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State Bar Court of California Hearing Department Los Angeles REPROVAL		
Counsel For The State Bar Jamie Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1182 Bar # 281574	Case Number(s): 14-O-03500 - LMA	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;"> PUBLIC MATTER FILED JUN 09 2015 </div> <div style="text-align: center; font-size: 0.8em; font-weight: bold; margin-top: 10px;"> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
In Pro Per Respondent Richard Jay Blaskey Law Offices Richard Jay Blaskey 17011 Beach Blvd., Ste 900 Huntington Beach, CA 92647 (562) 818-1147 Bar # 89223	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PRIVATE REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: RICHARD JAY BLASKEY Bar # 89223 A Member of the State Bar of California (Respondent)		

NOT FOR PUBLICATION

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 **November 29, 1979**.
- (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."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - 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.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

- (1) **Prior record of discipline**
- (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 a separate attachment entitled "Prior Discipline."

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- (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.
- (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. **See Stipulation, page 8.**
- (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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline and Pretrial Stipulation - See Stipulation, page 8.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproof:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2) During the condition period attached to the reproof, 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.
- (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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent

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must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproval.
- (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) 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 within one year of the effective date of the reproval.
- No MPRE recommended. Reason: .
- (11) 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:

requested that respondent call him to advise him as to what his next step should be. Respondent received the e-mail but did not respond.

8. Skytower failed to make any of the remaining payments to the client.

9. Between March 21, 2011 and August 31, 2011, respondent had no contact with Dick.

10. At no time did respondent take steps to seek entry of judgment on behalf of the client against Skytower pursuant to their default in payments.

11. On August 31, 2011, respondent appeared at the previously scheduled hearing on the order to show cause re dismissal of the client's case. No appearance was made on behalf of Skytower. Respondent did not seek entry of judgment on behalf of the client at the August 31, 2011 hearing. The hearing on the order to show cause re dismissal was continued to November 30, 2011. Respondent was present at the August 31, 2011 hearing and received notice of the November 30, 2011 hearing on the order to show cause. Respondent failed to inform Dick that the matter was continued to November 30, 2011.

12. On November 30, 2011, respondent failed to appear at the previously scheduled hearing on the order to show cause re dismissal of the client's case. As a result, the court dismissed the client's lawsuit without prejudice. On December 6, 2011, the court mailed the notice of dismissal to respondent at his address of record in the lawsuit.

13. At no time after failing to appear at the November 30, 2011 hearing resulting in the dismissal of the client's case did respondent take any action to set aside the dismissal or to otherwise reinstate the client's case.

14. At no time did respondent notify Dick that the August 31, 2011 hearing on the order to show cause re dismissal had been continued to November 30, 2011, that respondent had failed to appear at the November 30, 2011 hearing or that the court had dismissed the client's case.

15. On June 8, 2012, Dick sent respondent a letter via certified mail stating that the judgment against Skytower was never entered and that respondent had not responded to any of his telephone calls to his office and cell phone or e-mails. Respondent received the letter but did not respond.

16. On June 23, 2014, the State Bar initiated a disciplinary investigation of respondent based on a complaint received from Dick.

17. On October 10, 2014, respondent sent Dick a full refund of \$3,500.00 "with sincere regrets" and as a good faith effort to make things right with Dick.

18. After receiving respondent's letter and refund, Dick spoke with a new attorney and chose not to refile the lawsuit against Skytower.

CONCLUSIONS OF LAW:

19. By failing to seek entry of judgment on behalf of the client against Skytower after Skytower defaulted on its payment obligations to the client pursuant to a stipulation for entry of judgment dated November 9, 2010, by failing to appear on behalf of the client on November 30, 2011 at a hearing on an

order to show cause re dismissal of the client's case despite having received notice of the hearing, by failing to take any action to set aside the dismissal of the client's case and by failing to render any legal services on behalf of the client after the client's case was dismissed on or about November 30, 2011, respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

20. By failing to respond to at least three reasonable status inquiries made by Dick between November 9, 2010 and June 8, 2012 that respondent received, respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which he agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

21. By failing to inform Dick that the August 31, 2011 court hearing regarding the dismissal of the collections action was continued to November 30, 2011, that respondent failed to appear at the November 30, 2011 hearing and that the court dismissed the client's case on or about November 30, 2011, respondent failed to keep his client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

AGGRAVATING CIRCUMSTANCES

Multiple acts of wrongdoing (Std. 1.5(b)): Respondent failed to perform legal services competently by failing to seek entry of judgment, failing to appear at a court hearing, failing to set aside dismissal of the client's case, failing to respond to multiple client inquiries and failing to inform the client of significant developments in their case.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to the California Bar on November 29, 1979. At the time of the misconduct, respondent had practiced law for over 31 years. Although the misconduct is serious, respondent's lengthy discipline-free record is entitled to significant weight in mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr 41 [attorney's practice of law for more than 17 years considered to be mitigating even when misconduct at issue is serious].)

Pretrial Stipulation: Respondent has entered into this stipulation as to facts, conclusions of law, and disposition in order to resolve this disciplinary proceedings, thereby avoiding the necessity of trial and saving the State Bar 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 Silverton* (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).)

The sanction applicable to respondent’s misconduct is found in Standard 2.5, which applies to an attorney’s failure to perform legal services competently and failure to communicate. Standard 2.5(c) provides that a “[r]eapproval is appropriate for failing to perform legal services or properly communicate in a single client matter.”

In the instant matter, respondent performed some legal services to the client’s satisfaction in obtaining a settlement against Skytower. However, after negotiating the settlement and filing the stipulation on November 9, 2010, respondent failed to perform additional legal services, respond to the client’s status inquiries, inform the client of significant developments and enter the judgment after Skytower’s default on payments. Respondent has exhibited remorsefulness for his actions and in a showing of good faith, refunded the client the full amount of the advance fee. Respondent’s misconduct is aggravated by his multiple acts of wrongdoing, but is significantly mitigated by his many years in practice without a record of discipline and this pre-trial stipulation. Therefore, a private approval with conditions is appropriate to protect the public, courts and legal profession; to maintain high professional standards by attorneys; and to preserve public confidence in the legal profession.

Case law supports this outcome. In *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, the attorney received a six-month stayed suspension for failing to perform, communicate and properly withdraw in a single client matter. The attorney had failed to appear before the Review Department, which was deemed aggravating, but the California Supreme Court found that there were no serious consequences to the client as a result of the misconduct, and the attorney had practiced law for five and one-half years before committing misconduct.

Like the attorney in *Van Sloten*, respondent failed to render legal services competently and communicate with a client. Unlike the attorney in *Van Sloten*, respondent’s misconduct is significantly mitigated by his many years in practice without a record of discipline and this pre-trial stipulation and he has participated in this proceeding. Therefore, the level of discipline here should be lower than that in *Van Sloten*.

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EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of:
RICHARD JAY BLASKEY

Case Number(s):
14-O-03500-LMA

REPROVAL ORDER

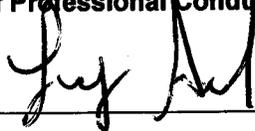
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

June 9, 2015
Date


Judge of the State Bar Court

LUCY ARMENDARIZ

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 June 9, 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:

RICHARD JAY BLASKEY
LAW OFFICES RICHARD JAY BLASKEY
17011 BEACH BLVD STE 900
HUNTINGTON BEACH, CA 92647

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

JAMIE J. KIM, Enforcement, Los Angeles

TERRIE L. GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 9, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court