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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT DAVID T. SAUBER 1149 South Hill Street, 9th Fl. Los Angeles, CA 90015-2299 Telephone: (213) 765-1252 Bar # 176554	Case Number(s)  04-0-11788 04-0-11949 04-0-13836 04-0-13934 05-N-00453	(for Court use)  <b>LODGED</b>  JAN - 4 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES <b>FILED</b>  MAY 26 2010 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per  David A. Clare 4675 MacArthur Ct. #1250 Newport Beach, CA 92660 Telephone: (949) 417-5640  Bar # 44971	<b>PUBLIC MATTER</b>  kwiktag® 018 039 552 	
In the Matter of  Jerald Scott Bennett  Bar # 123450 A Member of the State Bar of California (Respondent)	Submitted to Program Judge  <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 6/10/86 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 11 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."

(Do not write above this line.)

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [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 03-0-00803
- (b)  Date prior discipline effective 11/11/04
- (c)  Rules of Professional Conduct—Rules 3-110(A); 3-310(c)(1); 3-700(D)(1)  
Rules of Professional Conduct/State Bar Action violations & (2); 4-100(B)(3)  
Business Professional Code Sections—6068(M); 6106; 6068(i).
- (d)  Degree of prior discipline 2 years stayed suspension; 12 months actual suspension and until restitution and motion per Rule 205.
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

(Do not write above this line.)

**C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances are involved.**

**Additional mitigating circumstances:**

**ATTACHMENT TO**

**STIPULATION re FACTS and CONCLUSIONS OF LAW**

IN THE MATTER OF:           **JERALD SCOTT BENNETT**, Member No. 123450

CASE NUMBER(S):           04-O-11788; 04-O-11949; 04-O-13836; 04-O-13934; 05-N-00453

**DISCLOSURE OF PENDING INVESTIGATIONS/PROCEEDINGS NOT RESOLVED BY THIS STIPULATION.**

The disclosure date referred to, on page one, paragraph A.(6), was April 20, 2005.

**DISMISSALS:**           None

**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.

**Facts for Case No. 04-O-11788:**

1.       On or about February 23, 2004, the State Bar Court gave notice to Respondent that, effective February 26, 2004, he would be enrolled by the State Bar Court as an inactive member under Business and Professions Code section 6007(e) for failure to file a timely response to the State Bar's Notice of Disciplinary Charges in State Bar Case No. 03-O-00803. The State Bar Court properly served the notice on Respondent. The notice was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California membership address. The notice was mailed by certified mail, with return receipt requested, through the United States Postal Service at Los Angeles. The notice was not returned as undeliverable or for any other reason.
2.       From on or about February 26, 2004 to the present, Respondent is not entitled to practice law in California.
3.       On or about April 27, 2004, Respondent appeared at an Ex Parte Hearing re. Temporary Restraining Order in the Riverside Superior Court Case entitled *Lawrence Shurtz v. James Robert Gorski*, Case No. RIC410932, on behalf of the Defendant, Gorski. At the time Respondent appeared in court on behalf of Gorski, Respondent failed to inform Gorski that he was not an active member of the State Bar.
4.       On or about April 29, 2004, Respondent appeared at an Ex Parte Hearing re. Temporary Restraining Order in the Riverside Superior Court Case entitled *Bruce Leek v. James Robert Gorski*, Case No. RIC410740, on behalf of the Defendant, Gorski. At the time Respondent appeared in court on behalf of Gorski, Respondent failed to inform Gorski that he was not an active member of the State Bar.

5. On or about May 12, 2004, Respondent filed by facsimile transmission a Stipulation by the Parties in the Riverside Superior Court Case entitled *Lawrence Shurtz v. James Robert Gorski*, Case No. RIC410932, on behalf of the Defendant, Gorski. At the time Respondent filed the faxed stipulation on behalf of Gorski, Respondent failed to inform Gorski that he was not an active member of the State Bar.

6. From on or about April 27, 2004 through on or about May 12, 2004, Respondent held himself out as entitled to practice law by representing Gorski in court and filing legal documents on Gorski's behalf.

7. On or about April 22, 2004, the State Bar opened an investigation, Case No. 04-O-11788, in regard to allegations of Respondent's Unauthorized Practice of Law (the "State Bar Investigation matter").

8. On or about July 15 and August 9, 2004, State Bar Investigator Michael Henderson ("Henderson") wrote to Respondent regarding the State Bar Investigation matter. Henderson's letters were placed in sealed envelopes correctly addressed to Respondent at his State Bar of California membership address. The letters were properly mailed by first class mail, postage prepaid, and deposited for collection by the United Postal Service in the ordinary course of business. The United States Postal did not return Henderson's letters as undeliverable or for any other reason.

9. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the State Bar Investigation matter. Respondent did not respond to the investigator's letters or otherwise communicate with the investigator regarding the allegations in the State Bar Investigation matter.

**Conclusions of Law for Investigative Case No. 04-O-11788:**

10. By representing Gorski and practicing law during the period from on or about April 27, 2004 through on or about May 12, 2004, Respondent advertised or held himself out as practicing or entitled to practice law and actually practiced law when he was not an active member of the State Bar in violation of Business and Professions Code, sections 6125 and 6126.

11. By failing to provide a written response to the allegations in the State Bar Investigation matter or otherwise cooperating in the investigation of the State Bar Investigation matter, Respondent wilfully failed to cooperate in a disciplinary investigation in violation Business and Professions Code, section 6068(i).

**Facts for Case No. 04-O-11949:**

12. On or about February 23, 2004, the State Bar Court gave notice to Respondent that, effective February 26, 2004, he would be enrolled by the State Bar Court as an inactive member under Business and Professions Code section 6007(e) for failure to file a timely response to the State Bar's Notice of Disciplinary Charges in State Bar Case No. 03-O-00803. The State Bar Court properly served the notice on Respondent. The notice was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California membership address. The notice was mailed by certified mail, with return receipt requested, through the United States Postal Service at Los Angeles. The notice was not returned as undeliverable or for any other reason.

13. From on or about February 26, 2004 to the present, Respondent is not entitled to

practice law in California.

14. In or about July 2003, Christopher Neil Towner (“Towner”) and his company Service Link International retained Respondent to defend them in the Alameda Superior Court Case entitled *Best Express Foods, Inc. v. Christopher Towner, Service Link International*, Case No. HG03-099231.

15. On or about April 2, 2004, Respondent appeared and represented Towner and Service Link International at Towner’s deposition taken by Best Express Foods’ counsel, Peter N. Brewer (“Brewer”). At the time Respondent appeared at the deposition on behalf of Towner, Respondent failed to inform opposing counsel, Brewer, that he was not an active member of the State Bar.

16. On or about May 14, 2004, Respondent appeared for trial in Case No. HG03-099231 and entered his general appearance as attorney for the defendants, Towner and Service Link International. The trial was continued when Brewer brought the matter of Respondent’s inactive status to the trial judge’s attention. At the time Respondent appeared at the trial on behalf of Towner, Respondent failed to inform the court and opposing counsel, Brewer, that he was not an active member of the State Bar.

17. From on or about April 2, 2004 through on or about May 14, 2004, Respondent held himself out as entitled to practice law by representing Towner and Service Link International in court and at deposition.

**Conclusions of Law for Case No. 04-O-11949:**

18. By representing Towner and Service Link International and practicing law during the period from on or about April 2, 2004 through on or about May 14, 2004, Respondent advertised or held himself out as practicing or entitled to practice law and actually practiced law when he was not an active member of the State Bar in violation of Business and Professions Code, sections 6125 and 6126.

**Facts for Case No. 04-O-13836:**

19. On or about February 23, 2004, the State Bar Court gave notice to Respondent that, effective February 26, 2004, he would be enrolled by the State Bar Court as an inactive member under Business and Professions Code section 6007(e) for failure to file a timely response to the State Bar’s Notice of Disciplinary Charges in State Bar Case No. 03-O-00803. The State Bar Court properly served the notice on Respondent. The notice was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California membership address. The notice was mailed by certified mail, with return receipt requested, through the United States Postal Service at Los Angeles. The notice was not returned as undeliverable or for any other reason.

20. From on or about February 26, 2004 to the present, Respondent is not entitled to practice law in California.

21. In or about September 2003, James Robert Gorski (“Gorski”) retained Respondent to represent him in two Quiet Title matters against two encroaching neighboring properties. The two matters are *Lawrence Shurtz v. James Robert Gorski*, Riverside Superior Court Case No. RIC410932, and *Bruce Leek v. James Robert Gorski*, Riverside Superior Court Case No. RIC410740.

22. On or about May 10, 2004, Respondent sent a billing invoice, entitled Invoice No. 46, charging Gorski the amount of \$470 for work performed between April 7 and April 13, 2004.

23. On or about May 10, 2004, Respondent sent a billing invoice, entitled Invoice No. 48, charging Gorski the amount of \$1,496 for work performed between April 13 and April 30, 2004 on the *Shurtz v. Gorski* matter.

24. On or about May 10, 2004, Respondent sent a billing invoice, entitled Invoice No. 47, charging Gorski the amount of \$1,340 for work performed between April 21 and May 6, 2004 on the *Leek v. Gorski* matter.

25. On or about July 12, 2004, Respondent sent a billing invoice, entitled Invoice No. 55, charging Gorski the amount of \$1,480 for work performed between May 7 and June 30, 2004 on the *Leek v. Gorski* matter. Invoice No. 55 also listed a payment of \$1,340 made by Gorski on or about May 10, 2004.

26. On or about July 12, 2004, Respondent sent a billing invoice, entitled Invoice No. 56, charging Gorski the amount of \$3,258 for work performed between May 7 and July 1, 2004 on the *Shurtz v. Gorski* matter. Invoice No. 56 also listed a payment of \$370 made by Gorski on or about May 10, 2004.

**Conclusions of Law for Case No. 04-O-13836:**

27. By charging and collecting attorney's fees from Gorski when Respondent was not an active member of the State Bar, Respondent wilfully charged or collected an illegal fee in violation of Rules of Professional Conduct, rule 4-200(A).

**Facts for Case No. 04-O-13934:**

28. On or about February 23, 2004, the State Bar Court gave notice to Respondent that, effective February 26, 2004, he would be enrolled by the State Bar Court as an inactive member under Business and Professions Code section 6007(e) for failure to file a timely response to the State Bar's Notice of Disciplinary Charges in State Bar Case No. 03-O-00803. The State Bar Court properly served the notice on Respondent. The notice was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California membership address. The notice was mailed by certified mail, with return receipt requested, through the United States Postal Service at Los Angeles. The notice was not returned as undeliverable or for any other reason.

29. From on or about February 26, 2004 to the present, Respondent is not entitled to practice law in California.

30. On or about March 3, 2004, Respondent entered his general appearance as attorney for the Petitioner Guye Michaels ("Mrs. Michaels") in the Orange County Superior Court family matter entitled *Guye Michaels v. Peter Michaels*, Case No. 97D001786.

31. Subsequent to March 3, 2004, Respondent appeared in court on behalf of Petitioner on at least six occasions: (1) March 12, 2004; (2) March 17, 2004; (3) March 25, 2004; (4) March 26, 2004; (5) April 29, 2004; and (6) April 30, 2004.

32. On or about March 25, 2004, Respondent filed a Declaration in Support of Temporary Orders on behalf of Mrs. Michaels.

33. On or about April 22, 2004, Respondent filed an Order to Show Cause for Modification of Visitation on behalf of Mrs. Michaels.

34. From on or about March 3, 2004 through on or about April 30, 2004, Respondent failed to inform the court and the opposing party, Peter Michaels and/or his counsel Arturo D. Sanchez, that he was not an active member of the State Bar.

35. From on or about March 3, 2004 through on or about April 30, 2004, Respondent held himself out as entitled to practice law by representing Mrs. Michaels in court and filing legal documents on her behalf.

**Conclusions of Law for Case No. 04-O-13934:**

36. By representing Mrs. Michaels and practicing law during the period from on or about March 3, 2004 through on or about April 30, 2004, Respondent advertised or held himself out as practicing or entitled to practice law and actually practiced law when he was not an active member of the State Bar in violation of Business and Professions Code, sections 6125 and 6126.

**Facts for Case No. 05-~~O~~<sup>N</sup>-00453:**

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

38. On or about June 8, 2004, the Hearing Department of the State Bar Court issued a decision in case numbers 03-O-00803 and 03-O-01064 finding Respondent culpable of twelve counts of misconduct and recommending to the Supreme Court that discipline be imposed against Respondent. Respondent failed to appear or participate in the matter, which proceeded as a default.

39. On or about June 8, 2004, the Hearing Department decision was properly served by mail upon Respondent at his official State Bar membership records address.

40. On or about October 12, 2004, the California Supreme Court filed order number S126672 (State Bar Court case numbers 03-O-00803, 03-O-01064) that Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that Respondent be actually suspended from the practice of law for one year and until he makes specified restitution and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure. The October 12, 2004 California Supreme Court order further ordered Respondent to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of rule 955 within thirty and forty days, respectively, after the effective date of the order. A true and correct copy of the October 12, 2004 California Supreme Court order containing the rule 955 order is attached hereto as Exhibit "1" and is incorporated herein by reference.

41. On or about October 12, 2004, the Clerk of the California Supreme Court properly served upon Respondent a copy of the October 12, 2004 order that he comply with rule 955 of the California Rules of Court.

42. Rule 955, subdivision (a) required Respondent to notify all clients and any co-counsel of his suspension, deliver to all clients any papers or other property to which the clients were entitled, refund any unearned attorney fees, notify opposing counsel or adverse parties of

his suspension, and file a copy of said notice with any court, agency or tribunal before which litigation was pending. Rule 955, subdivision (c) required Respondent to file with the Clerk of the State Bar Court an affidavit showing that he fully complied with the requirements of rule 955, subdivision (a).

43. The October 12, 2004 California Supreme Court order became effective on November 11, 2004, thirty days after it was entered. Accordingly, pursuant to the October 12, 2004 order, Respondent was to have complied with subdivision (a) of rule 955 no later than December 11, 2004 and was to have complied with subdivision (c) of rule 955 no later than December 21, 2004. Respondent should have filed with the Clerk of the State Bar Court an affidavit showing that he had fully complied with rule 955 by December 21, 2004.

44. On or about November 9, 2004, Probation Deputy Yolanda Acosta ("Ms. Acosta") of the Office of Probation of the State Bar of California ("Office of Probation") wrote a letter to Respondent in which she reminded Respondent of the terms of the discipline imposed pursuant to the October 12, 2004 California Supreme Court order. In the November 9, 2004 letter, Ms. Acosta also advised Respondent that the California Supreme Court had ordered him to comply with rule 955 of the California Rules of Court. Ms. Acosta specifically advised Respondent that his affidavit required by rule 955 was due to be filed with the State Bar Court no later than December 21, 2004. Enclosed with Ms. Acosta's November 9, 2004 letter to Respondent were, among other things, a copy of the October 12, 2004 California Supreme Court Order and a Rule 955 Compliance Declaration form for Respondent to use in complying with rule 955, subdivision (c).

45. Ms. Acosta's November 9, 2004 letter to Respondent with the enclosures thereto was mailed on or about November 9, 2004 via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent at his official State Bar membership records address. The November 9, 2004 letter was not returned as undeliverable or for any other reason by the United States Postal Service.

46. To date, Respondent has failed to comply with rule 955 of the California Rules of Court. Respondent has failed to file an affidavit with the Clerk of the State Bar Court as required by rule 955, subdivision (c).

N (MDS)

**Conclusions of Law for Case No. 05-0-00453:**

47. By failing to file with the Clerk of the State Bar Court the compliance affidavit required by rule 955, subdivision (c), Respondent wilfully failed to comply with the October 12, 2004 California Supreme Court order requiring Respondent to do acts connected with or in the course of his profession which he ought in good faith to do.

(Do not write above this line.)

In the Matter of Jerald Scott Bennett	Case number(s): 04-0-11788, et al.
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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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

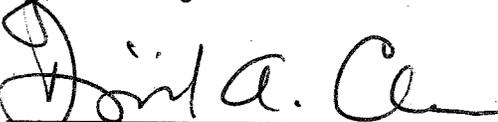
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

9/9/05  
Date

  
Respondent's signature

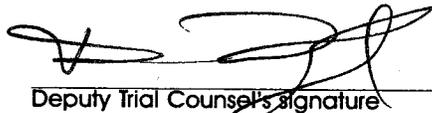
Jerald Scott Bennett  
Print name

9/9/05  
Date

  
Respondent's Counsel's signature

David A. Clare  
Print name

9-16-05  
Date

  
Deputy Trial Counsel's signature

David T. Sauber  
Print name



(State Bar Court Case No. 03-O-00803; 03-O-01064)

SUPREME COURT  
FILED

S126672

OCT 12 2004

IN THE SUPREME COURT OF CALIFORNIA

Frederick K. Ohlrich Clerk

EN BANC

Deputy

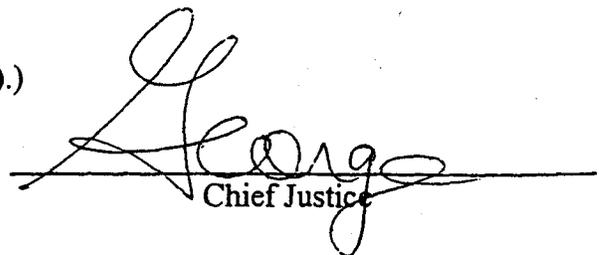
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IN RE JERALD SCOTT BENNETT ON DISCIPLINE

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It is ordered that **JERALD SCOTT BENNETT**, State Bar No. 123450, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to Inge Johnson-McClarman (or the Client Security Fund, if appropriate) in the amount of \$2,000 plus 10% interest per annum from December 27, 2002, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed June 8, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

  
Chief Justice

(Do not write above this line.)

In the Matter of Jerald Scott Bennett	Case number(s): 04-0-11788, et al.
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

On pages 8 and 9, "Case No. 05-O-00453" should be deleted and in its place inserted "Case No. 05-N-00453."

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

1/3/04  
Date

  
Judge of the State Bar Court

**RICHARD A. HONN**

**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 January 4, 2006, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW; and,**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM**

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

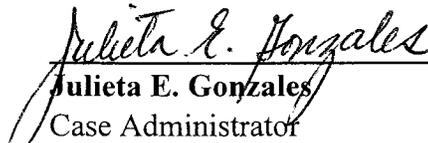
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID A CLARE ESQ**  
**4675 MACARTHUR CT #1250**  
**NEWPORT BEACH, CA 92660**

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

**David T. Sauber, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 4, 2006**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court

**ORIGINAL**

~~CONFIDENTIAL~~

**LODGED**

JUN 30 2008

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 THE STATE BAR OF CALIFORNIA  
2 OFFICE OF THE CHIEF TRIAL COUNSEL  
3 **SCOTT J. DREXEL**, No. 65670  
4 CHIEF TRIAL COUNSEL  
5 **PATSY J. COBB**, No. 107793  
6 DEPUTY CHIEF TRIAL COUNSEL  
7 **JAYNE KIM**, No. 174614  
8 ASSISTANT CHIEF TRIAL COUNSEL  
9 **DAVID T. SAUBER**, No. 176554  
10 DEPUTY TRIAL COUNSEL  
11 1149 South Hill Street  
12 Los Angeles, California 90015-2299  
13 Telephone: (213) 765-1252

**PUBLIC MATTER**

**FILED**

MAY 26 2010

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**THE STATE BAR COURT**

**ALTERNATIVE DISCIPLINE PROGRAM - LOS ANGELES**

<p>12 In the Matter of</p> <p>13 <b>JERALD SCOTT BENNETT</b>,</p> <p>14 No. 123450</p> <p>15</p> <p>16 A Member of the State Bar</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 04-O-11788 et al.</p> <p><b>PARTIES' ADDENDUM TO</b></p> <p><b>STIPULATION RE: FACTS AND</b></p> <p><b>CONCLUSIONS OF LAW, REGARDING</b></p> <p><b>STATE BAR CASE NO. 06-C-10047</b></p>
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18 The State Bar of California, Office of Chief Trial Counsel, through Deputy Trial Counsel

19 David T. Sauber, and Respondent, Jerald Scott Bennett, represented by counsel, David Clare,

20 submit this Addendum to the Stipulation re: Facts and Conclusions of Law previously lodged on

21 January 4, 2006. This Addendum relates solely to State Bar file no. 04-O-11788 et al.

22 **I. INCORPORATION OF PRIOR STIPULATION**

23 This addendum is intended to supplement the Stipulation re: Facts and Conclusions of Law

24 in case no. 04-O-11788 et al., which the parties lodged with this Court on January 4, 2006 (the

25 "Prior Stipulation"). The Prior Stipulation is also incorporated as if fully set forth herein. Attached

26 hereto is the parties' stipulation as to facts and conclusions of law in State Bar file no. 06-O-10047,

27 involving recent misconduct. At this time there are no other investigations pending against

28 Respondent.

1 **II. THE STATE BAR'S DISCIPLINE RECOMMENDATION MAY CHANGE**

2 The parties understand that, based on the new matter which forms the basis of this  
3 Addendum, the discipline recommended by the State Bar may change. If necessary, the State Bar  
4 shall lodge a Supplemental Discipline Brief, supplementing the discipline brief it previously  
5 submitted in this matter.  
6

7 **RESPECTFULLY SUBMITTED,**

8  
9 Date: Feb 12, 2007

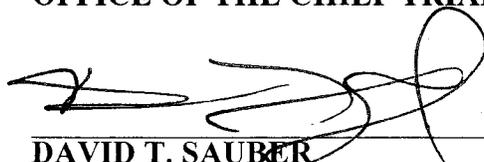
10   
11 **Jerald Scott Bennett**  
Respondent

12  
13 Date: 2/14, 2007

14   
15 **David Clare**  
16 Counsel for Respondent

17 **THE STATE BAR OF CALIFORNIA**  
18 **OFFICE OF THE CHIEF TRIAL COUNSEL**

19 Date: 2-21, 2007

20   
21 **DAVID T. SAUBER**  
22 Deputy Trial Counsel  
23 Office of Chief Trial Counsel  
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25  
26  
27  
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**ADDENDUM TO STIPULATED FACTS and CONCLUSIONS OF LAW**  
**STATE BAR ALTERNATIVE DISCIPLINE PROGRAM**

IN THE MATTER OF: **JERALD SCOTT BENNETT**

MEMBER # **123450**

CASE NUMBER(s): **06-C-10047**

**STIPULATED FACTS AND CONCLUSIONS OF LAW**

**Prior Stipulation Incorporated Herein**

1. This addendum is intended to supplement the Stipulation re: Facts and Conclusions of Law in case nos. 00-O-14412 et al., which the parties lodged with the Alternative Discipline Program ("ADP") Court on July 15, 2005 (the "Prior Stipulation"). The Prior Stipulation is also incorporated as if fully set forth herein.

2. The case described herein was filed subsequent to the Prior Stipulation being entered with the Court. Respondent is currently a participant in the Alternative Discipline Program.

**Facts for Case No. 06-C-10047**

3. In August 2003, Steven Eisenbeiss ("Eisenbeiss"), who is a paraplegic and suffers from Parkinson's disease, and ~~Becky~~ <sup>Beverly</sup> Kimmel ("Kimmel") contracted with Respondent to ~~prepare a trust.~~ <sup>prepare a trust.</sup>

4. In September 2003, Eisenbeiss and Kimmel gave Respondent \$190,000 to hold, ~~pending the fund of their trusts.~~ <sup>Member and assist the closing of the Billie Eisenbeiss Trust</sup>

5. In December 2003, Eisenbeiss requested a partial return of funds from Bennett. <sup>and Estate</sup> Bennett gave them \$30,000 and an additional \$50,000 in January 2004. <sup>In December 2003, Eisenbeiss and Kimmel contracted with Respondent to prepare 2 trusts</sup>

6. In March 2004, Eisenbeiss and Kimmel received trust documents from Bennett and requested the return of the \$110,000 in outstanding funds that Bennett was to be holding for them. Bennett did not return the funds to them and began failing to return phone calls or, when he did communicate with them, provided excuses as to why he had not returned the funds.

7. In September 2004, Eisenbeiss and Kimmel hired a private detective ("PI") regarding the funds Respondent was to be holding for them. The PI interviewed Respondent who stated that he was in possession of the money belonging to Eisenbeiss and Kimmel. Respondent also admitted that he knew they wanted the money returned and agreed to meet with them for that purpose. Following this interview with the PI, Respondent did not appear for all arranged appointments and eventually closed his office.

8. During this period of time, Eisenbeiss and Kimmel became aware of the fact that Respondent was not entitled to practice law. Bennett had never informed them of his inactive status.

9. In March 2005, Respondent was contacted by a Riverside County Sheriff's detective. Respondent admitted that he had not told Eisenbeiss and Kimmel of his inactive bar status. Respondent told the detective that the Eisenbeiss and Kimmel money was available. Respondent stated that he had had money stolen from his bank account during the time he was to be holding the Eisenbeiss and Kimmel funds. Respondent stated that he would have the funds together and would get a check to Eisenbeiss and Kimmel by the end of the day on March 30, 2005.

10. Subsequently, Respondent reported to the detective that he could not find any documentation supporting his claim that funds had been stolen from his bank account.

11. On April 4, 2005, Respondent informed the detective that he had not delivered any funds to Eisenbeiss and Kimmel.

12. On April 5, 2005, Respondent delivered a check for \$100,000 to Eisenbeiss and Kimmel.

13. On December 14, 2005, a Felony Complaint was filed in Riverside Superior Court Case No. SWF014649 against Respondent. Respondent was charged with violating the following:

-Count One: Penal Code section 368(d): Embezzlement;

-Count Two: Penal Code section 487(a): Grand theft;

-Count Three: Business and Professions Code section 6126(b): Unlawful practice of law;

-Count Four: Penal Code section 487(a): Grand theft;

-Count Five: Business and Professions Code, section 6126(b): Unlawful practice of law.

14. On December 14, 2006, Respondent pled guilty to Counts one through five in Case No. SWF0145649. Pursuant to section 17(b)(4) of the Penal Code, the Court deemed each count a misdemeanor violation. Respondent was sentenced to 36 months summary probation and 90 days county jail.

**Conclusion of Law for Case No. 06-C-10047**

15. The facts and circumstances surrounding Respondent's convictions, including her wilful violation of Penal Code section 487(a): Grand theft, a misdemeanor, involve moral turpitude, pursuant to Business and Professions Code, sections 6101 and 6102 in wilful violation of Business and Professions Code, section 6068(a).

**RULE 133 NOTICE OF PENDING PROCEEDINGS**

Respondent was notified in writing of any pending investigations not included in this stipulation, pursuant to Rule 133(12), on February 8, 2007.

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**POTENTIAL INCREASE IN DISCIPLINE**

Respondent understands that the matters in this addendum, being additional misconduct, may result in the Office of Chief Trial Counsel seeking – and/or the State Bar Court recommending – additional ADP conditions or increased discipline in the underlying cases, up to and including disbarment. In addition, his length of participation in the court’s Alternative Discipline Program may be extended.

**OPPORTUNITY TO SEEK COUNSEL**

Respondent acknowledges that he has had full opportunity to read and understand this agreement, and to seek counsel if necessary, prior to signing.

////END OF ATTACHMENT////

**PUBLIC MATTER**

**ORIGINAL**

**LODGED**

~~CONFIDENTIAL~~

JUN 30 2008

STATE BAR COURT  
CLERK'S OFFICE

LOS ANGELES

**FILED**

MAY 26 2010

STATE BAR COURT  
CLERK'S OFFICE

LOS ANGELES

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of )  
JERALD S. BENNETT, )  
Member No. 123450, )  
A Member of the State Bar. )

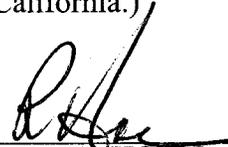
Case No. 04-O-11788 – RAH; consol. with  
05-N-00453;  
06-C-10047  
**ORDER APPROVING ADDENDUM TO  
STIPULATION, WITH MODIFICATIONS**

Finding the addendum to the stipulation re: State Bar case no. 06-C-10047 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 addendum to the stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below:

1. On page 1, line 26, the reference to "06-O-10047" is changed to "06-C-10047";
2. On page 3, paragraph 1, the reference to "00-O-14412 et al." is changed to "04-O-11788, etc.";
3. On page 4, paragraph 15, line 1, "her" is changed to "his";
4. On page 4, paragraph 15, the last two lines commencing with the words "pursuant to" and ending with "section 6068(a)" are deleted.

The parties are bound by the addendum to the stipulation as approved unless: 1) a motion to withdraw or modify the addendum, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved addendum; or 3) respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure of the State Bar of California.)

Dated: 6/30/08

  
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 July 11, 2008, I deposited a true copy of the following document(s):

**AMENDED CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDER;**

**PARTIES' ADDENDUM TO STIPULATION RE: FACTS AND CONCLUSIONS OF LAW, REGARDING STATE BAR CASE NO. 06-C-10047; ORDER APPROVING ADDENDUM TO STIPULATION, WITH MODIFICATIONS; and,**

**AGREEMENT AND ORDER AMENDING CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM; FURTHER ORDER**

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

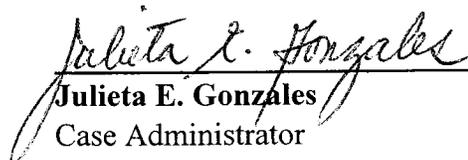
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID A CLARE ESQ  
444 W OCEAN BLVD STE 800  
LONG BEACH, CA 90802**

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

**David T. Sauber, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 11, 2008**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court

(Do not write above this line.)

State Bar Court of California  
Hearing Department  
Los Angeles  
ALTERNATIVE DISCIPLINE PROGRAM

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Charles A. Murray Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1236</p> <p>Bar # 146069</p>	<p>Case Number (s) 08-O-12962</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p>JAN 12 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Jerald S. Bennett 29230 Mammoth Place Canyon Lake, CA 92587</p> <p>Bar # 123450</p>	<p>Submitted to: <b>Program Judge</b> SECOND ADDENDUM TO ADP <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b> FOR CASE NO. 04-O-11788, et al.</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: JERALD S. BENNETT</p> <p>Bar # 123450</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 10, 1986.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 8 pages, excluding 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".

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**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 03-O-00803
  - (b)  Date prior discipline effective November 11, 2004
  - (c)  Rules of Professional Conduct/ State Bar Act violations: RPC: 3-110(A); 3-310(C); 3-700(D)(1); 3-700(D)(2); 4-100(B)(3); BPC: 6068(m); 6106; 6068(i)
  - (d)  Degree of prior discipline 2 yrs suspension, stayed; 1 yr and until restitution and rule 205 motion actual suspension
  - (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.
- (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)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**ATTACHMENT TO SECOND ADDENDUM TO**  
**ADP STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

**FOR CASE NO. 04-O-11788, et al.**

IN THE MATTER OF:       **JERALD SCOTT BENNETT**       MEMBER # **123450**

CASE NUMBER(s):       **08-O-12962**

**PENDING PROCEEDINGS**

The disclosure date referred to on page one, paragraph A.(6), is September 13, 2009.

**STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that she is culpable of violations of the specified statues and/or Rules of Professional Conduct, or that s he has otherwise committed acts of misconduct warranting discipline, as follows:

**Facts for Case No. 08-O-12962**

1. On January 12, 2006, the Hearing Department of the State Bar Court of California filed an Order Terminating Actual Suspension, in State Bar Case Nos. 03-O-00803 & 03-O-01064, consolidated, (hereinafter "January 12 Order"). The January 12 Order was mailed to Respondent, who received it. The January 12 Order directed that Respondent be placed on probation for a period of three years, subject to certain probation conditions, including:

a. that Respondent's three year period of probation was to commence upon the effective date of the January 12 Order, to wit: January 12, 2006;

b. that Respondent submit written quarterly reports (hereinafter "Quarterly Reports") to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation;

c. that Respondent obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist or clinical social worker at Respondent's own expense a minimum of one time each week in individual therapy sessions, to commence no later than thirty (30) days after the effective date of the January 12 Order, and furnish evidence of Respondent's compliance therewith ("Treatment Reports") to the Office of Probation with each Quarterly Report;

d. that, within one year of the effective date of the January 12 Order, Respondent submit to the Office of Probation satisfactory evidence of his completion of no less than six hours of State Bar-approved Minimum Continuing Legal Education courses in law office management ("MCLE Proof"), in addition to those obligations otherwise required for maintenance of his license to practice law in California; and

e. that Respondent comply with all conditions attached to his disciplinary probation.

2. Respondent failed to timely file his Quarterly Reports due in July and October of 2006.

(a) The Quarterly Report due by July 10, 2006 was not submitted until August 4, 2006.

(b) The Quarterly Report due by October 10, 2006 was not submitted until October 12, 2006.

3. Respondent failed to file his Quarterly Reports due in January, April, July, and October of 2007, and in January, April, and July of 2008.

(a) No acceptable report was ever filed for the Quarterly Report due by January 10, 2007. Respondent submitted a defective report on January 18, 2007 but never submitted an acceptable report.

(b) No acceptable report was ever filed for the Quarterly Report due by April 10, 2007. Respondent submitted a defective report on April 13, 2007 but never submitted an acceptable report.

(c) No acceptable report was ever filed for the Quarterly Report due by July 10, 2007. Respondent submitted a defective report on July 11, 2007 but never submitted an acceptable report.

In a letter dated July 14, 2007, the Office of Probation advised Respondent that the January, April and July 2007 reports were defective and requested Respondent to submit corrected reports. The letter was mailed to Respondent at his then Membership Records address and was not returned as undeliverable. Respondent received this letter.

(d) Respondent submitted no Quarterly Report at all for the report due October 10, 2007, or the Quarterly Reports due by the 10<sup>th</sup> day of January, April and July, 2008.

4. Respondent failed to timely submit his Treatment Reports due in July and October of 2006, and in January, April, and July of 2007.

- (a) The Mental Health Report due by July 10, 2006 was not submitted until August 4, 2006.
- (b) The Mental Health Report due by October 10, 2006 was not submitted until October 12, 2006.
- (c) The Mental Health Report due by January 10, 2007 was not submitted until January 18, 2007.
- (d) The Mental Health Report due by April 10, 2007 was not submitted until April 13, 2007.
- (e) The Mental Health Report due by July 10, 2007 was not submitted until July 11, 2007.

5. Respondent failed to submit his Treatment Reports due in October of 2007, and in January, April, and July of 2008.

6. Respondent failed to submit proof of no less than six hours of State Bar-approved Minimum Continuing Legal Education courses in law office management.

Respondent did submit proof of six hours of MCLE related to the practice of law in January 2007, however these courses were not approved in law office management as required by the Order.

7. On Respondent's Quarterly Report filed October 12, 2006 (which was due on October 10, 2006), Respondent declared, under the penalty of perjury under the laws of the State of California, that during the preceding calendar quarter, he had complied with all provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California.

8. The representation made in Respondent's Quarterly Report filed October 12, 2006 and referred to in the preceding paragraph was false, and known to Respondent to be false, in that Respondent's failure to timely file his Quarterly Report in July of 2006, and his failure to timely file his Treatment Report in July of 2006 constituted violations of Business and Professions Code, section 6068(k).

#### **Conclusions of Law for Case No. 08-O-12962**

9. By not timely filing his Quarterly Reports due in July and October of 2006; by not filing his Quarterly Reports due in January, April, July, and October of 2007, and in January, April, and July of 2008; by not timely submitting his Treatment Reports due in July and October of 2006, and in January, April, and July of 2007; by failing to submit his Treatment Reports due in October of 2007, and in January, April, and July of 2008; and by failing to submit his MCLE Proof, as set forth above, Respondent failed to comply with all conditions attached to a disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

(Do Not Write Above This Line)

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10. By making an intentional misrepresentation in his Quarterly Report filed October 12, 2006, under the penalty of perjury under the laws of the State of California, to wit: that he had complied with all provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California, despite knowing that he had violated Business and Professions Code Section 6068(k) by failing to timely file his Quarterly Report in July of 2006 and his failing to timely file his Treatment Report in July of 2006, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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RESPONDENT:

(Printed: 09/15/09)

7  
Page

(PROGRAM)

Attachment Page 7

(Do not write above this line.)

In the Matter of JERALD S. BENNETT	Case number(s): 08-O-12962
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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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

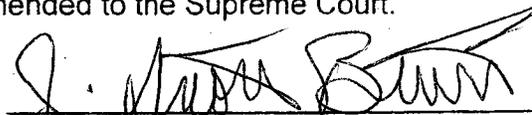
If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

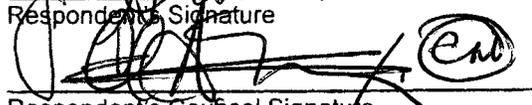
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CM 9/15/09  
Date

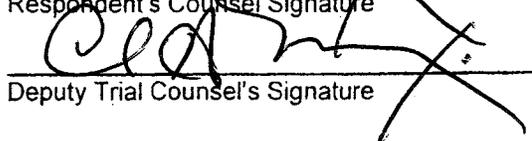
9/15/09  
Date

  
Respondent's Signature

JERALD S. BENNETT  
Print Name

  
Respondent's Counsel Signature

CHARLES A. MURRAY  
Print Name

  
Deputy Trial Counsel's Signature

(Do not write above this line.)

In the Matter Of <b>JERALD S. BENNETT</b>	Case Number(s): <b>08-O-12962</b>
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(a), Rules of Procedure.)

1-12-10  
Date

  
Judge of the State Bar Court

**RICHARD A. HONN**

**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 January 12, 2010, I deposited a true copy of the following document(s):

SECOND ADDENDUM TO ADP STIPULATION RE FACTS AND CONCLUSIONS  
OF LAW FOR CASE NO. 04-O-11788, ET AL.

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

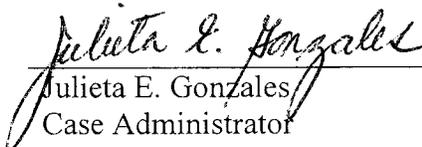
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JERALD S BENNETT ESQ  
35328 TRAILSIDE DR  
LAKE ELSINORE, CA 92532

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 12, 2010.

  
\_\_\_\_\_  
Julieta E. Gonzales  
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 Los Angeles, on June 24, 2010, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS;

STIPULATION RE FACTS AND CONCLUSIONS OF LAW (Case No. 04-O-11788, 04-O-11949, 04-O-13836, 04-O-13934, 05-N-00453 );

PARTIES' ADDENDUM TO STIPULATION RE: FACTS AND CONCLUSIONS OF LAW, REGARDING STATE BAR CASE NO. 06-C-10047; and

SECOND ADDENDUM TO ADP STIPULATION RE FACTS AND CONCLUSIONS OF LAW FOR CASE NO. 04-O-11788, et al.

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

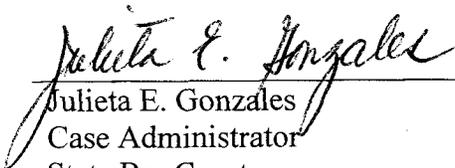
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JERALD S. BENNETT ESQ  
1709-311  
29991 CANYON HILLS RD  
LAKE ELSINORE, CA 92532

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 24, 2010.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court