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

<p>Counsel For The State Bar</p> <p>Susan I. Kagan Senior Trial Counsel 180 Howard St. San Francisco, CA 94105 (415) 538-2037</p> <p>Bar # 214209</p>	<p>Case Number(s): 13-O-17332</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p><i>10</i></p> <p>JAN - 8 2015</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Mark Whitney Lapham 751 Diablo Rd Danville, CA 94526 (925) 837-9007</p> <p>Bar # 146352</p>	<p>Submitted to: Settlement Judge</p> <p>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: MARK WHITNEY LAPHAM</p> <p>Bar # 146352</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 12, 1990**.
- (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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

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

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **91-C-02826 [S039373] See attachment at p. 8.**
 - (b) Date prior discipline effective **June 11, 1994**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Respondent was convicted of a felony for violating 10 United States Code sections 880, 881, 892, 933 and 934.**
 - (d) Degree of prior discipline **30-month actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See attachment at p. 9.**
- (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.

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Actual Suspension

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

Additional aggravating circumstances:

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

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

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Additional mitigating circumstances:

Prefiling Stipulation. See attachment at p. 9.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must 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 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

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

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.

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

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

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

(2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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

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

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

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
 - No MPRE recommended. Reason:

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- (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:**

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ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MARK WHITNEY LAPHAM

CASE NUMBER: 13-O-17332

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 13-O-17331 (Complainant: Donna S. Tamanaha)

FACTS:

1. Prior to January 20, 2011, brothers Hanif Shaikh ("Hanif") and Nasir Sheikh ("Nasir") owned and operated a motel in Vallejo, California ("Vallejo Property"). Thereafter, the brothers defaulted on the mortgage on the Vallejo Property. On January 20, 2011, the bank recorded a Notice of Default on the note.

2. On May 24, 2011, the Vallejo Property was transferred for no consideration from the Hanif Shaikh and Nasir Sheikh Family Partnership to Cairo Investments, another entity controlled by the brothers. On June 29, 2011, the bank transferred its interest under the Note and Deed of Trust and Assignment of Rents to DIVP Hospitality Vallejo ("DIVP"). It was recorded on July 8, 2011.

3. The foreclosure was scheduled to take place on August 18, 2011.

4. On August 17, 2011, an attorney representing Hanif filed a chapter 7 bankruptcy petition in *In re Hanif Shaikh*, U.S. Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 11-33038.

5. On August 19, 2011, DIVP filed an emergency motion for relief from the automatic stay. On August 25, 2011, the court issued an order stating that the automatic stay was not in effect because Hanif had no interest in the Vallejo Property. The court later sanctioned the attorney and Hanif for filing a petition that was not justified and was done in bad faith. The foreclosure sale was continued to August 26, 2011 at 10:30 a.m.

6. After the court issued the August 25, 2011 order, respondent was hired by Nasir to represent him in relationship to the Vallejo Property. At 9:22 a.m. on August 26, 2011, respondent filed a bankruptcy petition under chapter 11 on behalf of Nasir in *In re Nasir Sheikh*, U.S. Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 11-33136. Respondent filed a skeletal petition and did not file a Schedule A which identifies real property owned by the debtor. Instead, respondent filed a Schedule D showing DIVP as a secured creditor. This characterization was misleading because it suggested that Nasir owned the Vallejo Property which was secured by DIVP's note, thereby making the filing appear legitimate and the automatic stay properly invoked.

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7. The foreclosure sale took place at 10:30 a.m., and the Trustee's Deed issued. At approximately 1:00 p.m., Nasir showed up at the Vallejo Property. Nasir claimed that he filed for bankruptcy and threatened to call police to have DIVP removed from the property. Thereafter, DIVP sought emergency relief from the stay. On September 7, 2011, the court entered an order determining that Nasir did not have an interest in the Vallejo Property. Respondent withdrew from representation and the case was subsequently converted to a chapter 7.

8. On November 3, 2011, DIVP filed a motion for sanctions against respondent and Nasir. On November 19, 2011, the court issued an order imposing sanctions against respondent and Nasir, joint and severally, in the amount of \$1,000 to be paid to DIVP. The court found that the bankruptcy filing was not justified and was done in bad faith. Respondent and Nasir appealed the sanctions order, but the order was affirmed on appeal and respondent subsequently complied with the sanctions order.

9. Respondent never reported the imposition of sanctions to the State Bar.

CONCLUSIONS OF LAW:

10. By filing a chapter 11 bankruptcy petition on behalf of Nasir for the purpose of delaying a foreclosure, respondent acted in bad faith and for an improper purpose of frustrating a creditor's efforts to foreclose on a property that was not owned by the debtor, in violation of rule 9011(b) of the Federal Rules of Bankruptcy Procedure, and thereby willfully failed to support the laws of the United States in violation of Business and Professions Code section 6068(a).

11. By failing to report to the State Bar the \$1,000 in sanctions imposed against him on November 19, 2011, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of any judicial sanctions against respondent, in willful violation of Business and Professions Code section 6068(o)(3).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): In Case No. 91-C-02826 (S039373), effective June 11, 1994, respondent received an actual suspension of 30 months. The discipline resulted from respondent's felony conviction for violating 10 United States Code sections 880, 881, 892, 933 and 934 while he was a Lieutenant in the Navy Judge Advocate General's Corp. Specifically, respondent was Navy Legal Assistance Officer responsible for providing legal services to active duty military members. In one matter, respondent attempted to use confidential client information to obtain a benefit for himself and his father in violation of 10 U.S.C. section 880 [general regulation]. Respondent was not permitted to receive compensation for providing legal services. However, respondent received referral fees from a non-military attorney for referring military clients to the attorney and turned over military documentation to the attorney without authorization in violation of 10 U.S.C. section 881 [conspiracy to commit graft], section 933 [conduct unbecoming an officer] and section 892 [dereliction of duty]. Respondent also collected fees from military clients and paid those fees to a non-attorney to perform the legal work on behalf of the military clients without respondent's supervision in violation of 10 U.S.C. section 892 [dereliction of duty], section 933 [conduct unbecoming an officer] and section 934 [general article]. During the Navy investigation into respondent's misconduct, respondent asked the attorney to whom he made referrals to lie to investigators in violation of section 934 [general article]. The facts and circumstances surrounding respondent's convictions for conspiracy to commit graft and endeavoring to

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alter the potential testimony of a witness involved moral turpitude. The facts and circumstances surrounding the other convictions did not involve moral turpitude, but did involve other misconduct warranting discipline. Respondent received mitigation credit for entering into a stipulation with the State Bar and good character. There were no factors in aggravation.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's two acts of misconduct demonstrate multiple acts of misconduct.

Harm (Std. 1.5(f)): Respondent's filing of the bankruptcy petition for an improper purpose wasted judicial resources and caused harm to the administration of justice.

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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

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The most severe sanction applicable to respondent's misconduct is found in Standard 2.8(a), which applies to respondent's violation of Business and Professions Code section 6068(a) for violating rule 9011(b) of the Federal Rules of Bankruptcy Procedure. Standard 2.8(a) provides: "Disbarment or actual suspension is appropriate for disobedience or violation of a court order related to the member's practice of law, the attorney's oath, or the duties required of an attorney under Business and Professions Code section 6068(a)-(h)."

Standard 1.8(a) also applies since respondent has a prior record of discipline. Standard 1.8(a) provides: "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Here, respondent filed a bankruptcy petition on behalf of his client for the improper purpose of postponing a foreclosure and thwarting the rights of a secured creditor. It is noted that respondent committed the misconduct in an effort to protect his client's interests. However, this does not excuse or mitigate the misconduct. Respondent's misconduct is aggravated by a prior record of discipline which was serious, but occurred more than 20 years before the present misconduct. Based on the long passage of time between the prior and present misconduct, imposing greater discipline than the 30-month actual suspension previously imposed would be manifestly unjust. Respondent's misconduct is also aggravated by multiple acts of misconduct and harm to the administration of justice. Respondent is entitled to mitigation credit for entering into a prefiling stipulation. Based on the limited scope of the misconduct, discipline at the low-end of the standard is appropriate.

Although not directly on point, *Sorensen v. State Bar* (1992) 52 Cal.3d 1036, is instructive. In *Sorensen*, the Supreme Court imposed a 30-day actual suspension for an attorney's filing and pursuit a frivolous action in violation of Business and Professions Code sections 6068(c) and 6068(g). Specifically, the attorney filed a claim for fraud and sought punitive damages of \$14,000 based on a billing dispute of approximately \$94. The Court found that the attorney's misconduct was committed for a spiteful purpose. Although not addressed directly, the attorney had no prior record of discipline. In aggravation, the attorney showed no remorse.

Respondent's misconduct is less egregious than in *Sorensen*, but warrants similar discipline since there are more factors in aggravation- most significantly, respondent's serious prior record of discipline- and less mitigation.

On balance, a 30-day actual suspension, with two years of probation is necessary to protect the public and will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 4, 2014, the prosecution costs in this matter are \$ 2,992. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

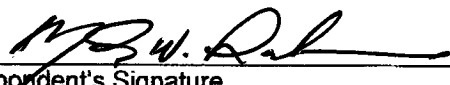
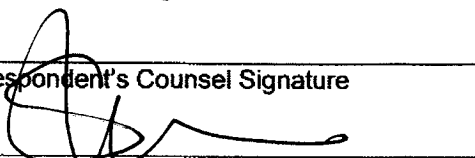

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In the Matter of: MARK WHITNEY LAPHAM	Case number(s): 13-O-17332
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SIGNATURE OF THE PARTIES

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

<u>12-22-14</u> Date	 Respondent's Signature	<u>Mark Whitney Lapham</u> Print Name
<u> </u> Date	 Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>12/26/14</u> Date	 Deputy Trial Counsel's Signature	<u>Susan I. Kagan</u> Print Name

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In the Matter of: MARK WHITNEY LAPHAM	Case Number(s): 13-O-17332
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ACTUAL SUSPENSION ORDER

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

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

1. On p. 2 (B.(1)(a)) and on p. 8 (last paragraph re prior record of discipline), the Supreme Court order number "S039373" is deleted and corrected to read "S038373."
2. On p. 2 (B.(1)(d)), Degree of prior discipline, "30-month actual suspension" is deleted and corrected to read: "three years' stayed suspension, three years' probation, and 30 months' actual suspension and until rehabilitation (standard 1.4(c)(ii))."
3. On p. 7, the heading "Case No. 13-O-17331" is corrected to read "Case No. 13-O-17332."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Jan 8, 2015

Date



LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on January 8, 2015, 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:

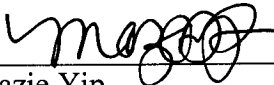
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

MARK W. LAPHAM
751 DIABLO RD
DANVILLE, CA 94526

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

SUSAN I. KAGAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 8, 2015.



Mazie Yip
Case Administrator
State Bar Court