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State Bar Court of California Hearing Department Los Angeles REPROVAL		
Counsel for the State Bar Scott D. Karpf Deputy Trial Counsel 845 S. Figueroa Ave. Los Angeles, CA 90017 (213) 765-1161 Bar # 274682	Case Number(s): SBC-19-J-30083  kwiktag® 241 073 004	For Court use only FILED MAR 28 2019  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Jessica L. Beckwith Lewis Brisbois Bisgaard & Smith LLP 2929 N Central Ave, Ste 1700 Phoenix, AZ 85012 (602) 385-1035 Bar # 269753	PUBLIC MATTER (OCTC Case No.: 18-J-18299)	
In the Matter of: BRADLEY CHRISTOPHER CROSLLEY Bar # 253494 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <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 **December 4, 2007**.
- (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."

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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):
- ☒ It is ordered that costs be 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.
- ☐ Case ineligible for costs (private reproof).
- ☐ It is ordered that costs be 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. SELECT ONE of the costs must be paid with Respondent's membership fees for each of the following years:
- If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
- ☐ Costs are entirely waived.
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a Respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the Respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) ☐ A private reproof imposed on a Respondent after initiation of a State Bar Court proceeding is part of the Respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) ☒ A public reproof imposed on a Respondent is publicly available as part of the Respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

- (1) ☐ Prior record of discipline:
- (a) ☐ State Bar Court case # of prior case:

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- (b) ☐ Date prior discipline effective:
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline:
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
-
- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
 - (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
 - (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
 - (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
 - (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
 - (7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
 - (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 Respondent's misconduct.
 - (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
 - (11) ☐ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
 - (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
 - (13) ☐ **Restitution:** Respondent failed to make restitution.
 - (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
 - (15) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [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.

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- (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 Respondent's misconduct or to the State Bar during disciplinary investigation 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 Respondent's 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 Respondent.
- (7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline, see page 10.

Prefiling Stipulation, see page 10.

D. Discipline:

Discipline – Reproval

Respondent is **Publicly** reprovved. Pursuant to the provisions of rule 5.127(A) of the Rules of Procedure of the State Bar, this reprovval will be effective when this stipulation becomes final. Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 5.128 of the Rules of Procedure, the court finds that the protection of the public and the interests of Respondent will be served by the following conditions being attached to this reprovval. Failure to comply with any condition attached to this reprovval may constitute cause for a separate disciplinary proceeding for willful breach of rule 1-110 of the State Bar Rules of Professional

Conduct. Respondent is ordered to comply with the following conditions attached to this reproof for (Reproof Conditions Period) following the effective date of the reproof.

- (1) ☒ **Review Rules of Professional Conduct:** Within 30 days after the effective date of the order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.
- (2) ☒ **Comply with State Bar Act, Rules of Professional Conduct, and Reproof Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's reproof.
- (3) ☒ **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR within ten (10) days after such change, in the manner required by that office.
- (4) ☒ **Meet and Cooperate with Office of Probation:** Within 30 days after the effective date of the order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 45 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the Reproof Conditions Period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) ☒ **State Bar Court Retains Jurisdiction/Appeal Before and Cooperate with State Bar Court:** During Respondent's Reproof Conditions Period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with reproof conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) ☒ **Quarterly and Final Reports:**
 - a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the Reproof Conditions Period. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the Reproof Conditions Period and no later than the last day of the Reproof Conditions Period.

- b. Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).
- d. Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after the Reproval Conditions Period has ended. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (7) ☐ **State Bar Ethics School:** Within one year after the effective date of the order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session.
- (8) ☐ **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because _____.
- (9) ☐ **State Bar Client Trust Accounting School:** Within one year after the effective date of the order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session.
- (10) ☒ **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within **six (6) months** after the effective date of the order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete **six (6) hours** of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity.
- (11) ☐ **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the Reproval Conditions Period, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.

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- (12) ☐ **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE _____ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity.
- (13) ☐ **Other:** Respondent must also comply with the following additional reproval conditions: _____
- (14) ☒ **Multistate Professional Responsibility Examination Within One Year:** It is further ordered that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the order imposing discipline in this matter and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)
- (15) ☐ **The following conditions are attached hereto and incorporated:**
- ☐ Financial Conditions ☐ Medical Conditions
- ☐ Substance Abuse Conditions

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: BRADLEY CHRISTOPHER CROSLEY

OCTC CASE NUMBER: 18-J-18299

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 Former Rules of Professional Conduct.

Case No. 18-J-18299 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

1. On May 4, 2009, respondent was admitted to practice law in the State of Indiana, Attorney No. 28224-29.
2. On December 5, 2017, the Indiana Supreme Court Disciplinary Commission ("ISCDC") filed a disciplinary complaint against respondent alleging professional misconduct in Cause No. 29S00-1712-DI-717. (See Exhibit 1, Disciplinary Complaint attached hereto, 11 pages).
3. After the filing of the complaint, the ISCDC and respondent entered into an agreement and submitted to the Indiana Supreme Court for approval a Statement of Circumstances and Conditional Agreement for Discipline, stipulating that respondent had committed a violation of Indiana Professional Conduct Rules, rule 5.5(a) [assisting in the unauthorized practice of law].
4. On June 19, 2018, the Indiana Supreme Court filed "Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline" in Case No. 29S00-1712-DI-717, imposing discipline as to respondent consisting of a 30-day actual suspension with no probation or other terms and automatic reinstatement to the practice of law at the end of the suspension. (See Exhibit 2, a certified copy of the Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline, attached hereto, 2 pages, and Exhibit 3, Indiana Rules of Professional Conduct, Rule 5.5(a), attached hereto, 2 pages.)
5. The disciplinary proceeding in the other jurisdiction provided respondent with fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

6. Eastman Meyler, PC ("Eastman Meyler") is a law firm located in Austin Texas. Eastman Meyler also used the name WipeRecord to do business as criminal record removal services company.
7. On July 24, 2015, respondent, as Crosley Legal LLC, entered into an "Of Counsel" agreement with Eastman Meyler dba WipeRecord. Specifically, respondent was hired to review and sign court filings pertaining to criminal record removal services sold in Indiana by WipeRecord. Respondent

worked with various employees of Eastman Meyler, including Leah Stein, a Texas attorney. Documents signed by respondent were then filed in court by Eastman Meyler.

8. On documents filed in expungement cases on behalf of Eastman Meyler's Indiana clients, respondent's address was listed as Eastman Meyler's Austin, Texas address and respondent's e-mail address was listed as leahstein@elmlegal.com, which was Ms. Stein's e-mail address.

9. In the summer of 2016, respondent signed an appearance and expungement petition on behalf of T.S., an Indiana-based Eastman Meyler client. Ms. Stein signed and filed with the court the certificate of service accompanying T.S.'s expungement petition. Attached to T.S.'s expungement petition was a cover letter signed by Ms. Stein, identifying herself as an attorney on the matter and directing the court to contact her with any questions. At no point in time before filing any documents in T.S.'s matter did Ms. Stein petition the court for temporary admission.

10. In the spring of 2016, respondent signed an appearance and expungement petition on behalf of J.S., another Indiana-based Eastman Meyler client. The expungement petition that was initially filed did not bear a certificate of service and the appearance did not bear an attorney license number.

11. On April 13, 2016, the court directed respondent to file a proper appearance on J.S.'s matter. Respondent in turn notified Eastman Meyler of the court's direction.

12. On April 29, 2016, a second appearance for J.S.'s matter was filed by Eastman Meyler. Attached to the appearance was a cover letter signed by Ms. Stein, directing the court to contact her with any questions.

13. On July 19, 2016, the prosecutor's office filed a response to J.S.'s expungement, alleging that J.S. had not disclosed all prior convictions as required by statute. The response was served on, and received by, respondent. Respondent provided the prosecutor's response to Eastman Meyler.

14. On July 27, 2016, Ms. Stein sent an e-mail to the prosecutor agreeing that the expungement petition was incomplete and advised that a corrected petition would be filed. Ms. Stein advised the prosecutor that she was working on the matter with respondent.

15. On August 5, 2016, an amended expungement petition on behalf of J.S. was filed with the court. This expungement petition was signed by respondent and the certificate of service was signed by Ms. Stein.

16. Respondent eventually became aware of Ms. Stein's actions in holding herself out to the court as an attorney on T.S.'s and J.S.'s matters. Respondent promptly apologized to the court for the misconduct and contacted the managing partner at Eastman Meyler to ensure that such unauthorized actions would not recur in the future.

17. Both T.S.'s and J.S.'s expungements were granted in a timely manner.

CONCLUSIONS OF LAW:

18. As a matter of law, respondent's culpability of professional misconduct determined in the proceeding in Indiana warrants the imposition of discipline under the laws and rules binding upon respondent in the State of California at the time respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has no prior record of discipline over seven years of practice prior to the misconduct, and this should be some weight in mitigation. (See *In re Naney* (1990) 51 Cal.3d 186, 196 [seven years not a strong showing of mitigation].)

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].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

In this matter, respondent was found culpable of professional misconduct in the other jurisdiction, and to determine the appropriate sanction in this proceeding, it is necessary to consider the equivalent rule or

statutory violation under California law. Specifically, respondent's misconduct in the other jurisdiction demonstrates a violation of Former Rules of Professional Conduct, rule 1-300(A) [aiding in the unauthorized practice of law].

Standard 2.19 states, "Suspension not to exceed three years or reproof is the presumed sanction for a violation of a provision of the [Former] Rules of Professional Conduct not specified in the[] Standards." Respondent committed a grossly negligent violation of 1-300(A) when he allowed Ms. Stein to assert control over two expungement matters filed with the Indiana court when she had not sought temporary admission to appear in Indiana, and when he allowed Ms. Stein to make a telephonic appearance on one of the expungement matters.

Respondent's misconduct is mitigated by his agreement to enter into a prefiling stipulation and, although not a strong showing, he also has no prior record of discipline. Based on this mitigation as well as the limited instances of misconduct, a discipline of a public reproof with conditions is appropriate to protect the public, the courts and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 19, 2019, the discipline costs in this matter are \$2,585. 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.

(Do not write above this line.)

In the Matter of: BRADLEY CHRISTOPHER CROSLY	Case Number(s): 18-J-18299
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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>2-20-19</u> Date	 Respondent's Signature	<u>Bradley Christopher Crosley</u> Print Name
<u>2-25-19</u> Date	 Respondent's Counsel Signature	<u>Jessica L. Beckwith</u> Print Name
<u>2-27-19</u> Date	 Deputy Trial Counsel's Signature	<u>Scott D. Karpf</u> Print Name

ORIGINAL

IN THE SUPREME COURT

OF THE

STATE OF INDIANA



IN THE MATTER OF

BRADLEY C. CROSLEY
Attorney No. 28224-29

Cause No. 29S00-1712-DI-717

DISCIPLINARY COMPLAINT

The Indiana Supreme Court Disciplinary Commission, having found reasonable cause to believe the Respondent's acts, if proved, would warrant disciplinary action, by its Executive Secretary, G. Michael Witte, pursuant to Indiana Admission and Discipline Rule 23, Section 12, files and presents this Disciplinary Complaint against Bradley C. Crosley. The Disciplinary Complaint is as follows:

1. Bradley C. Crosley ("Respondent") is an attorney in good standing, who was admitted to practice law in the State of Indiana on May 4, 2009, subjecting him to the Court's disciplinary jurisdiction.
2. At all times relevant to this proceeding, Respondent practiced law in Carmel, Hamilton County, Indiana.
3. At all times relevant to this proceeding, Respondent practiced law under Crosley Legal, LLC.
4. Eastman Meyler, PC ("Eastman Meyler") is a law firm located in Austin, Texas.
5. Eastman Meyler also used the name of WipeRecord to do business and was formerly known as Eastman Libersat, PC, and/or Eastman Libersat & Meyler, PC.
6. On or about July 24, 2015, Respondent, as Crosley Legal LLC, entered an "Of

Counsel Agreement” with Eastman Meyler when it was known as Eastman Libersat, PC, d/b/a WipeRecord.

7. The Of Counsel Agreement provided that Eastman Meyler and Respondent would “enter into a relationship whereby [Respondent] will serve in an ‘Of Counsel’ capacity for [Eastman Meyler] in Indiana for expungement, record sealing, conviction set-asides, and other criminal record removal services (collectively, ‘Criminal Record Removal Services’) sold under the WipeRecord brand in Indiana”.

8. The Of Counsel Agreement provided that Eastman Meyler would “generate leads, advertise, enter into representation agreements . . . with clients in Indiana . . . and provide all document preparation and processing, customer service, billing, client management, and administrative services related to representation of Clients in Indiana”

9. The Of Counsel Agreement provided that Respondent would “render only the legal services on behalf of the Firm’s Clients which specifically require a license to practice law in Indiana (the ‘Legal Services’)”.

10. The Of Counsel Agreement specified that Eastman Meyler’s purpose in entering into an Of Counsel Agreement with Respondent was to allow it to market its services to Indiana residents, stating:

[Eastman Meyler] has an established proprietary marketing and advertising platform and relationships with a number of third party marketing professionals that it uses to market and sell Criminal Record Removal Services in a number of States. [Eastman Meyler] is seeking to use these resources in Indiana after entering into an ‘Of Counsel’ relationship with [Respondent] under this Agreement.

11. The Of Counsel Agreement specified that all client relationships belonged to Eastman Meyler, not Respondent, stating:

[Eastman Meyler] shall negotiate the sale of Criminal Record Removal Services to Clients in Indiana, with the terms of such representation being agreed to in Representation Agreements between [Eastman Meyler] and such Clients. [Respondent] shall not negotiate the terms of such Representation Agreements unless explicitly authorized to do so by [Eastman Meyler]. In rendering the Legal Services described in Section 2.1, [Respondent] must at all times comply with the terms of the relevant Representation Agreement, and if required to do so by applicable Indiana Law, may be required to execute certain Representation Agreements in Indiana on behalf of the Firm.

12. Upon information and belief, Respondent did not execute any representation agreements for Eastman Meyler's Indiana clients.
13. The Of Counsel Agreement specified that Respondent would have no responsibilities relating to "customer service, billing, and client management for its Clients in Indiana."
14. The Of Counsel Agreement specified that Respondent would not be required to make appearances in court unless Respondent elected to do so after being authorized by Eastman Meyler.
15. The Of Counsel Agreement specified that the only legal services Respondent was required to perform for Eastman Meyler's Indiana clients were:
 - (i) review all legal filings and related documents (the 'Court Filings') necessary in performance of the Legal Services for the Firm's Indiana Clients;
 - (ii) make or request any changes and/or corrections to the Court Filings, if required in Lawyer's professional opinion and with the consent of [Eastman Meyler];
 - and (iii) sign any Court Filings in a timely manner.
16. The Of Counsel Agreement specified that: "[Respondent] shall not communicate with Clients of [Eastman Meyler] who have entered into a Representation Agreement with [Eastman Meyler] unless instructed to do so by [Eastman Meyler], or when doing so is required

to render the Legal Services described in Section 2.1.”

17. The Of Counsel Agreement specified that Respondent was an independent contractor and not an employee of Eastman Meyler.

18. The Of Counsel Agreement specified that Respondent would not “market or actively seek to engage in Criminal Record Removal Services in Indiana on their own or on behalf of a third party”.

19. Under the terms of the Of Counsel Agreement, Respondent was paid “\$50 for the labor required to sign and execute the document required by each Representation Agreement.”

20. Under the terms of the Of Counsel Agreement Respondent was typically paid \$100 for court appearances.

21. At a later point, a dispute arose between Respondent and Eastman Meyler over whether Respondent should be paid \$50 per expungement petition or \$50 per crime being expunged in a petition.

22. Respondent and Eastman Meyler then agreed that Respondent would be paid \$50 for the first count in a petition, \$35 for a second count, and \$30 for any subsequent counts, with a maximum payment of \$200 per petition.

23. Respondent entered appearances in expungement matters filed in Indiana courts on behalf of 57 of Eastman Meyler’s Indiana clients.

24. In a typical case, an Eastman Meyler lawyer drafted documents for expungement matters and emailed them to Respondent for his approval and signature.

25. After Respondent signed the documents, he returned them to Eastman Meyler to file and serve the documents.

26. Respondent did not maintain client files for Eastman Meyler’s Indiana clients, and

did not possess and/or maintain copies of representation agreements, correspondence with clients, and/or copies of filed documents and/or expungement orders.

27. On documents filed in expungement cases on behalf of Eastman Meyler's Indiana clients, Respondent's address was listed as Eastman Meyler's Austin, Texas address.

28. The address maintained by Respondent on the Roll of Attorneys was an address in Carmel, Indiana.

29. On documents filed in expungement cases on behalf of Eastman Meyler's Indiana clients, Respondent's email address was listed as leahstein@elmlegal.com, which is the email address of a Texas attorney.

30. No attorneys from Eastman Meyler petitioned for temporary admission in the expungement cases filed in Indiana courts on behalf of Eastman Meyler's Indiana clients.

31. Typically, Respondent did not have any communication with Eastman Meyler's Indiana clients.

32. Typically, Respondent did not consult with Eastman Meyler's Indiana clients about their cases.

33. Respondent sometimes appeared in court on behalf of Eastman Meyler's Indiana clients.

34. In the summer of 2016, Respondent signed an appearance and expungement petition on behalf of Eastman Meyler's client T.S. in a Tippecanoe County expungement matter.

35. At all relevant times, Leah Stein was a Texas attorney who worked for Eastman Meyler.

36. The certificate of service for T.S.'s expungement petition was signed by Leah Stein.

37. T.S.'s expungement petition was mailed to the court with a cover letter signed "Leah Stein, Attorney at Law" with an instruction for the court to contact her with any questions.

38. In the spring of 2016, Respondent signed an appearance and expungement petition on behalf of Eastman Meyler's client J.S. in a Tippecanoe County expungement matter.

39. The expungement petition that was initially filed on behalf of J.S. did not bear a certificate of service.

40. On or about April 13, 2016, because the appearance filed in J.S.'s expungement matter did not bear an attorney number, the trial court directed Respondent to file either a proper appearance or a proper petition for temporary admission.

41. On or about April 29, 2016, a second appearance was filed.

42. The second appearance was mailed to the court with a cover letter signed by "Leah Stein, Attorney at Law," which stated:

Enclosed is an entry of appearance by attorney for a civil case for the Petition filed for [J.S.]. Our office received notification from Judge Busch that a proper entry of appearance needed to be filed. Please contact me if you have any further questions or concerns or require any additional information.

43. On or about July 19, 2016, the State filed a response to J.S.'s expungement petition, alleging that the petitioner had not disclosed all prior convictions as required by statute.

44. On or about July 22, 2016, the trial court set the matter for a telephonic scheduling conference on August 18, 2016, and ordered counsel for petitioner to initiate the call by calling the bailiff. The order was mailed to Respondent at his Carmel, Indiana address.

45. On or about July 27, 2016, Leah Stein sent an email to Deputy Prosecuting Attorney Jonathan Dean, stating:

My name is Leah Stein and I am the attorney with Eastman

Libersat & Meyler working on the case with our local counsel, Mr. Crosley. I have reviewed the petition we filed and am in agreement that it is incomplete and missing required information. I took over this case from another associate at our firm who is no longer with us.

I will be submitting an amended petition that comports with the statute. I know we have a telephonic conference schedule [sic] with the Judge for 08/18/2016 and fully intend to have a corrected amended petition filed prior to this conference.

Please contact me if you have any questions or require any additional information.

46. On or about August 5, 2016, an amended expungement petition was filed in J.S.'s expungement matter. The amended expungement petition was signed by Respondent. The certificate of service for the amended expungement petition was signed by Leah Stein.

47. On or about September 22, 2016, Leah Stein sent an email to Jonathan Dean, stating:

I received the notification that you are requesting a continuance. We will appear telephonically today and do not object to your request for continuance. However, I am slightly confused because my understanding following the previous telephonic conference, was that your office did not intend to object to the amended petition. Can you please provide me with a courtesy copy of the response to the petition that you filed? This case was originally filed in early May and we would like to have this resolved as soon as possible. My understanding was that the Order would go before the Judge today. Please contact me whenever you have a moment so that we may discuss the case.

48. On or about September 22, 2016, Jonathan Dean responded to Leah Stein's email, stating: "After reviewing the docket it appears that Mr. Crosley is the attorney of record in this cause. Are you also appearing in this matter, and/or do you have authority to discuss the case?"

49. On or about September 22, 2016, Leah Stein replied to Jonathan Dean's response, stating:

I apologize for the confusion. Mr. Crosley is the attorney of records [sic] as he is our local of-counsel in the State of Indiana. However, I am the attorney with Eastman and Meyler [sic] who has been the primary on the case and have the most knowledge of the case. Our firm name is on the petition. Do you need me to provide you with anything else in order for you to be able to share information on the case as I am happy to.

50. At no time did Leah Stein petition for temporary admission in J.S.'s expungement case.

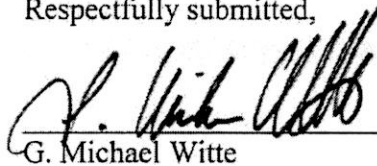
51. By failing to reasonably consult with his clients about the means by which the clients' objectives were to be accomplished, Respondent violated Rule of Professional Conduct 1.4(a)(2).

52. By permitting a person who recommends, employs or pays the lawyer to render legal services for another to direct or regulate his professional judgment in rendering such legal services, Respondent violated Rule of Professional Conduct 5.4(c).

53. By assisting another lawyer in practicing law in Indiana in violation of the regulation of the legal profession in Indiana, Respondent violated Rule of Professional Conduct 5.5(a).

WHEREFORE the Executive Director prays that Bradley C. Crosley be disciplined as warranted for professional misconduct, and that the Respondent be ordered by the Court to pay such expenses to the Clerk of the Court as shall be prepared and submitted to the Court by the Executive Director as an itemized statement of expenses allocable to this case incurred in the course of investigation, hearing and review procedures, pursuant to Indiana Admission and Discipline Rule 23, Section 16.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "G. Michael Witte", is written over a horizontal line.

G. Michael Witte

Attorney No. 1949-15

Executive Director

Indiana Supreme Court Disciplinary Commission

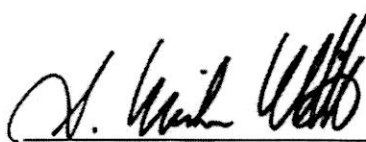
251 North Illinois Street, Suite 1650

Indianapolis, Indiana 46204

(317) 232-1807

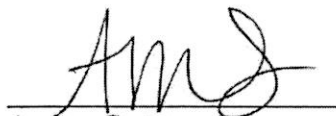
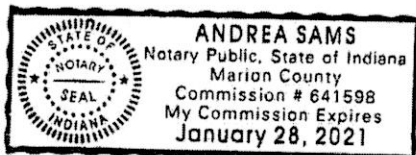
STATE OF INDIANA)
)
COUNTY OF MARION) SS:

G. Michael Witte, being duly sworn upon his oath, deposes and says that he is the Executive Director of the Disciplinary Commission of the Supreme Court of Indiana appointed pursuant to Ind.Admis.Disc.R. 23, Section 8(a); that he makes this affidavit as Executive Director of the Disciplinary Commission, and that the facts set forth in the above and foregoing Disciplinary Complaint are true as he is informed and believes.



G. Michael Witte

Subscribed and sworn to before me, a Notary Public, in and for said County and State,
this 4 day of December, 2017.



Andrea Sams,
Notary Public

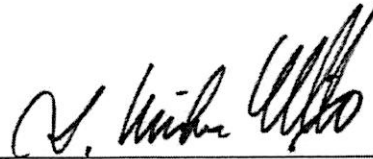
My Commission Expires: January 28, 2021
County of Residence: Marion

Certificate of Service

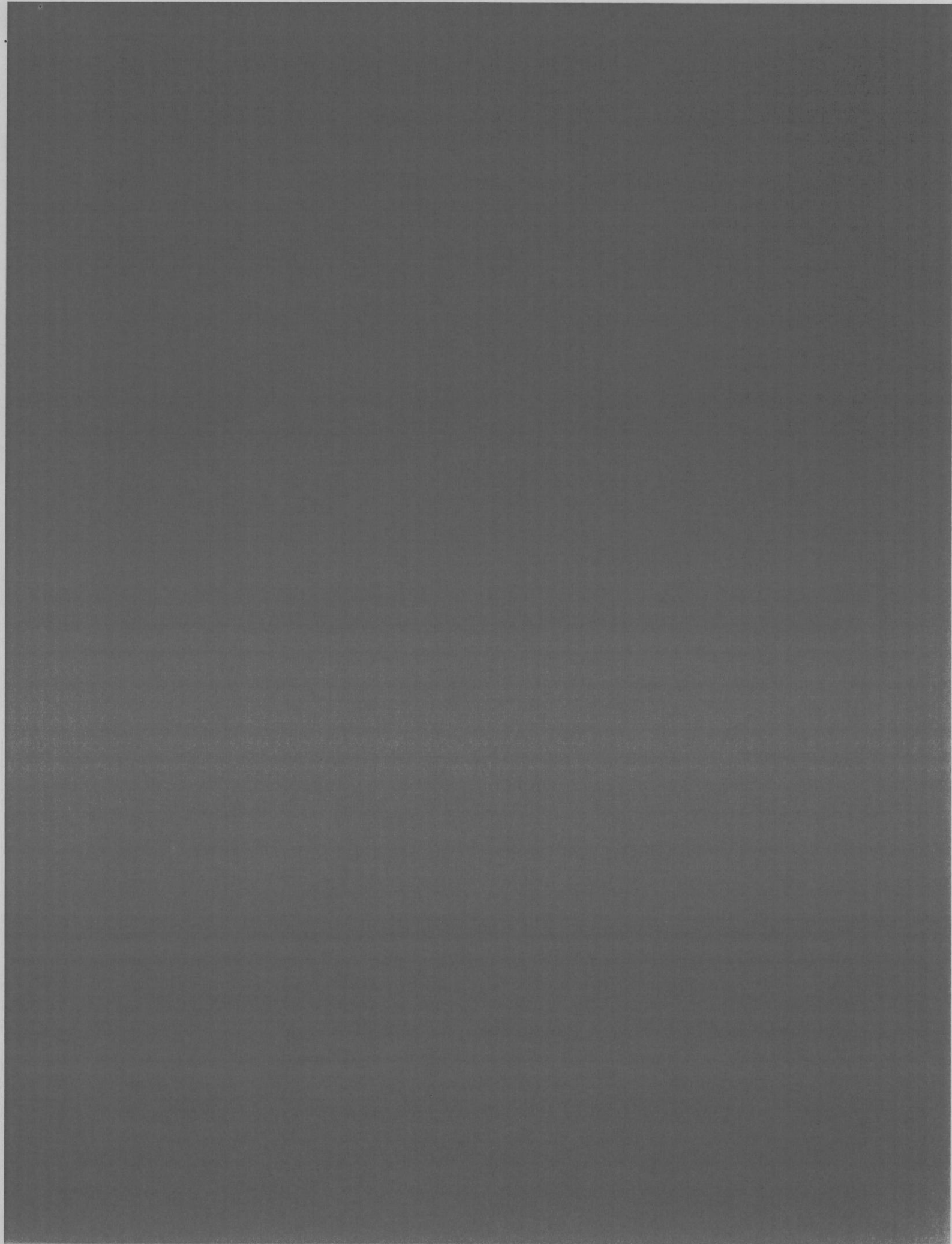
The undersigned hereby certifies that on December 5, 2017, a copy of the foregoing Disciplinary Complaint was deposited in the United States Mail, certified, postage prepaid to:

Bradley C. Crosley
Crosley Legal, LLC
936 Ironwood Drive
Carmel, IN 46033

David J. Beach
Eichhorn & Eichhorn, LLP
200 Russell Street
6th Floor
Hammond, IN 46320



G. Michael Witte
Attorney No. 1949-15
Executive Director
Indiana Supreme Court Disciplinary Commission
251 North Illinois Street, Suite 1650
Indianapolis, Indiana 46204
(317) 232-1807



In the
Indiana Supreme Court



In the Matter of: Bradley C. Crosley,
Respondent

Supreme Court Case No.
29S00-1712-DI-717

**Published Order Approving Statement of Circumstances and
Conditional Agreement for Discipline**

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), the Indiana Supreme Court Disciplinary Commission and Respondent have submitted for approval a "Statement of Circumstances and Conditional Agreement for Discipline" stipulating agreed facts and proposed discipline as summarized below:

Stipulated Facts: In 2015, Respondent entered into an "of counsel" relationship with a Texas law firm, Eastman Meyler, PC, d/b/a WipeRecord, which marketed various "criminal record removal services" nationwide. Under this contractual relationship, Eastman Meyler would generate customer leads, enter into representation agreements with clients, and provide all document preparation and processing, customer service, billing, and client management. Respondent, in turn, would "render only the legal services . . . which specifically require a license to practice law in Indiana."

In sum, an Eastman Meyler attorney performed substantially all the work on cases. Typically, Respondent had no communication with Eastman Meyler's Indiana clients, either before or after those clients had entered into representation agreements with Eastman Meyler. Respondent's role in these cases largely involved reviewing and signing documents that were prepared and filed by Eastman Meyler. Respondent entered appearances on behalf of 57 of Eastman Meyler's Indiana clients. No attorneys from Eastman Meyler petitioned for temporary admission in any of these Indiana expungement cases.

Leah Stein, an Eastman Meyler attorney who was not admitted in Indiana, performed the work and filed the pleadings in two particular expungement cases filed in Tippecanoe County. In each of those cases, Stein held herself out to the court and to opposing counsel as an attorney on the case. Respondent initially was unaware of this because he was not properly supervising Stein's actions. When Respondent eventually did become aware of Stein's actions, Respondent immediately acknowledged the error and apologized to the court, and he promptly contacted the managing partner of Eastman Meyler to ensure this would not happen again. Respondent later terminated his affiliation with Eastman Meyler after ensuring that all pending client matters had been resolved.

The parties do not cite any facts in aggravation. The parties cite the following facts in mitigation: (1) Respondent has no prior discipline; (2) each of Respondent's clients received the expungements they were seeking; and (3) Respondent took prompt corrective measures upon learning of the problems with his arrangement with Eastman Meyler.

Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

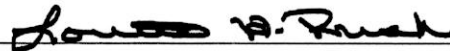
- 1.4(a)(2): Failing to reasonably consult with a client about the means by which the client's objectives are to be accomplished.
- 5.4(c): Permitting a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.
- 5.5(a): Assisting in the unauthorized practice of law.

Discipline: The parties propose the appropriate discipline is a suspension of 30 days with automatic reinstatement. The Court, having considered the submissions of the parties, now approves the agreed discipline.

For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law in this state for a period of 30 days, beginning July 31, 2018.** Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). At the conclusion of the period of suspension, provided there are no other suspensions then in effect, Respondent shall be automatically reinstated to the practice of law, subject to the conditions of Admission and Discipline Rule 23(18)(a).

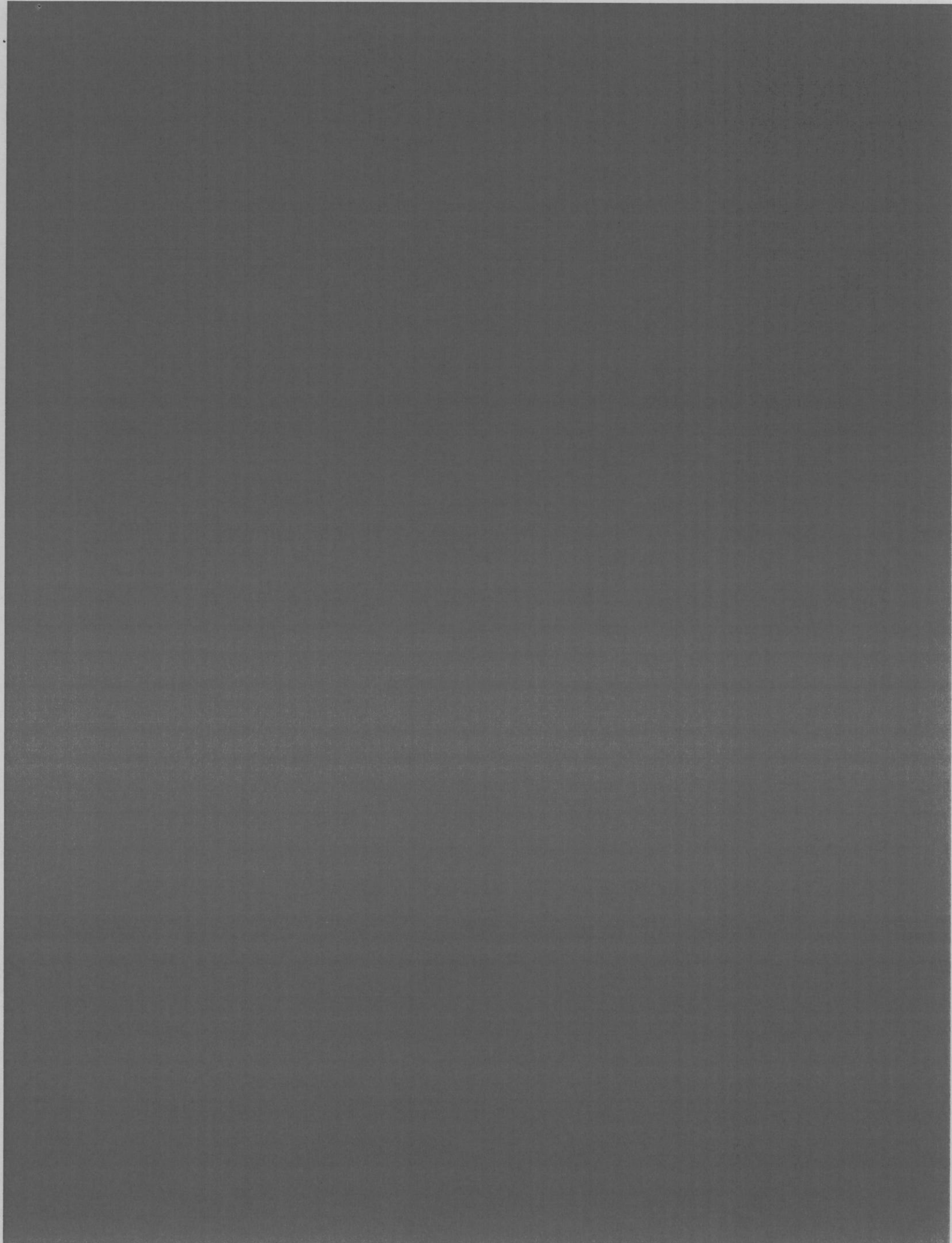
The costs of this proceeding are assessed against Respondent. With the acceptance of this agreement, the hearing officer appointed in this case is discharged.

Done at Indianapolis, Indiana, on 6/19/2018.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.



West's Annotated Indiana Code
Title 34 Court Rules (Civil)
State Court Rules (Civil)
Rules of Professional Conduct
Law Firms and Associations

Rules of Prof. Conduct, Rule 5.5

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

Currentness

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer who is not admitted to practice in this jurisdiction, but is admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires temporary admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer who is not admitted to practice in this jurisdiction, but is admitted in another United States jurisdiction, or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction if:

(1) the lawyer does not establish an office or other systematic and continuous presence in this jurisdiction for the practice of law and the legal services are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires temporary admission; or

(2) the services are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Credits

Adopted effective January 1, 1987. Amended effective January 1, 2005; January 1, 2013.

Rules of Prof. Conduct, Rule 5.5, IN ST RPC Rule 5.5

Current with amendments received through December 1, 2018

(Do not write above this line.)

In the Matter of: BRADLEY CHRISTOPHER CROSLEY	Case Number(s): SBC-19-J-30083
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REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department are vacated.

On page 12 of the Stipulation, in the caption, above "18-J-18299," "SBC-19-J-30083" is inserted.

On page 12 of the Stipulation, in the caption, following "18-J-18299," "(OCTC Case Number)" 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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

March 28, 2019

Date


YVETTE D. ROLAND
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 Court Specialist 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 March 28, 2019, 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:

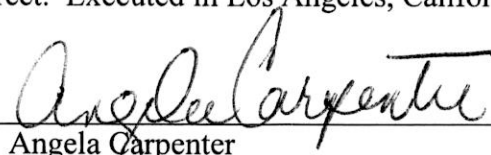
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JESSICA L. BECKWITH
LEWIS BRISBOIS BISGAARD & SMITH LLP
2929 N CENTRAL AVENUE
STE 1700
PHOENIX, AZ 85012 2761

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

SCOTT D. KARPFF, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 28, 2019.



Angela Carpenter
Court Specialist
State Bar Court