) day actual suspension is warranted with a one (1) year stayed suspension and a one (1) year probation with conditions.

Case law supports this result.

In *Conroy v. State Bar* (1990), 51 Cal.3d 799, the attorney received a private reproof based upon three unrelated incidents of misconduct. As a condition of probation, the Review Department ordered the attorney to take and pass the Professional Responsibility Examination (PRE) within one year of the reproof's effective date. The attorney passed the examination three months late. As a result, the State Bar initiated disciplinary proceedings against him for noncompliance with the prior disciplinary conditions. The attorney defaulted to the charges brought against him. State Bar Court recommended a one year suspension, stayed, including a 60 day actual suspension. The Supreme Court agreed with the level of discipline. The Court deemed as mitigating the attorney's passage of the examination at the first opportunity possible after the deadline. Nonetheless, the Court imposed actual suspension for the attorney's violation of the condition of his prior reproof noting the aggravating circumstance of the attorney's failure to show an understanding of the grave nature of the earlier misconduct.

Here, respondent's misconduct is more egregious than the attorney's misconduct in *Conroy* because respondent not only failed to provide proof of attendance and passage of Ethics School, but also failed to file three timely quarterly reports. Moreover, the attorney in *Conroy* complied three months late; here, more than one year has passed from the deadline by which respondent was to provide proof of attendance and passage of Ethics School. This is aggravated by the fact that the Office of Probation informed respondent on August 16, 2016 that he was not in compliance with the requirements of his probation, but respondent still failed to take any steps to comply. As additional evidence of respondent's failure to understand the grave nature of his disciplinary proceedings, respondent failed to provide the Office of Probation with proof of passage of the Multistate Responsibility Examination which ultimately resulted in his current suspension from the practice of law, effective July 18, 2016. Through his own inaction, respondent has demonstrated his failure to grasp the importance of strict compliance with his probation conditions.

However, respondent is entitled to mitigation. The time period during which respondent suffered emotional and physical difficulties corresponds with a portion of the time during which respondent's

misconduct occurred. Respondent's emotional and physical difficulties offset respondent's aggravating circumstances. Additionally, respondent's decision to enter into a pre-filing stipulation saves the State Bar significant resources and time. On balance, and in light of respondent's aggravating circumstances, a 60 (sixty) day 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 Chief Trial Counsel has informed respondent that as of August 7, 2017, the discipline costs in this matter are \$3215. 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.

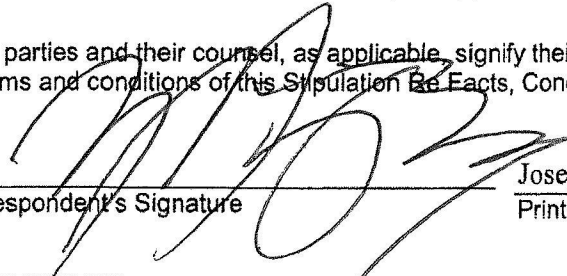
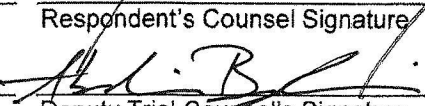

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In the Matter of:
JOSEPH MALTE BICKLEY

Case number(s):
16-O-15918

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>9/7/2017</u> Date	 Respondent's Signature	<u>Joseph Malte Bickley</u> Print Name
<u>9/11/2017</u> Date	 Respondent's Counsel Signature	<u>Abraham M. Bagheri</u> Print Name
<u>9/11/2017</u> Date	 Deputy Trial Counsel's Signature	<u>Abraham M. Bagheri</u> Print Name

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In the Matter of: Joseph Malte Bickley	Case Number(s): 16-O-15918
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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.
-
- On page 7 of the Stipulation, at paragraph 6, "2014" is deleted and "2015" is inserted.
 - On page 8 of the Stipulation, at paragraph 7, "2014" is deleted and "2015" is inserted.

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.)**

9/25/17
Date


DONALD F. MILES
Judge of the State Bar Court

APR 29 2015

(State Bar Court No. 14-O-01562)

S224551

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re JOSEPH MALTE BICKLEY on Discipline

The court orders that Joseph Malte Bickley, State Bar Number 171766, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. Joseph Malte Bickley is suspended from the practice of law for the first 30 days of probation;
2. Joseph Malte Bickley must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 29, 2014; and
3. At the expiration of the period of probation, if Joseph Malte Bickley has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Joseph Malte Bickley must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If Joseph Malte Bickley 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.

CANTIL-SAKAUYE

Chief Justice

ORIGINAL

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Lori Brodbeck Contract Attorney 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1075 Bar # 291116	Case Number(s): 14-O-01562	For Court use only FILED DEC 29 2014 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Joseph Malte Bickley 2601 W. Broadway, No. 390 Tucson, AZ 85745 Bar # 171766	Submitted to: Settlement Judge	
In the Matter of: JOSEPH MALTE BICKLEY Bar # 171766 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING 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 **October 6, 1994**.
- (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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective January 1, 2014)

Actual Suspension

Handwritten signature and date: 11-24-14 12:22 2014

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

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

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(Do not write above this line.)

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

(Do not write above this line.)

Additional mitigating circumstances:

**No Prior Discipline. See Attachment, page 7.
Pre-Filing Stipulation. See Attachment, page 7.**

D. Discipline:

(1) **Stayed Suspension:**

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

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

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

(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 present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

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 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.

(Do not write above this line.)

- (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.
- (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: .

(Do not write above this line.)

- (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: JOSEPH MALTE BICKLEY

CASE NUMBER: 14-O-01562

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. 14-O-01562 (State Bar Investigation)

FACTS:

1. As a member of the State Bar, Respondent was required to complete 25 hours of minimum continuing legal education (“MCLE”) during the period commencing February 1, 2010, and ending January 31, 2013 (the “compliance period”). Respondent was also required to report his compliance with the MCLE requirements to the State Bar following the compliance period.
2. On January 30, 2013, respondent reported under penalty of perjury to the State Bar that he was in compliance with the MCLE requirements, and, in particular, that he had completed the required MCLE hours during the compliance period.
3. In reality, Respondent had not completed any of the required hours of MCLE courses within the compliance period.
4. During this time, respondent taught a criminal procedure course at the Pima Community College in Tucson, Arizona and believed that this met the MCLE requirements. Respondent did not confirm this belief or seek approval from Membership Services. In fact, this criminal procedure course would not have been approved for MCLE hours.

CONCLUSIONS OF LAW:

5. By reporting under penalty of perjury to the State Bar that he was in compliance with the MCLE requirements when he had failed to complete any hours of MCLE courses, respondent committed an act involving dishonesty in wilful violation of Business and Professions Code, section 6106.

ADDITIONAL FACTS RE: MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has been an attorney since October 6, 1994, although he stopped practicing in 2008. Throughout this time he had no record of discipline, 14-years of discipline-free legal practice, which is entitled to significant weight in mitigation. (See *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.)

Pre-filing Stipulation: Respondent admitted to the misconduct and entered into this stipulation to fully resolve this matter. Respondent's cooperation at this early stage has saved the State Bar significant resources and time. (*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 the Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If 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).)

The applicable standard is found in standard 2.7, which applies to respondent's misrepresentation and provides:

Disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member's practice of law.

Here, actual suspension is appropriate because respondent's misrepresentation to the State Bar regarding his MCLE compliance was an act of dishonesty directly related to the practice of law and calls into question his fitness to practice law. Misrepresentations are compounded when made in writing under penalty of perjury, like in this case, which thereby includes an imprimatur of veracity which should place a reasonable person on notice to take care that their statement is accurate, complete and true. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786.)

Because there are no aggravating factors and there is mitigation for respondent's 14 years of discipline-free legal practice, the discipline for this misconduct should fall on the lower end of the standard requiring actual suspension. For these reasons, while respondent's misconduct is serious and undermines public confidence in the profession, 30-days of actual suspension is appropriate in this case.

Guidance on the level of discipline to be imposed in this matter can be found in the unreported decision of *In the Matter of Yee* (Review Dept. 2014), 2014 WL 3748590. In *Yee*, the Review Department found that an attorney's false affirmation of that she completed the MCLE requirements constituted an act of moral turpitude, which requires discipline under standard 2.7. While Yee was found to have been grossly negligent and committed an act of moral turpitude by providing no proof of taking MCLE courses during her compliance period, she was only publicly reprovved. The Review Department found that her 22-year, discipline-free career, her candor and cooperation with the State Bar, her extraordinary good character, her remorse and recognition of wrongdoing, and her pro bono work and community service provided enough mitigation to warrant a reprovval rather than an actual suspension.

Here, like with *Yee*, respondent made a misrepresentation under penalty of perjury in order to circumvent continuing legal educational requirements established for the purpose of enhancing attorney competence and protecting the public. But unlike in *Yee*, respondent has much less mitigation, and so deviation from standard 2.7 is not appropriate. In light of the totality of the facts and circumstances surrounding respondent's misconduct, discipline consisting of a one-year stayed suspension, including 30-days of actual suspension and a one-year period of probation with conditions, 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 November 24, 2014, the prosecution costs in this matter are \$2,992. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

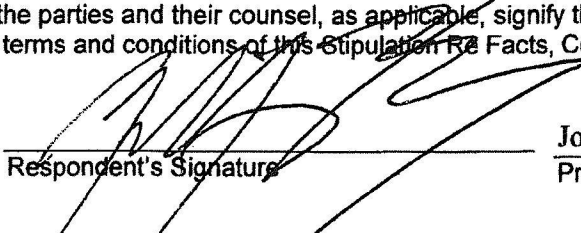

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: JOSEPH MALTE BICKLEY	Case number(s): 14-O-01562
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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>12/4/14</u> Date <i>by LB</i>	 Respondent's Signature	<u>Joseph Malte Bickley</u> Print Name
<u>12/12/14</u> Date	 Respondent's Counsel Signature	<u>Lori Denise Brodbeck</u> Print Name
	<u>Deputy Trial Counsel's Signature</u>	<u>Print Name</u>

(Do not write above this line.)

In the Matter of: JOSEPH MALTE BICKLEY	Case Number(s): 14-O-01562
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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.
1. On page 4 of the stipulation, an "X" is inserted in the box next to paragraph D.(1)(b).

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

12-23-14


GEORGE E. SCOTT, JUDGE PRO TEM
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 29, 2014, 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:

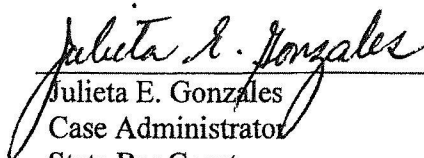
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOSEPH M. BICKLEY
2601 W BROADWAY # 390
TUCSON, AZ 85745

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

Lori D. Brodbeck, Enforcement, Los Angeles
Terrie Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 29, 2014.



Julieta E. Gonzales
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST September 14, 2017

State Bar Court, State Bar of California,
Los Angeles

By Elizabeth Alvarez
Clerk

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 September 25, 2017, 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:

JOSEPH M. BICKLEY
2601 W BROADWAY # 390
TUCSON, AZ 85745

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

ABRAHIM M. BAGHERI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 25, 2017.



Mazie Yip
Case Administrator
State Bar Court