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**State Bar Court of California**  
**Hearing Department**  
**San Francisco**

**PUBLIC MATTER**

|   |  |   |
|---|--|---|
| <b>Counsel For The State Bar</b><br><br>Esther Rogers<br>Deputy Trial Counsel<br>180 Howard Street<br>San Francisco, CA 94105<br>(415) 538-2258<br><br>Bar # 148246 | <b>Case Number (s)</b><br>03-O-4105 [07-O-13013,<br>08-O-10210,08-O-11310,<br>09-O-11094,09-O-11172,<br>09-O-14968,09-O-14970,<br>09-O-15054,09-O-15055,<br>09-O-15574,09-O-15606,<br>09-O-16368,09-O-16377,<br>09-O-16403,09-O-16603,<br>09-O-16658,09-O-16659,<br>09-O-16660,09-O-16808,<br>09-O-16868,09-O-17215,<br>09-O-17301,09-O-17384,<br>09-O-17385,09-O-17744,<br>09-O-17745,09-O-17760,<br>09-O-18006,09-O-18651,<br>09-O-18873,10-O-151] | <b>(for Court's use)</b><br><br><br><p align="center"><b>FILED</b> <i>slc</i></p> <p align="center">MAR 22 2010</p> <p align="center">STATE BAR COURT CLERK'S OFFICE<br/>         SAN FRANCISCO</p> |
| <b>In Pro Per Respondent</b><br><br>James Alan Walker<br>P.O. Box 850<br>Roseville, CA 95661<br><br>Bar # 152261  | <b>Submitted to: Assigned Judge</b><br><br>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND<br>DISPOSITION AND ORDER APPROVING<br><br><p> <input checked="" type="checkbox"/> <del>ACTUAL SUSPENSION</del>     <b>DISBARMENT</b> </p> <p> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED       </p>  |   |
| <b>In the Matter Of:</b><br>James Alan Walker<br><br>Bar # 152261<br><br>A Member of the State Bar of California<br>(Respondent)                                    |  |   |

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 5, 1991.
- (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 11 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ineligible to seek reinstatement
- ☒ 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~~ until he pays all disciplinary costs pursuant to rule 662(c),
- ☐ costs to be paid in equal amounts prior to February 1 for the following membership years: Rules of Procedure (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions 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.
- (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. As to the clients owed a refund of unearned fees, respondent's failure to provide the refund demonstrates a lack of atonement for the consequences of his 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.

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- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. Respondent ceased performing legal services for clients in at approximately 70 or more matters.
- (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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent cooperated fully with the State Bar in reaching this stipulation and in attempting other avenues for resolving these complaints.
- (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.

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- (13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances

**D. Discipline: Disbarment**

  
Respondent's Signature

~~(1) ☐ Stayed Suspension:~~

~~(a) ☐ Respondent must be suspended from the practice of law for a period of~~

~~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 as set forth in the Financial Conditions form attached to this stipulation.~~

~~iii. ☐ and until Respondent does the following:~~

~~(b) ☐ The above referenced suspension is stayed.~~

~~(2) ☐ Probation:~~

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

~~(3) ☐ Actual Suspension:~~

~~(a) ☐ Respondent must be actually suspended from the practice of law in the State of California for a period of \_\_\_\_\_~~

~~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 as set forth in the Financial Conditions form attached to this stipulation.~~

~~iii. ☐ and until Respondent does the following:~~

**E. Additional Conditions of Probation:**

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☐ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☐ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

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information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) ☐ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☐ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: Disbarment.
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☒ No MPRE recommended. Reason: Respondent will be required to take and pass the MPRE as a condition of reinstatement (see rule 9.10(f), California Rules of Court).

- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☒ **Other Conditions:** See stipulation attachment.

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

IN THE MATTER OF:                      James Alan Walker

CASE NUMBER(S): ET AL.              03-O-04105, et al.

**FACTS AND CONCLUSIONS OF LAW.**

**In the Matter of James Alan Walker**

**Case Number(s): All Captioned Matters**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct:

**Statement of Admitted Facts—All Captioned Matters**

1. Respondent, whose office was located in Roseville, California, offered Medi-Cal and estate planning services. Respondent charged his clients an advanced fee for most services.
2. On August 14, 2009, respondent filed for bankruptcy and listed all of his prior and existing clients as creditors. At the time respondent filed for bankruptcy, he had approximately 70 or more clients whose matters were still in process. (Some, but not all, of the approximately 70 or more clients are identified in attached Exhibit 1.) Each of these clients paid respondent an advanced flat fee for Medi-Cal or estate planning services.
3. At the time that respondent filed for bankruptcy, he ceased providing services to these approximately 70 or more clients whose matters were still in process.
4. Respondent ceased providing services because he was unable to handle the large volume of cases and had insufficient financial resources to hire additional personnel.
5. At the time that respondent ceased providing services, he had not completed the services he promised to provide to the approximately 70 or more clients whose matters were still in process.
6. At the time that respondent ceased providing services, respondent owed some clients a refund of unearned fees since he had only partially performed services for which the clients had paid.
7. Except as noted, attached Exhibit 1 identifies the now-pending State Bar disciplinary matters by complainant name, State Bar case number, date of respondent's retention, and amount of

advance fee paid to respondent in each matter. Except as noted, all of the complainants listed on Exhibit 1 were respondent's clients, each paid respondent an advanced flat fee for Medi-Cal and/or estate planning services, each alleges that respondent failed to provide the services for which they paid, and each alleges that they are owed a refund of the advanced fee paid. (The complainants in State Bar Case Nos. 03-O-04105 and 09-O-15606 are interested, non-client third parties who paid no fees to respondent but generally complained about respondent's provision of Medi-Cal and estate planning services.)

8. Respondent acknowledges that he owes some clients a refund of unearned fees but contends that he performed some services of value for many of the complainants listed on Exhibit 1.

9. The parties anticipate that the State Bar will receive additional similar complaints after the parties execute this stipulation alleging that the parties paid for services that respondent failed to provide.

#### **Conclusions of Law – All Captioned Cases**

10. Respondent recklessly failed to perform legal services with competence by accepting the flat advanced fee from the approximately 70 or more clients, promising to provide future Medi-Cal and estate planning services, and then failing to provide those services by declaring bankruptcy and ceasing to provide any services after he filed for bankruptcy. By doing so, respondent willfully violated Rules of Professional Conduct, rule 3-110(A).

11. Respondent failed to refund unearned fees by failing to refund the unearned portion of the flat advanced fee paid by some of his clients at the time he ceased performing legal services for the clients. By doing so, respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

12. Respondent engaged in a pattern of habitual disregard of the interests of his clients by accepting the upfront flat fee and failing to provide services to approximately 70 or more clients. Respondent engaged in an act of moral turpitude by habitually disregarding the interests of his clients, thereby willfully violating Business and Profession Code section 6106.

#### **PENDING PROCEEDINGS**

The disclosure date referred to, on page 2, paragraph A.(7), was February 8, 2010. There are no proceedings pending against respondent not resolved by this stipulation.



## **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 8, 2010 the costs in this matter are \$5,441.83. 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.

## **AUTHORITIES SUPPORTING DISCIPLINE**

Standard 2.4 provides that culpability of a member of a pattern of willfully failing to perform services shall result in disbarment. (And see, *In the Matter of Collins* (Rev. Dept. 1992) 2 Cal. State Bar Ct. Rptr. 1, 15-16, and cases cited therein.)

## **FINANCIAL CONDITIONS, RESTITUTION**

Prior to filing any Petition for Reinstatement, respondent must make restitution to the Client Security Fund if it has paid, in the principal amount paid plus interest at the rate of 10% per annum from the date paid, and furnish satisfactory evidence of restitution to the Office of Probation.

This stipulation does not preclude or stay the independent review and payment of applications for reimbursement filed against respondent, either by individuals identified in Exhibit 1 to this stipulation or otherwise, pursuant to the rules and regulations governing Client Security Fund proceedings.

## **INVOLUNTARY INACTIVE ENROLLMENT**

Respondent shall be transferred to involuntary inactive enrollment status under section 6007 (c)(4), and rule 220 (c) of the Rules of Procedure of the State Bar. The inactive enrollment will become effective upon approval of this stipulation by the Judge of the State Bar Court, or as otherwise provided by State Bar Court order.

### JAMES WALKER CLIENTS

| Client Name                       | Case Number | Date Retained           | Advanced Fee Paid                       |
|-----------------------------------|-------------|-------------------------|---|
| Aceituno, Thomas A.               | 09-O-15606  | N/A                     | N/A (Bankruptcy Trustee)                |
| Acuna, Frank R.                   | 08-O-10210  | October 2007            | 16,480.00                               |
| Adams, Trisha                     | 09-O-15574  | April 2009              | 4,495.00                                |
| Anderson, Othelia A.              | 09-O-16368  | 8/18/2009               | 14,975.00                               |
| Bagnall, Maxine                   | 09-O-16403  | 8/2/2007                | 8,775.00                                |
| Barnes, Sonia C.                  | 09-O-17745  | 4/26/02004              | 15,000.00                               |
| Bourdet, Gene                     | 09-O-17384  | 4/13/2004               | 19,500.00                               |
| Carvajal, Carlos, K.              | 09-O-16377  | September 2003          | 14,999.80                               |
| Clark, Joseph, D.                 | 09-O-18006  | 11/11/2006              | 17,500.00                               |
| Clark, Waman                      | 09-O-11172  | 10/7/2008               | 8,995.95                                |
| Cole, Prescott                    | 03-O-04105  | N/A                     | N/A (Attorney w/ Senior Care Advocates) |
| Dalton, Cheryl                    | 09-O-16659  | August 2007             | 16,000.00                               |
| Davis, Marcia L.                  | 09-O-16808  | August 2004             | 15,000.00                               |
| Grunberg, Diane                   | 09-O-15054  | July 2008               | 9,995.00                                |
| Hantke, Daulis G.                 | 09-O-16603  | 2008                    | 15,000.00                               |
| Lambert, Gerard                   | 09-O-17385  | 2007                    | 14,975.00                               |
| McAtee, William T.                | 09-O-17760  | 9/30/2003<br>10/02/2009 | 15,000.00                               |
| Martinez, Raul                    | 10-O-00151  | unknown                 | unknown                                 |
| Morgan, Donna                     | 09-O-17215  | 7/26/2008               | 9,995.00                                |
| Olesen, Kristen G.                | 09-O-17301  | 10/6/2007               | 21,975.00                               |
| Peter, Glenn T.                   | 09-O-16658  | 3/19/2007               | 14,975.00                               |
| Poll, Marnell M.                  | 09-O-18651  | August 2004             | 15,000.00                               |
| Purvis, Lynette                   | 09-O-15055  | June 2006               | 10,500.00                               |
| Salaiz, Louise                    | 09-O-17744  | 9/19/2003               | 15,000.00                               |
| Saylors, Denise M.                | 09-O-11094  | February 2007           | 6,842.25                                |
| Schulter, Dorothy                 | 09-O-14968  | 8/19/2006               | 19,975.00                               |
| Seller, Earl                      | 08-O-11310  | 2004                    | 18,450.00                               |
| Shaw, Carol, J.                   | 09-O-16660  | 5/23/2005               | 13,000.00                               |
| Survera, Nellie R.                | 07-O-13013  | 6/11/2007               | 18,775.00                               |
| Taylor, Christina                 | 09-O-16868  | 4/10/2008               | 16,490.00                               |
| Grieb, Ruth & Lee (Riess)         | 09-O-18873  | 9/1/2006                | 20,775.00                               |
| Schwartzwelder, Robert (Riess)    | 09-O-18873  | 9/1/2006                | 8,895.00                                |
| Darrow, Ralph & Jean (Riess)      | 09-O-18873  | 9/1/2006                | 20,975.00                               |
| Hill, Dennis & Linda (Riess)      | 09-O-18873  | 9/1/2006                | 6,741.00                                |
| Swanberg, Billie (Riess)          | 09-O-18873  | 9/1/2006                | 8,995.00                                |
| Allums, Flemon & Lelia (Riess)    | 09-O-18873  | 9/1/2006                | 18,250.00                               |
| Morrill, Lloyd (Riess)            | 09-O-18873  | 9/1/2006                | 19,500.00                               |
| Micallef, Kathleen (Riess)        | 09-O-18873  | 9/1/2006                | 15,000.00                               |
| Shimmon, Wallace & Bessie (Riess) | 09-O-18773  | 9/1/2006                | 20,985.00                               |
| Trusz, William & Sharon (Riess)   | 09-O-18873  | 9/1/2006                | 19,975.00                               |
| Whiting, Dortha L.                | 09-O-14970  | 1/16/2008               | 16,490.00                               |

**EXHIBIT**

1


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|                                       |                                       |
|---------------------------------------|---------------------------------------|
| In the Matter of<br>James Alan Walker | Case number(s):<br>03-O-04105, et al. |
|---------------------------------------|---------------------------------------|

### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

2-10-10  
Date

  
Respondent's Signature

James Alan Walker  
Print Name

2/22/10  
Date

Respondent's Counsel Signature

Esther Rogers  
Deputy Trial Counsel's Signature

Esther Rogers  
Print Name

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| In the Matter Of<br><br>James Alan Walker | Case Number(s):<br><br>03-O-04105, et al. |
|---|---|

### ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

On page 2 of the stipulation, at paragraph A.(8), all form and inserted language next to the box with the "X" is deleted and in its place is inserted, "The court recommends that costs be awarded to the State Bar."

The court also orders that respondent James Alan Walker be transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

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 9.18(a), California Rules of Court.)**

March 22, 2010  
Date

Patrice E. McElroy  
PATRICE E. MCELROY  
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 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 San Francisco, on, March 22, 2010, 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:

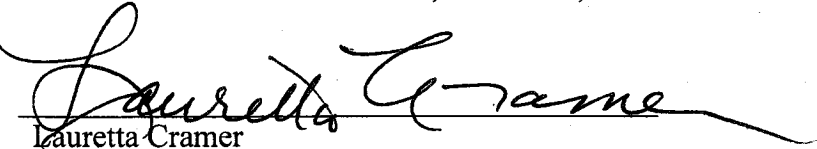
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JOHN C. MCCARRON  
STERN, VAN VLECK &  
MCCARRON, LLP  
925 L ST STE 850  
SACRAMENTO, CA 95814**

- ☒ 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 March 22, 2010.

  
Lauretta Cramer  
Case Administrator  
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 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 San Francisco, on March 24, 2010, 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:  
  
**JAMES A. WALKER**  
**PO BOX 850**  
**ROSEVILLE, CA 95661**
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ 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 March 24, 2010.



Bernadette C.O. Molina  
Case Administrator  
State Bar Court