


<p>Counsel for the State Bar Esther Rogers, No. 148246 Office of Chief Trial Counsel The State Bar of California 180 Howard Street, 7th Floor San Francisco, CA 94105 (415)538-2445</p>	<p>Case number(s) 95-0-17779</p> <p>kwiktag® 031 974 774</p> 	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED <i>pm</i></p> <p>DEC 15 2003</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent Jerome Fishkin 369 Pine Street #627 San Francisco, CA 94104 (415)403-1300</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>FIRST AMENDED STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of SILAS CRAIG MCHENRY</p> <p>Bar # 66791</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 15, 1975
(date)
- (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 and order consist of 13 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) 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.
- (7) 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 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:

(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances [for definition, see Standards for Attorney Sections for Professional Misconduct, standard 1.2(b).] Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(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 or under "Prior Discipline".

(2) Dishonesty: Respondent's misconduct was 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. **See attached**

(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.

(7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See attached**

(8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see Standard 1.2(e).] 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. See attached
- (2) No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
See attached
- (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. See attached
- (7) Good Faith: Respondent acted in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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:

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of two (2) years

- 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 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of two (2) years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of one (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 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- 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 shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. The first report would cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.

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

- (5) Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (10) Other conditions negotiated by the parties:
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Silas Craig McHenry

CASE NUMBER(S): 95-O-17779

FACTS AND CONCLUSIONS OF LAW.

Count One

Facts

In August 1982, respondent filed for a Chapter 11 bankruptcy on behalf of Ed and Frances Hood. The Hoods owned a logging company named Hood Logging. Respondent was counsel of record to the Hoods through the conclusion of bankruptcy, when the final decree was issued on April 18, 1991.

In or about 1985, respondent and the Hoods entered into an oral agreement that respondent would act as the business manager for Hood Logging. In exchange for these services, respondent initially was to be paid \$1,500 per month.

Respondent failed to fully disclose and transmit in writing the terms of the business relationship. He also failed to advise the Hoods in writing that they may seek the advice of independent counsel, and failed to obtain the Hoods' written consent to the arrangement.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the business relationship, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the arrangement.

Count Two

Facts

In or about early 1986, the Hoods determined that they required an additional tractor so that they would have the ability to run two logging sites. Respondent and the Hoods agreed that respondent would purchase a used tractor and then lease it back to the Hoods. The Hoods understood they would make monthly payments to respondent that would total only the principal and interest payments respondent was required to make on the tractor. On or about April 26, 1986, respondent purchased the tractor for \$33,920. The title of the tractor was held by Sierra Valley Land and Timber ("SVLT"), a company for which respondent was the president.

Respondent leased the tractor to the Hoods from 1986 through 1988 at rate of \$5,250 per month. Between 1986 and 1988, the Hoods paid SVLT \$70,250 for the tractor. At no time, did

ever disclose to the bankruptcy court that he had entered into a business relationship with his client.

According to forensic accountant Michael Ueltzen, CPA, the fair market rental value of the tractor was \$1,650. Respondent charged the Hoods \$5,250 per month for the tractor. Ueltzen determined that the Hoods paid \$196,857 from 1986 through 1988 for a tractor that respondent paid \$33,920.

Respondent asserts that the transaction is fair because according to an independent appraiser, the rate respondent charged the Hoods was fair market value.

Respondent failed to disclose and transmit in writing the terms of the business relationship between the Hoods and SVLT. He also failed to advise the Hoods in writing that they may seek the advice of independent counsel, and failed to obtain the Hoods' written consent to the arrangement.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the business relationship, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the arrangement.

Count Three

Facts

Initially, Respondent directed the Hoods to make the tractor lease payments to a company entitled CTI. CTI was a company formed by respondent's friend, Steve Hansen. CTI purchased used shop equipment from Lear Aviation and then resold it at a profit. Respondent also provided legal advice to Hansen.

Between 1986 and 1988, the Hoods made payments totalling \$59,137 to CTI. CTI then forwarded the rental payment to SVLT. The payments created a cash stream for CTI, enabling it to obtain the loans it required to buy the used equipment from Lear Aviation.

Respondent never disclosed to the Hoods that he was also the lawyer for CTI and never obtained the Hoods written consent to represent them at the same time he represented CTI.

Conclusions of Law

Respondent violated Rules of Professional Conduct, rule 3-310(B)(1), by failing to disclose in writing the actual or reasonably foreseeable adverse consequences to the Hoods of his representation of representing both CTI and the Hoods and failed to obtain the Hoods' written consent to the representation following written disclosure.

Count Four

Facts

In or about 1987, respondent and Hansen formed a company called Lahontan. In or

about fall 1987, CTI wound down its business and transferred its assets to Lahontan. Lahontan then sold the assets it received from CTI to the Hoods for \$25,264. Respondent failed to make any disclosures to the Hoods, failed to advise them to seek independent counsel and failed to obtain their written consent to the transaction.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the business relationship, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the arrangement.

Count Five

Facts

In approximately 1987, the Hoods were at risk of losing some property in Long Valley because the Hoods were delinquent on the loan for which the Long Valley property was used as collateral. Jim Rowlette, an acquaintance of the Hoods, agreed to purchase the property and the Hoods agreed to lease the property back from Rowlette for \$500 a month. Respondent structured the arrangement so that the Hoods made the payments to Lahontan, which in turn made the payments to Rowlette. This structure permitted Lahontan to demonstrate a cash flow.

Respondent failed to disclose in writing the terms of the transactions, failed to advise the Hoods in writing that they could seek the advice of independent counsel and failed to obtain the Hoods' written consent to the transactions.

Conclusions of Law.

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the transactions, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the transactions.

Count Six

Facts

On or about May 12, 1986, respondent purchased the Bank of America building in Loyalton, CA in Sierra County. Title was held on the name of SVLT. In 1991, respondent moved the Hooding Logging business operations to the Bank of America building. Thereafter, he charged Hood Logging \$500 per month for rent from 1991 to 1993.

Respondent failed to disclose in writing the terms of the transactions, failed to advise the Hoods in writing that they could seek independent counsel and failed to obtain the Hoods written consent to the transactions.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the

transactions, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the transactions.

Count Seven

Facts

In or about November 1993, respondent and the Hoods entered into an oral agreement to purchase three parcels of land by assuming the existing note. Two of the parcels were undeveloped and the third parcel was developed. Both respondent and the Hoods each agreed to contribute \$38,116. Respondent contends that his portion was paid from Hood Logging money that he was owed. Respondent has no documents to verify this claim and did not obtain the written consent of the Hoods to use Hood Logging money to fund his share of the payment.

The Hoods understood that the agreement was that the Hoods and respondent each would own one half of each of the three parcels. However, respondent placed the title of the developed parcel in his name and title of the two undeveloped parcels in the Hoods' name.

The Hoods' expert has apportioned the value of the two undeveloped parcels at 25% of the total value of the properties and the developed parcel at 75% of the value. Respondent asserts that the distribution was 58% to respondent and 42% to the Hoods. Respondent further asserts that the transaction was fair based upon an independent appraisal as well as the asking price that the Hoods placed on the properties when they put them on the market.

Respondent failed to disclose in writing the terms of the transaction, failed to advise the Hoods that they could seek the advice of independent counsel and failed to obtain their written consent to the transaction.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the business relationship, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the arrangement.

Count Eight

Facts

On or about November 15, 1998, respondent claims he purchased 160 acres of the Wiley Ranch. The Hoods contend that respondent purchased the 160 acres on their behalf. On or about October 27, 1987, respondent claims he purchased an additional 240 acres of the Wiley Ranch. The Hoods contend that respondent purchased the additional 240 acres on their behalf.

On or about June 9, 1988, respondent and the Hoods entered into a written lease agreement, wherein the Hoods leased both parcels of property from respondent. The agreement required the Hoods to make semi-annual payments equal to the mortgage, property tax and insurance payments for that same time period.

Respondent failed to disclose in writing the terms of the transaction, failed to advise the Hoods that they could seek the advice of independent counsel and failed to obtain their written

consent to the transaction.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the transactions, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the transactions.

Count Nine

Facts

On or about November 10, 1992, respondent received a loan from Hood Logging for \$6,100. On or about August 2, 1993, respondent received a loan from Hood Logging for \$2,000. On or about August 20, 1993, respondent received a loan from Hood Logging for \$1,800. On or about December 9, 1993, respondent received a loan from Hood Logging for \$3,000. The Hoods contend that respondent took out these loans with their knowledge or permission. Respondent contends that the Hoods gave respondent implied consent and were aware of the transactions. Respondent had access to the funds because of his role as Hood Loggings' business manager. Respondent contends that he paid the loans back. The loans were unsecured.

Respondent also failed to disclose in writing the terms of the transaction, failed to advise the Hoods that they could seek the advice of independent counsel and failed to obtain their written consent to the transaction.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the business relationship, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the arrangement.

Count Ten

Facts

On or about October 27, 1994, respondent prepared incorporation documents for an entity entitled E.L. Hood Company, Inc. Respondent listed himself on the documents as an officer and shareholder of the corporation. On or about December 8, 1994, respondent prepared a Corporate Officers and Directors Exclusion Letter to be filed with the State Compensation Insurance Fund. In the letter, respondent listed himself as the Chief Financial Officer and as having a one-third interest in the company. The Hoods contend that respondent listed himself as an officer and shareholder, as the CFO and as having a one-third interest without their knowledge or permission.

Respondent failed to disclose in writing the terms of the transaction, failed to advise the Hoods that they could seek the advice of independent counsel and failed to obtain their written consent to the transaction.

Conclusions of Law

By engaging in the foregoing conduct, respondent wilfully violated Rules of Professional Conduct, rule 3-300, by failing to fully disclose and transmit in writing the terms of the transactions, failing to advise the Hoods in writing that they may seek the advice of independent counsel and failing to obtain the Hoods' written consent to the transactions.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was October 23, 2003.

AGGRAVATING CIRCUMSTANCES.

Pattern of Misconduct. Standard 1.2(b)(i). Respondent engaged in a pattern of misconduct by entering into several business transactions for his clients. Many of the transactions benefitted respondent by permitting him to show cash streams for his various businesses.

Harm to Client. Standard 1.2(b)(iv). The Hoods were forced to sue respondent to recover the property that respondent placed in respondent's name.

MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline. Standard 1.2(b)(i). Respondent has been admitted since 1975 and has no prior record of discipline.

Candor and Cooperation. Standard 1.2(e)(v). Respondent agreed to the imposition of discipline without requiring a hearing.

Delay. Standard 1.2(e)(ix). The civil lawsuit between the Hoods and respondent settled in 1998, when the State Bar was shut down. After the settlement, some of respondent's files were destroyed or lost as a result of the delay. Therefore, respondent was prejudiced as a result of the State Bar's delay in prosecuting this matter.

11-12-03
Date

S. Craig McHenry
Respondent's signature

Silas Craig McHenry
print name

11/17/03
Date

[Signature]
Respondent's Counsel's signature

Jerome Fishkin
print name

11/18/03
Date

Esther Rogers
Deputy Trial Counsel's signature

Esther Rogers
print name

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.

On page 9, Count Seven, third paragraph of the Statement of Facts, the second sentence shall be deleted and replaced with:
"Respondent asserts that the distribution was 42% to Respondent and 58% to the Hoods."

On page 10, Count Nine, under facts, line 5, the word "with" shall be changed to "without."

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 135(b), 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 953(a), California Rules of Court.)

12-15-03
Date

[Signature]
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 San Francisco, on December 15, 2003, 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 San Francisco, California, addressed as follows:

JEROME FISHKIN
369 PINE ST #627
SAN FRANCISCO CA 94104

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

ESTHER ROGERS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **December 15, 2003.**



Bernadette C. O. Molina
Case Administrator
State Bar Court