


ORIGINAL

<b>Counsel for the State Bar</b> THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT WILLIAM F. STRALKA, #056147 1149 S. Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1091	<b>Case number(s)</b> 99-O-12057-AIN  <b>PUBLIC MATTER</b>  kwiktag® 035 115 351 	<b>(for Court's use)</b>  <b>FILED</b>  DEC 15 2003  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<b>Counsel for Respondent</b> MICHAEL E. WINE 3218 E. Holt Ave., #100 West Covina, CA 91791 Telephone: (626) 858-0602	<b>Submitted to</b> <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  ACTUAL SUSPENSION  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of</b>  MICHAEL BERNARD TAGGART,  Bar # 123638, A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 17, 1986  
(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:  
2005, 2006, and 2007.  
(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 Sales 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.

(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.

(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.~~
- (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.
- (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 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: comply with accounting ordered by San Diego Superior Court in case no. P171050, and pays any

B. The above-referenced suspension shall be stayed. restitution ordered by the Court in that case both within one year of the effective date of discipline in this case.

2. Probation.

Respondent shall be placed on probation for a period of three (3) 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 nine (9) months

☐ 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 covering the preceding calendar quarter. If 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 checked="" 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.

In the Matter of

Case Number(s):

MICHAEL BERNARD TAGGART

99-0-12057-AIN

A Member of the State Bar

Financial Conditions

Patricia Fitzpatrick Finn Trust

- a. ☒ Respondent shall pay restitution to dated August 5, 1994 [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) as determined in case no. P17150, plus 10% interest per annum accruing from 01-01-96 or as ordered by the, and Probate provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel, Court, and ☒ no later than one year after the effective date of discipline or imposed in this case by the California Supreme Court. ☐ on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b. ☒ 1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
  - b. respondent has kept and maintained the following:
    - i. a written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c. ☒ Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Financial Conditions form approved by SBC Executive Committee 10/16/00)

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: MICHAEL B. TAGGART

CASE NUMBER(S): 99-O-12057-AIN

**FACTS AND CONCLUSIONS OF LAW:**

Respondent admits that the following facts are true and that he is culpable of violation(s) of the specified statute(s) and/or Rules of Professional Conduct.

**FACTS:**

**CASE NO. 99-O-12057-AIN**

1. On August 5, 1994, Patricia Finn ("Finn") executed a trust drawn by attorney Nancy Ewin ("Ewin"), naming Respondent as trustee of the Patricia Fitzpatrick Finn Trust (the "Finn Trust"). Respondent acted as trustee for the Finn Trust from August 5, 1994, and he was not removed as trustee. As trustee, Respondent controlled and was responsible for trust assets of \$100,640.79.

2. On July 22, 1994, in anticipation of being appointed trustee of the Finn Trust, Respondent received a check from J.J. B. Hilliard, W.L. Lyons, Inc. payable to Patricia Finn, Taggart & Associates in the amount of \$25,000, which Respondent deposited into his client trust account ("CTA") at Union Bank on July 28, 1994. Respondent was to hold the funds in trust for the Finn Trust.

3. On December 1, 1994, in his capacity as trustee of the Finn Trust, Respondent received a check from J.J. B. Hilliard, W.L. Lyons, Inc. payable to Patricia N. Finn c/o Mike Taggart & Associates in the amount of \$32,549.41, which Respondent deposited into his CTA account #0061321154 at Union Bank on December 14, 1994. Respondent was to hold the funds in trust for the Finn Trust.

4. On December 14, 1995, in his capacity as trustee of the Finn Trust, Respondent received a check from the Estate of John B. Fitzpatrick payable to Patricia Finn in the amount of \$43,091.38, which Respondent deposited into this CTA at Union Bank on January 5, 1996. Respondent was to hold the funds in trust for the Finn Trust.

5. On April 3, 1997, the attorney for the Finn Trust, Ewin, requested Respondent to prepare an accounting of his administration of the Finn Trust assets from August 4, 1994, to April 1, 1997. Respondent failed to render an accounting of the Finn Trust assets to Ewin, despite her request.

6. On October 6, 1997, on behalf of the Finn Trust, Ewin filed a Petition to Compel Trustee to Account with the San Diego Superior Court, case no. P171050. On December 4, 1997, the court ordered Respondent to render an accounting of the Finn Trust assets to Ewin on or before February 2, 1998. On December 10, 1997, Ewin's office properly served Respondent by mail with notice of the court's order for accounting at Respondent's then State Bar membership records address.

7. On February 5, 1998, on behalf of the Finn Trust, Ewin filed Amendment No. 2 to Petition to Compel Trustee to Account. Therein, Ewin asked the court to order Respondent to explain why he could not turn over the Finn Trust assets. On February 5, 1998, Ewin's office properly served Respondent by mail with Amendment No. 2 at Respondent's then State Bar membership records address.

8. On February 19, 1998, a bench warrant was issued for Respondent on the court's motion for failure to render an accounting to Ewin on or before by February 2, 1998, as ordered by the court on December 4, 1997.

9. On March 10, 1998, the Court's bench warrant issued February 19, 1998, was recalled. Respondent was present in court where he was ordered by the court to prepare an accounting of the Finn Trust assets and to send a copy to Ewin, and if there were no objections by Ewin, the accounting was to be filed with the court. Respondent was ordered by the court to appear on May 5, 1998, in the Finn Trust matter.

10. On May 5, 1998, Respondent appeared in court and was ordered by the court to file an accounting of the Finn Trust assets by June 2, 1998.

11. On June 2, 1998, Ewin appeared before the court by telephone and it was ordered by the court that the Respondent file an accounting of the Finn Trust assets by June 12, 1998. The case was continued to July 7, 1998.



12. On July 7, 1998, Ewin appeared in court on behalf of the Finn Trust. Respondent did not appear. The court ordered a citation to be issued for Respondent.

13. On July 22, 1998, the court ordered the court clerk to issue a citation requiring Respondent to file an accounting in the Finn Trust and answer why he should not be removed as trustee of the Finn Trust and ordering him to appear in court on August 18, 1998.

14. On August 18, 1998, Ewin appeared in court and informed the court that the citation ordered July 7, 1998, could not be served by mail. The court ordered a new citation repeating the same orders as the court previously ordered on July 22, 1998, and continued the case to September 22, 1998.

15. On September 22, 1998, the court approved service by publication by Ewin of the citation approved by the court in the Finn Trust case on August 18, 1998, and continued the case to November 17, 1998. On September 29, 1998, the court ordered service of the citation on Respondent by publication followed by a Nunc Pro Tunc order correcting the original Order for Issuance of Citation to correct errors. An additional Order for Issuance of Citation was made by the court on October 7, 1998, and published on October 13, 1998, October 20, 1998, October 27, 1998, and November 3, 1998. The Order required Respondent to appear in court on November 17, 1998.

16. On November 17, 1998, Respondent failed to appear in court in the Finn Trust matter and the court issued a bench warrant for Respondent on its own motion.

17. Respondent failed to file an accounting of the Finn trust assets as ordered by the court on December 4, 1997, March 10, 1998, May 5, 1998, June 2, 1998, July 22, 1998, August 18, 1998, and continued to fail to account to the Finn Trust despite the court orders to file an accounting.

18. Respondent is, or was, in possession of the trust funds from the Finn Trust as trustee of the trust. Without the accounting of the trust funds to the Probate Court, the true and correct status of the trust cannot be established.

19. Respondent did ultimately provide a partial accounting to the State Bar which sets out monies received and expenditures made by Respondent as Trustee on behalf of Patricia Finn, however, Respondent cannot account for all of Patricia Finn's funds, and those unaccounted for funds are not held in trust by Respondent.

20. Respondent's failure to fully account for the Finn Trust funds which were in his possession and control, and his failure to turn over or account for Finn's funds to the Finn Trust as ordered by the Probate Court, constitutes a mishandling of entrusted funds.

21. Respondent, having agreed to act as trustee for the Finn Trust, accepted fiduciary responsibilities as to the Finn Trust and is held to the same fiduciary duties as if there were an attorney-client relationship.

22. As trustee of the Finn Trust, Respondent had a duty to account for trust assets.

23. Respondent failed to file an accounting of the Finn Trust assets with the court and submit it to Ewin, as ordered by the court.

### **CONCLUSIONS OF LAW:**

Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by failing to maintain all of the trust funds from the Finn Trust in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

Respondent wilfully violated Business and Professions code section 6103 by wilfully disobeying or violating an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear.

### **SUPPORTING LAW:**

*In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47.

Through gross negligence, but without dishonest intent, respondent misappropriated more than \$12,000 held in trust for a client, and failed to comply with other trust fund responsibilities to the client. In another matter, respondent failed to communicate with the client, and did not bring the client's case to trial within the five-year statutory deadline. The review department recommended that respondent be suspended for three years, stayed, and be placed on probation for three years on conditions including ninety days actual suspension.

*In the Matter of Lantz* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 126.

The review department found respondent culpable of professional misconduct in four matters involving misappropriation of funds through gross neglect, withholding an illegal fee, recklessly incompetent performance of services, failure to return promptly unearned fees and failure to render an appropriate accounting, failure to obey a court order, and recommended that he be suspended for two years and until he proves rehabilitation, that his suspension be stayed, and that he be placed on two years probation on conditions including actual suspension for one year and until he makes restitution to one client.

**DISMISSALS:**

Pursuant to Rules of Procedure of the State Bar of California, rule 261(e), the State Bar stipulated to dismiss the following counts: Formal Case No. 99-O-12057, count 1 and 4.

**PENDING PROCEEDING:**

The disclosure date referred to on page one, Paragraph A.(6), was November 19, 2003.

**COSTS OF DISCIPLINARY PROCEEDINGS:**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of November 13, 2003, the estimated prosecution costs in this matter are approximately \$5,270.30. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. 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.

**V:\CTC\Staff\Trial Unit 2\William Stralka\Taggart\Taggart.stipatt.wpd**

In the Matter of  
**MICHAEL BERNARD TAGGART**  
 A Member of the State Bar

Case Number(s):  
 99-O-12057-AIN

# **NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

Bus. & Prof. Code §6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

(a) Admission of culpability.

(b) Denial of culpability.

(c) **Nolo contendere**, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

## **RULE 133, Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition shall set forth each of the following: . . .

(5) a statement that respondent either

(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

(ii) pleads nolo contendere to those facts and violations. If the respondent pleads nolo contendere, the stipulation shall include each of the following:

(a) an acknowledgment that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and

(b) if requested by the Court, a statement by the deputy trial counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter. (emphasis supplied)


I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code §6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea shall be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

Date 12/3/03 Signature [Signature] print name MICHAEL B TAGGART

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/97)

Page 12

12/1/03  
Date

  
Respondent's signature

MICHAEL BERNARD TAGGART  
print name

12/3/03  
Date

  
Respondent's Counsel's signature

MICHAEL E. WINE  
print name

12-8-03  
Date

  
Deputy Trial Counsel's signature

WILLIAM F. STRALKA  
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:

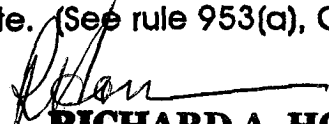
- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

Pursuant to stipulation entered into at a status conference, page 11 of the Stipulation, under "DISMISSALS" is modified, as follows:

1. rule 261(e) is corrected, to be "262(e)(1)"; and,
2. on oral motion of the Deputy Trial Counsel and the Court finding good cause, Counts 1 and 4 are dismissed with prejudice.

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.)

12/12/03  
Date

  
**RICHARD A. HONN**  
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 Los Angeles, 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, filed December 15, 2003**

in a sealed envelope for collection and mailing on that date as follows:

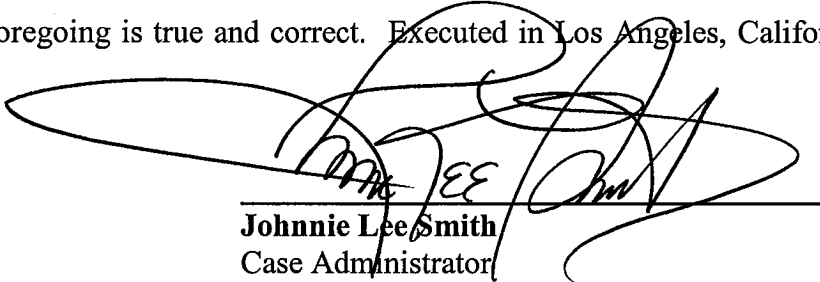
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL E WINE  
ATTORNEY AT LAW  
3218 E HOLT AVE #100  
WEST COVINA CA 91791**

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

**William Stralka, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 15, 2003.



**Johnnie Lee Smith**  
Case Administrator  
State Bar Court