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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar CHARLES A. MURRAY Deputy Trial Counsel 1149 South Hill Street, 9 th Floor Los Angeles, CA 90015-2299 Telephone: (213) 765-1000 Bar # 146069	Case number(s) 03-C-03789 -RAP PUBLIC MATTER	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em;">SEP 13 2005 <i>KAC</i></div> <div style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent JoANNE E. ROBBINS KARPMAN & ASSOCIATES 9200 SUNSET BLVD., PENTHOUSE 7 Los Angeles, California 90069 Telephone: (310) 887-3900 Bar # 82352	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of LARRY SHERBAN LAPICA Bar # 86303 A Member of the State Bar of California (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 May 31, 1979
(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 12 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) 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.

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(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- (a) costs added to membership fee for calendar year following effective date of discipline
(b) costs to be paid in equal amounts prior to February 1 for the following membership years:

(hardship, special circumstances or other good cause per rule 282, Rules of Procedure)
(c) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
(d) 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 or a separate attachment entitled "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.

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- (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 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 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) **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.

(Do not write above this line.)

- (10) **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.
- (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 must be suspended from the practice of law for a period of one (1) year

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this Stipulation.
- iii. and until Respondent does the following: _____

The above-referenced suspension is stayed.

2. Probation.

Respondent is placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

(Do not write above this line.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) Within 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.
- (4) 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 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 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.

- (5) 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.
- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason: _____
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:

- Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions Financial Conditions
- PAGE 9 and 10.*

[Do not write above this line.]

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 within one year. 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. Reason: _____

(2) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **LARRY SHERBAN LAPICA** ("Respondent"), #86303

CASE NUMBER: **03-C-03789**

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was August 17, 2005.

PARTIES ARE BOUND BY THE STIPULATED FACTS:

The parties intend to be and are hereby bound by the stipulated facts contained in this stipulation. This stipulation as to facts and the facts so stipulated shall independently survive even if the conclusions of law and/or stipulated disposition set forth herein are rejected or changed in any manner whatsoever by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

WAIVER OF FINALITY OF CONVICTION (rule 607):

Pursuant to the Rules of Procedure of the State Bar of California, rule 607 the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final.

Respondent waives finality of his conviction and consents to the State Bar Court's acceptance of this Stipulation as to facts, conclusions of law and discipline in all respects as if the conviction was final, including the entry of findings consistent with this Stipulation, imposition of discipline, or entry of a recommendation as to the degree of the discipline to be imposed.

Respondent waives any right to challenge on the basis of a lack of finality of his conviction the State Bar Court's recommendation of discipline, if any, and the actual imposition of discipline, if any, by the State Bar Court or the California Supreme Court.

Respondent further waives any right he may have to seek review of reconsideration on the basis of any relief he may receive as a result of any appeal of, or petition regarding, the criminal conviction underlying any recommendation of and/or actual imposition of discipline by the State Bar Court or the California Supreme Court.

PROCEDURAL BACKGROUND.

On September 25, 2003, Respondent was convicted of misdemeanor violations of California Vehicle Code sections 23153(b) and 20001(a).

On February 19, 2004, the Review Department of the State Bar Court issued an order referring this matter to the Hearing Department on the issue of whether of whether the facts and circumstances surrounding the offenses of which Respondent was convicted involved moral turpitude or other misconduct warranting discipline. On February 24, 2004 the Review Department of the State Bar Court issued an amended order to correct a typographical error in the February 19, 2004 referral order.

On June 16, 2004, the Review Department of the State Bar Court issued an augmented order directing the Hearing Department to include a hearing and decision recommending discipline to be imposed in the event the hearing Department finds that the facts and circumstances surrounding the offense of which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

STIPULATION AS TO 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, or has otherwise committed acts of misconduct warranting discipline:

STIPULATED FACTS:

On April 27, 1999, Respondent was convicted for a misdemeanor violation of Vehicle Code section 23152(a), driving under the influence of alcohol. [Docket No. RIM381064, Court No. 33100]. Imposition of sentencing was stayed and Respondent was placed on informal probation for three (3) years on conditions that included that he not drive with alcohol in his system; submit to chemical tests of his blood, breath or urine and reasonable physical tests requested by law enforcement for detection of controlled substances or alcohol; and, attend and complete a first offender DUI program. He completed the terms of his informal probation to the satisfaction of the criminal court. Probation terminated on April 27, 2002.

On May 13, 2003, in Riverside, California, while intoxicated and driving a motor vehicle, Respondent made an unsafe left turn in front of on-coming traffic resulting in a collision. The occupants of the other vehicle involved in that collision suffered bodily injury and were taken to the hospital. Respondent left information with the other driver identifying himself but he did not fulfill his other obligations before leaving the scene of the accident. He drove a short distance, parked his vehicle, and proceeded on foot. After searching the area, the police found Respondent a few blocks away. Respondent displayed strong objective symptoms of being under the influence of alcohol. He refused to give any statements or take any field sobriety tests. Upon further questioning by police, Respondent admitted driving and submitted to a blood test which determined his blood alcohol content to be 0.13%.

As a result of this incident, on September 25, 2003, in Riverside County Superior Court [case number RIM440118, *State of California v. Larry Sherban Lapica*] Respondent entered a plea of guilty to and was convicted of misdemeanor violations of Vehicle Code section 23153(b), driving a vehicle with a blood alcohol or 0.08% or more and causing bodily injury to another person; and, Vehicle Code section 20001(a), failing to stop and fulfill his obligations after being involved as a driver in an accident resulting in bodily injury. Imposition of sentencing was stayed and Respondent was placed on four (4) years informal probation with terms and conditions including, among others, obey all laws; 90 days incarceration (weekend program); 18 months restricted driving privileges; and, attend and complete a SB38 second offender alcohol program (completed April 2005).

CONCLUSIONS OF LAW:

The facts and circumstances surrounding Respondent's offenses - as set forth above - do not involve moral turpitude but do involve other misconduct warranting discipline.

AUTHORITIES SUPPORTING DISCIPLINE:

Standards 1.2, 1.3, 1.4, 1.5, 1.6, and 3.4 of the Standards of Attorney Sanctions for Professional Misconduct, Title IV, of the Rules of Procedure of the State Bar of California.

In re Kelly (1990) 52 Cal.3d 487. Attorney convicted of second DUI, not involving bodily injury or other charges, found culpable of other misconduct warranting discipline. No finding of moral turpitude. Discipline recommended by the Review Department of the State Bar Court and affirmed by the Supreme Court was a public reproof for 3 years with conditions which included a referral to the State Bar's then-existing Program on Alcohol Abuse and compliance with all terms of that program. (See also: *In re Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208 - discipline must be based on the facts and circumstances of the case; and *In re Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr.108.)

SUBSTANCE ABUSE AND MENTAL HEALTH CONDITIONS:

The following conditions are derived from recommendations of an expert in alcohol and addiction after Respondent's successful completion of a 90 day in-patient alcohol recovery program and two years of continued out-patient treatment and monitored sobriety since his discharge.

ABSTINENCE: For the entire period of probation set forth in this order, Respondent shall abstain from the use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

Reporting of Abstinence to the Office of Probation:

With each written quarterly report or final report required as a condition of this probation, Respondent shall provide to the Office of Probation a declaration under penalty of perjury regarding his compliance with this Abstinence condition.

ABSTINENCE-BASED SUPPORT MEETINGS:

Meetings: During the period of probation set forth in this order, Respondent shall attend at least two (2) meetings per week of any acceptable sobriety maintenance program.

Respondent has been advised that he may choose one of any acceptable sobriety maintenance program, including any self-help maintenance programs which includes (i) a subculture to support recovery (meetings); and (ii) a process of personal development that does not have financial barriers. Appropriate 12-step groups are acceptable. Examples of acceptable programs include, without limitation, Alcoholics Anonymous ("AA"), Narcotics Anonymous ("NA"), Rational Recovery ("RR"), Self Management and Recovery Training ("SMART"), Secular Organization for Sobriety ("SOS"); LifeRing; and Right On Programs.

Reporting of Abstinence-based Support Meetings Attendance to the Office of Probation:

With each written quarterly report or final report required as a condition of probation set forth in this order, Respondent shall report his compliance with this condition in writing under penalty of perjury and he shall provide to the Office of Probation satisfactory proof of attendance at the above-described meetings. Proof of attendance shall include submission of a writing which clearly provides for each meeting he attends - the date and time of the meeting, name of the meeting, location of the meeting, and which bears the signature of the secretary of the meeting verifying Respondent's attendance at that meeting.

THE OTHER BAR MEETINGS:

During the period of probation set forth in this order, and in addition to the abstinence-based support group meetings described above, Respondent shall attend at least three (3) meetings per month of the attorney recovery support group known as THE OTHER BAR.

Reporting of THE OTHER BAR Meetings Attendance to the Office of Probation:

With each written quarterly report or final report required as a condition of probation set forth in this order, Respondent shall provide to the Office of Probation satisfactory proof of attendance at THE OTHER BAR meetings. Proof of attendance shall include submission of a writing which clearly provides for each meeting he attends - the date and time of the meeting, name of the meeting, location of the meeting, and which bears the signature of the secretary of the meeting verifying Respondent's attendance at that meeting.

INDIVIDUAL TREATMENT:

During the period of probation set forth in this order, Respondent shall participate in therapy with an alcohol addiction specialist (therapist) meeting the approval of the Office of Probation. The frequency of therapy sessions or other alcohol recovery treatment recommendations shall be according to those recommendations set forth by the therapist.

Respondent shall authorize and instruct this therapist to prepare and submit a report to the Office of Probation for each quarter describing Respondent's compliance with attendance for therapy and other alcohol recovery treatment recommendations. Respondent shall further authorize and instruct this therapist to advise the Office of Probation within five (5) days of any incident of non-compliance by Respondent with the conditions of his therapy and treatment.

Within twenty (20) days of the effective date of this order, Respondent shall provide this therapist with a copy of this Stipulation and a release waiving rights of privacy and privilege to the extent it authorizes this doctor to submit the above-described reports to the Office of Probation.

Reporting of Therapy Attendance and Compliance to the Office of Probation

With each written quarterly report or final report required as a condition of probation set forth in this order, Respondent shall report in writing under penalty of perjury his compliance with this Individual Treatment condition and he shall provide to the Office of Probation satisfactory proof of his compliance. Such proof shall include, but is not limited to, submission of a writing which clearly provides for each therapy session he attends - the date and time of the session and which bears the signature of the therapist verifying Respondent's attendance at that session.

Within thirty (30) days of the effective date of probation set forth in this order, Respondent shall provide the Office of Probation with satisfactory proof of that he has provided his therapist with a copy this stipulation, and instructions and written consent to disclose the above-described information to the Office of Probation.

MODIFICATION OF CONDITIONS:

Modification of these conditions shall be pursuant to the Rules of Procedure of the State Bar of California, rule 550 et seq.

(Do not write above this line.)

In the Matter of LARRY SHERBAN LAPICA Bar # 86303	Case number(s): 03-C-03789
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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.

8/24/05 Larry Sherban Lapica LARRY SHERBAN LAPICA
Date Respondent's signature Print name

August 26, 2005 JoAnne E. Robbins JoANNE E. ROBBINS
Date Respondent's Counsel's signature Print name

August 31, 2005 Charles A. Murray CHARLES A. MURRAY
Date Deputy Trial Counsel's signature Print name

(Do not write above this line.)

In the Matter of LARRY SHERBAN LAPICA Bar # 86303	Case number(s): 03-C-03789
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ORDER

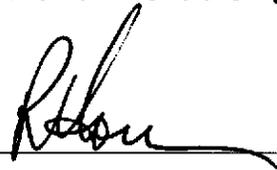
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

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.)

Date

9/13/25


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 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 Los Angeles, on September 13, 2005, 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:

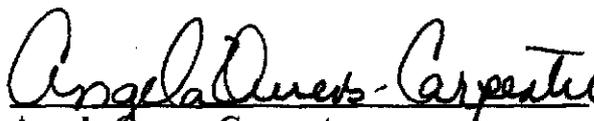
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOANNE ROBBINS A/L
KARPMAN & ASSOCIATES
9200 SUNSET BLVD PH #7
LOS ANGELES CA 90069**

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

CHARLES MURRAY ESQ, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 13, 2005**.



Angela Owens-Carpenter
Case Administrator
State Bar Court