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**State Bar Court of California
Hearing Department
Los Angeles**

<p>Counsel For The State Bar</p> <p>Miho Murai Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 213-765-1219</p>	<p>Case Number (s) 06-O-12122 06-O-12916</p> <p align="center">PUBLIC MATTER</p>	<p>(for Court's use)</p> <p align="center">FILED</p> <p align="center">JUL 31 2007 <i>[Signature]</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Bar # 235178</p> <p>In Pro Per Respondent</p> <p>Jan W. Versteeg 4957 Warner Avenue, Suite 106 Huntington Beach, CA 92649 714-840-3413</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 89684</p> <p>In the Matter Of: JAN WILLEM VERSTEEG</p> <p>Bar # 89684</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 **November 29, 1979**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



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- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **for the two (2) billing cycles following the effective date of the Supreme Court Order** (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case **95-O-14383**
 - (b) Date prior discipline effective **February 21, 1998**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **RPC 3-110(A), RPC 4-200(A), and two counts of Business & Professions Code section 6068(a) for failing to abide by the Probate Code**
 - (d) Degree of prior discipline **One (1) year stayed suspension, with two (2) years probation with conditions, including sixty (60) days of 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. **See Attachment Page 8**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment Page 7**

- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

N/A

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

See Attachment Page 8

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **two (2) years**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

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

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **three (3) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **ninety (90) days**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

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

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

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

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

(4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

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

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JAN WILLEM VERSTEEG

CASE NUMBER(S): 06-O-12122; 06-O-12916

FACTS AND CONCLUSIONS OF LAW

Jan Willem Versteeg ("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

1. Respondent was admitted to the practice of law in the State of California on November 29, 1979, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

FACTS OF CASE NO. 06-O-12122

2. On or about January 3, 2004, William D. Fitzgerald ("Mr. Fitzgerald") retained Respondent to represent him in a probate matter regarding the estate of his late mother, Jean Cecelia Fitzgerald. A retainer agreement was not executed.
3. On or about January 30, 2004, Respondent filed a Petition for Letters of Administration in the matter entitled, *Estate of Jean Cecelia Fitzgerald*, Riverside County Superior Court, Case No. RIP085597 (the "probate matter"). The petition asked that Mr. Fitzgerald be appointed as the administrator of his late mother's estate.
4. On or about March 9, 2004, the court held a hearing in the probate matter. Neither Respondent nor Mr. Fitzgerald appeared at the hearing. On its own motion, the court continued the probate matter to April 15, 2004.
5. On or about April 15, 2004, the court held a hearing in the probate matter. Neither Respondent nor Mr. Fitzgerald appeared at the hearing. On its own motion, the court continued the probate matter to May 25, 2004.

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6. On or about May 25, 2004, the court held a hearing in the probate matter. Respondent appeared as counsel for Mr. Fitzgerald. At the hearing, the court granted the petition appointing Mr. Fitzgerald as the administrator of his mother's estate. The court set the bond in the probate matter at \$150,000.
7. Over the course of the next several months into the following year, Respondent and Mr. Fitzgerald's relationship deteriorated, such that, on or about March 9, 2005, Respondent filed a motion to be relieved as Mr. Fitzgerald's counsel. The hearing for the motion was scheduled for May 11, 2005.
8. On or about April 7, 2005, Mr. Fitzgerald filed an opposition to Respondent's motion to withdraw.
9. On or about May 11, 2005, the court held a hearing regarding Respondent's motion to withdraw as counsel. Both Respondent and Mr. Fitzgerald appeared at the hearing. The court advised Respondent to amend the motion and to use the appropriate Judicial Counsel Form. On its own motion, the court continued the hearing to July 28, 2005.
10. On or about May 23, 2005, Respondent amended and filed the motion to be relieved as Mr. Fitzgerald's counsel. The hearing for the motion was scheduled for July 28, 2005.
11. On or about June 2, 2005, Mr. Fitzgerald filed a *Notice of False Final Inventory Filing by Attorney Versteeg*, alleging that Respondent filed a false and/or misleading Final Inventory so that the probate matter "will be unjustly closed [to allow] him to avoid performing his needed service to his client(s)."
12. On or about June 29, 2005, Mr. Fitzgerald filed a *Request for Immediate Hearing; Supporting Declaration*, requesting the court to immediately set a hearing on Respondent's motion to withdraw as counsel.
13. On or about July 28, 2005, the court held a hearing regarding Respondent's motion to withdraw. Both Respondent and Mr. Fitzgerald appeared at the hearing. Numerous issues were raised, including the lack of notice to the bonding company pursuant to Probate Code § 1213, the Final Inventory and Appraisal filed on May 11, 2005 by Respondent without Mr. Fitzgerald's signature, and accounting issues. On its own motion, the court continued the hearing to September 29, 2005 and ordered Respondent and Mr. Fitzgerald to meet and confer prior to the next hearing date.
14. On or about September 6, 2005, Respondent filed a petition requesting a continuance of the hearing date for the motion to withdraw as counsel, stating that he would be out of the country on the September 29, 2005 scheduled date.

15. On or about September 8, 2005, Mr. Fitzgerald filed another objection to Respondent's motion to withdraw.
16. On or about September 14, 2005, the court granted Respondent's request for a continuance. On its own motion, the court continued the hearing to November 21, 2005.
17. On or about September 19, 2005, Respondent filed a Notice, advising all parties that the new hearing date for the motion to withdraw as counsel would be on November 21, 2005.
18. On or about September 22, 2005, Mr. Fitzgerald filed an *Objection to Request for Continuance on Motion to be Relieved*.
19. On or about November 21, 2005, the court held a hearing regarding Respondent's motion to withdraw as counsel. Both Respondent and Mr. Fitzgerald were present at the hearing. After ordering Respondent to notify the bonding company, the court granted Respondent's motion to be relieved as Mr. Fitzgerald's counsel. At the hearing, Respondent waived his attorney fees of \$40.00.
20. On or about November 21, 2005, Mr. Fitzgerald mailed and faxed a letter to Respondent, in which he stated that, "Whereas you have been removed as Attorney of Record, Please accept this letter as demand for all files, records and documents you have concerning William D. Fitzgerald and the estate of Jean C. Fitzgerald." Respondent received the letter. A copy of the letter also was sent to the State Bar of California.
21. On or about November 28, 2005, Respondent filed a *Notice of Order Granting Attorney's Motion to be Relieved as Counsel for Administrator*.
22. On or about December 20, 2005, Respondent filed a libel complaint against his former client, Mr. Fitzgerald, in the matter entitled, *Jan W. Versteeg v. William D. Fitzgerald; And Does 1 through 10*, Orange County Superior Court, Case No. 05CC13299 (the "libel case"). Respondent attached numerous exhibits to the complaint in the libel case, including copies of confidential written correspondence between Respondent and Mr. Fitzgerald and documents containing confidential information about Mr. Fitzgerald, including his social security number, his credit card number, and bank account information, which were not redacted to ensure Mr. Fitzgerald's privacy. Many of the exhibits that Respondent attached were not relevant or necessary to the issue of whether Mr. Fitzgerald committed libel against Respondent.

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CONCLUSIONS OF LAW OF CASE NO. 06-O-12122

By unnecessarily disclosing confidential information about Mr. Fitzgerald in the libel complaint, which information was obtained in the course of Respondent's representation of Mr. Fitzgerald in the probate matter, Respondent willfully violated Business and Professions Code section 6068(e), by failing to maintain the confidences and preserve the secrets of his client.

FACTS OF CASE NO. 06-O-12916

23. On or about September 6, 2005, John Riddle ("Mr. Riddle") retained Respondent to review the Emily R. Riddle Family Trust ("Emily Riddle Trust") and to determine if Mr. Riddle could sell the trust asset, a residence located at 383 N. Pine Street in Orange, California ("Pine property"). Mr. Riddle was the Trustee of the Emily Riddle Trust. Mr. Riddle paid Respondent \$100.00 for his services.
24. Soon thereafter, according to Respondent, Respondent advised Mr. Riddle that he could not sell the Pine property, until and unless Donald Cooley ("Mr. Cooley"), Emily Riddle's son, agreed to the sale of the Pine property and was the biological father of a child. According to the Emily Riddle Trust, Mr. Riddle only had a life estate in the Pine property. Upon Mr. Riddle's death, Mr. Cooley would have a life estate in the Pine property, unless he had a biological child, in which case, Mr. Cooley would then become the fee owner of the Pine property.
25. Nonetheless, Mr. Riddle attempted to sell the Pine property. Mr. Cooley discovered this, and on or about September 21, 2005, filed a lawsuit against Mr. Riddle, entitled *Donald Cooley v. John B. Riddle*, Orange County Superior Court, Case Number 05CC10467 (the "lawsuit").
26. In or about October 2005, Mr. Riddle returned to Respondent's office and sought his assistance in the pending lawsuit. Respondent agreed to represent Mr. Riddle and to attempt to resolve the issue with Mr. Cooley in an amicable fashion. Respondent and Mr. Riddle agreed that he would be paid at an hourly rate of \$250.00/hour.
27. From in or about October 2005 to in or about January 2006, Respondent corresponded with Mr. Cooley on behalf of Mr. Riddle. Respondent sent Mr. Cooley written correspondence on October 6, 2005, October 18, 2005, October 28, 2005, November 7, 2005, and November 30, 2005, and had a meeting with Mr. Cooley on October 24, 2005 to discuss the Pine property and Mr. Cooley's biological daughter.

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28. On or about January 12, 2006, Mr. Riddle sent Respondent a letter terminating his services. In his letter, Mr. Riddle stated that he no longer needed Respondent's services, "effective immediately" and requested Respondent to mail him the video that he had left at his office on October 6, 2005. Respondent received Mr. Riddle's termination letter.
29. On or about February 27, 2006, Respondent sent Mr. Riddle a letter stating that, "[a]t the request of Mr. Cooley, if and when the Pine street property is sold I am prepared to oversee the sale of the Pine Street property . . . Mr. Cooley knows you are no longer my client. I will order a title search for the benefit of Mr. Cooley to make sure no involuntary liens exist." Respondent also provided a copy of this letter to Mr. Cooley.
30. On or about March 8, 2006, Respondent sent Mr. Riddle another letter demanding that he immediately sign, notarize, and return a quitclaim deed on the Pine property by March 14, 2006, or else he "will be obligated to inform Mr. Cooley of your illegal activity, in which I am an innocent bystander." The quitclaim deed Respondent was demanding Mr. Riddle to sign transferred the title of the Pine property from John B. Riddle to the Emily R. Riddle Family Trust dated November 27, 1995 with John B. Riddle as Trustee. In the letter, Respondent warned and advised Mr. Riddle that he anticipates Mr. Cooley will take action against him within a few days after March 14, 2005, if he does not return the signed quitclaim deed to Respondent by the deadline.
31. On or about May 22, 2006, Mr. Cooley filed a civil lawsuit for fraud against Mr. Riddle, but this time included Evonh Rutledge ("Ms. Rutledge"), Mr. Riddle's significant other, as a defendant, in the matter entitled *Donald Cooley v. John B. Riddle and Evonh Rutledge*, Orange County Superior Court, Case Number 06CC06352 (the "second lawsuit").
32. On or about October 13, 2006, Respondent made a special appearance for Attorney Sherry Garrels, who represented Mr. Cooley in the second lawsuit for fraud against Mr. Riddle and Ms. Rutledge. Trial dates and a settlement conference were set to accommodate *Respondent's* schedule, as Respondent indicated he would making the appearance for the settlement conference.
33. During Respondent's representation of Mr. Riddle in the Emily Riddle Trust matter, he obtained confidential information material to his subsequent employment by Mr. Cooley in the same matter and in the second lawsuit. By continuing to communicate with Mr. Cooley and act on behalf of Mr. Cooley regarding the sale of the Pine property and regarding the second lawsuit, after he was terminated by Mr. Riddle, Respondent effectively accepted representation of Mr. Cooley without Mr. Riddle's informed written consent.

34. By continuing to send Mr. Riddle written correspondence on behalf of Mr. Cooley regarding the sale of the Pine property, by demanding that Mr. Riddle sign a quitclaim deed on the property which was adverse to his interests and favorable to Mr. Cooley's interests, and by appearing as counsel for Mr. Cooley in the second lawsuit, Respondent effectively accepted representation of Mr. Cooley without Mr. Riddle's informed written consent and/or acted against his former client's interest without Mr. Riddle's informed written consent.

CONCLUSIONS OF LAW OF CASE NO. 06-O-12916

By acting on behalf of Mr. Cooley and/or otherwise representing him with respect to the Emily Riddle Trust matter and in the second lawsuit for fraud against Mr. Riddle and Ms. Rutledge, without the informed written consent of Mr. Riddle, where by reason of his former representation of Mr. Riddle in the same trust matter, Respondent obtained confidential information material to his subsequent representation of Mr. Cooley with respect to the Emily Riddle Trust matter and the second lawsuit for fraud, Respondent accepted employment adverse to a former client in willful violation of rule 3-310(E) of the Rules of Professional Conduct.

PENDING PROCEEDINGS

The disclosure date referred to, on page two paragraph A.(7), was June 20, 2007.

AUTHORITIES SUPPORTING DISCIPLINE

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standards"), the primary purposes of disciplinary proceedings and imposing sanctions for professional misconduct are, "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys[;] and the preservation of public confidence in the legal profession."

Here, the requested discipline furthers the purposes set forth in Standard 1.3.

Standard 1.7(a) provides that if a member is found culpable of misconduct and has a prior record of one imposition of discipline, the degree of discipline imposed in the current proceeding *shall be greater than that imposed in the prior proceeding* unless the prior was remote in time and the offense for which it was imposed was so minimal that it would be manifestly unjust to impose greater discipline in the current proceeding.

Pursuant to Standard 2.6, "[c]ulpability of a member of a violation of [section 6068(e)] of the Business and Professions Code *shall result in disbarment or suspension* depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of

imposing discipline set forth in standard 1.3” (emphasis added).

Finally, Standard 2.10 states in pertinent part that, “[c]ulpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct not specified in these standards [such as rule 3-310(E)] *shall result in reproof or suspension* according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline” (emphasis added).

The Supreme Court gives the Standards “great weight,” and will reject a recommendation consistent with the Standards only where the Court entertains “grave doubts” as to its propriety. *In re Naney* (1990) 51 Cal. 3d 186, 190; *see also In re Silvertown* (2005) 36 Cal. 4th 81, 91, 92. Further, although the Standards are not mandatory, it is well-established that the Standards may be deviated from only when there is a compelling, well-defined reason to do so. *See Aronin v. State Bar* (1990) 52 Cal. 3d 276, 291; *see also Bates v. State Bar* (1990) 52 Cal. 3d 1056, 1060, fn. 2.

The State Bar recognizes that the Standards should not be applied in a talismanic fashion. *Gary v. State Bar* (1988) 44 Cal. 3d 820, 828. However, Respondent bears the burden to demonstrate that the State Bar should deviate from the Standards.

In the case at bar, Respondent has not provided any reason, let alone “a compelling, well-defined reason” to deviate from the Standards. Also, there do not appear to be “grave doubts” as to the propriety of the recommended level of discipline. Finally, there are aggravating factors, including Respondent’s prior serious misconduct, the multiple acts of wrongdoing, and the harm caused to his clients, which warrant the recommended level of discipline.

AGGRAVATING CIRCUMSTANCES

Respondent has one serious prior record of discipline, Case No. 95-O-14383. In that case, Respondent stipulated to one (1) year stayed suspension, with probation conditions including sixty (60) days of actual suspension for numerous violations, including failure to perform competently, charging and collecting an illegal fee, and two counts of failure to abide by the laws of the State of California. The Hearing Department approved the First Amended Stipulation as to Facts and Disposition on August 18, 1997, and the discipline became effective on February 21, 1998.

The current misconduct acknowledged by the member evidences multiple acts of wrongdoing.

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Respondent's misconduct in Case No. 06-O-12122 significantly harmed his client, in that his client's personal and confidential information was unnecessarily exposed to the public, creating a potential situation for identify fraud.

MITIGATING CIRCUMSTANCES

Respondent has provided *pro bono* legal services to seniors at the Weingart Senior Center for the past fifteen (15) years.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that, as of June 20, 2007, the costs in this matter is \$1,983.00. Costs to be paid in equal amounts prior to February 1 for the following two (2) billing cycles following the effective date of the Supreme Court order. Respondent further acknowledges that should this stipulation be rejected or should relief from this stipulation be granted, the costs in these matters may increase due to the costs of further proceedings.

(Do not write above this line.)

In the Matter of JAN WILLEM VERSTEEG	Case number(s): 06-O-12122; 06-O-12916
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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 Fact, Conclusions of Law and Disposition.

7-18-07
Date


Respondent's Signature

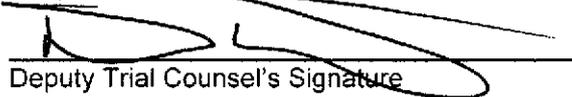
JAN W. VERSTEEG
Print Name

- / -
Date


Respondent's Counsel Signature

N/A
Print Name

7/20/07
Date


Deputy Trial Counsel's Signature

MIHO MURAI
Print Name

(Do not write above this line.)

In the Matter Of
JAN WILLEM VERSTEEG

Case Number(s):
06-O-12122; 06-O-12916

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

July 27, 2007
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 31, 2007, 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:

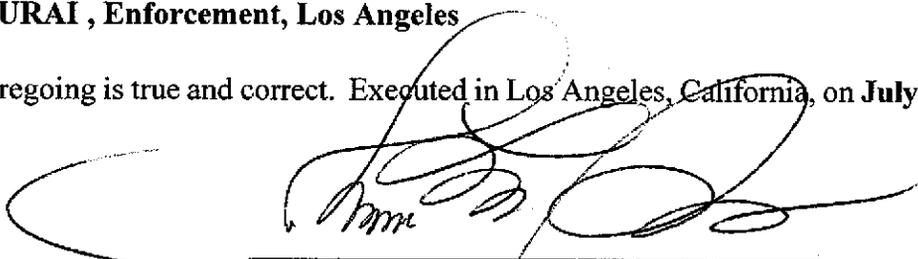
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAN WILLEM VERSTEEG
4952 WARNER AVE #106
HUNTINGTON BEACH, CA 92649**

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

MIHO MURAI , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 31, 2007.



Johnnie Lee Smith
Case Administrator
State Bar Court