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

<p>Counsel For The State Bar</p> <p>Robin Brune Deputy Trial Counsel State Bar of California 180 Howard Street San Francisco, California 94105</p> <p>Bar # 149481</p>	<p>Case Number (s)</p> <p>06-O-13222; 08-O-12330; 08-O-13969; 08-O-13970</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>DEC 09 2009</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Jonathan Arons 221 Main Street Suite 740 San Francisco, California 94105</p> <p>Bar # 111257</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: Deborah Eldridge</p> <p>Bar # 197963</p> <p>A Member of the State Bar of California (Respondent)</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>	

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 December 12, 1998.
- (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 16 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."



- (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:
(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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.
- (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.
- (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. See attachment.
- (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

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of three 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 five 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 two 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:

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:**

On January 29, 2009, respondent testified in the matter of *Inquiry Concerning Judge X.*, no. 18X, (a complaint before the Commission on Judicial Performance) at a deposition. Respondent testified under penalty of perjury. During the course of the deposition, respondent was questioned regarding the Hawaiian Airlines matter. Respondent omitted material information regarding her conduct about the Hawaiian Airlines matter during the course of the deposition.

CONCLUSIONS OF LAW

1. By impersonating Mother and cancelling minor child's March 15, 2008 airline flight on Hawaiian Airlines, respondent committed an act of moral turpitude, in willful violation of Business and Professions Code, section 6106;
2. By impersonating Mother and cancelling minor child's March 15, 2008 airline flight on Hawaiian Airlines, respondent interfered with the Court's lawful custody order as ordered in the January 9, 2008 court order, and respondent thereby failed to maintain respect to the Courts, in willful violation of Business and Professions Code, section 6068(b);
3. By falsely implicating, her letter dated March 19, 2008 to counsel for the minor child, that Mother was the party who cancelled the flight, and by omitting that she herself had cancelled the flight, respondent committed an act of moral turpitude, in willful violation of Business and Professions Code, section 6106;
4. By omitting material information regarding her conduct, during the course of the deposition on January 29, 2009, respondent committed an act of moral turpitude, in willful violation of Business and Professions Code, section 6106;
5. By cancelling the minor child's airline flight on Hawaiian airlines, respondent interfered with the parties visitation and custody order, and she thereby willfully disobeyed the terms of the Court's January 9, 2008 Court Order, in willful violation of Business and Professions Code, section 6068(a)/Penal Code Section 166.4.
6. By impersonating Mother and cancelling the minor child's March 15, 2008 airline flight on Hawaiian Airlines, respondent failed to perform competently on behalf of her client, in willful violation of Rules of Professional Conduct, rule 3-110(A).

2. Case No.: 06-O-13222 (Jack)

STATEMENT OF FACTS

On April 23, 2003 client Brent Jack (Jack) hired respondent to represent him in his dissolution of marriage. Jack signed a written fee agreement and paid respondent the sum of \$500 in cash. Respondent entered an appearance on behalf of Jack in the case of *Brent Jack vs. Yvonne Jack*, case no. PFL 20030300, filed in Superior Court, County of El Dorado. Jack had his own business as a licensed contractor.

On May 21, 2003, after he had retained respondent to represent him in the divorce proceedings, Jack and respondent entered into a work proposal agreement whereby Jack would complete some home improvements on respondent's home.

In exchange, respondent would offset Jack's legal fees a certain percentage of the legal fees. Thirty percent of the contractor's bill would be offset and applied to the legal fees. There was no signed written waiver whereby Jack confirmed that he was advised, in writing, that he could seek the advice of an independent lawyer of his choice, and that he was given a reasonable opportunity to do so, before entering into the offset agreement with respondent.

Jack commenced the contract work in 2003. In order to facilitate the construction work, Jack left a number of tools at respondent's residence. Jack valued the tools at approximately \$14,000 for the fair market value of the tools. Respondent disputes Jack's valuation of the tools.

On September 23, 2003, Jack and respondent terminated their attorney-client relationship.

On September 25, 2003, attorney John Hughes ("Hughes") substituted into the family law matter on behalf of Jack.

On October 7, 2003, Hughes wrote a letter to respondent, demanding that respondent return the tools that Jack had left in respondent's garage during the course of the construction project. Hughes stated that respondent was holding the tools to obtain an advantage in the dispute over Jack's construction job. Respondent received Hughes letter of October 7, 2003 and failed to return the tools.

Hughes wrote again on November 4, 2003, again demanding that respondent return Jack's tools. Respondent received Hughes November 4, 2003 demand for the return of the tools and failed to return the tools.

Respondent claimed that Jack's construction job on her home was defective. Respondent kept Jack's tools. By keeping the tools pending the resolution of her dispute regarding the construction work performed by Jack, respondent was asserting, and did assert, a possessory interest in her client's tools.

Respondent did not have a written agreement that authorized her to assert a possessory interest in the tools as security for any dispute regarding Jack's contracting services.

Respondent's possessory interest in the tools was not fair and reasonable to the client. The client needed the tools for his business, and respondent's retention of the tools over a five year period had a significant adverse impact on Jack. While the parties dispute the value of the tools, Jack's estimate is that the fair market value of the tools was \$14,000.

Respondent did not advise Jack that he could seek the advice of an independent lawyer of his choice regarding her possessory interest in the tools, nor did respondent give Jack an opportunity to speak to an attorney of his choice before she asserted a possessory interest in the tools.

Respondent sought arbitration before the Contractors State Licensing Board. On March 17, 2005, the arbitrator issued an award. Jack was ordered to pay \$19,480.00 to respondent for the construction defects and for reimbursement for the costs of an entertainment center. Respondent was ordered to return Jack's tools to him no later than March 27, 2005. The Arbitrator's Award did not otherwise specify or describe the tools that respondent was ordered to return to Jack. Respondent and Jack disputed, and continue to dispute, what tools respondent possessed that belonged to Jack, what tools were stolen or missing, and the valuation of the tools.

On April 13, 2005, Jack requested a complete accounting from respondent as to the tools she still had. Respondent received Jack's request for an accounting of the tools and failed to comply.

On April 14, 2005, Jack paid respondent the sum of \$19,480.00 pursuant to the Arbitration award.

Almost three years later, on February 25, 2008, the Court issued an order confirming the Arbitration Award. Jack had paid the \$19,480.00 and met the terms of the arbitration award: respondent had not returned the tools. Minor adjustments were made to the order and a final Order was issued on May 22, 2008.

On March 10, 2008, Jack again requested that respondent inventory the tools in her possession. Respondent received Jack's request and declined to provide Jack with an inventory of his tools that she had in her possession.

On March 24, 2008, Jack sued respondent,, case no. 34-2008-00006804, filed in Superior Court, County of Sacramento.

On May 9, 2008, respondent served Jack, in pro per, in the lawsuit for conversion (case no. 6804) with a judicial council form, form number POS-040, "Request for Statement of Witnesses and Evidence."

Prior to serving Jack with the Request for Statement of Witnesses and Evidence, respondent altered the form. Respondent altered the form by removing the words "For Limited Civil Cases Under 25,000." The form advised the recipient, (in this case, Jack) that they had twenty days to provide discovery in the case, including the names of witnesses, documents, and photographs or other evidence in support of their claim.

By altering the Judicial Council Form, "Request for Statement of Witnesses and Evidence" to remove the words "For Limited Civil Cases Under 25,000" respondent gave Jack the mistaken impression that he was obliged to provide the discovery as requested when, in fact, he did not have to adhere to those time lines because his case was not a limited civil case under \$25,000.

On May 22, 2008, Jack wrote to respondent and again requested a meeting time and that R provide an inventory of the tools. Respondent received Jack's May 22, 2008 letter and failed to respond or otherwise provide an inventory of the tools or arrange to return the tools.

Pursuant to the negotiations in the pending lawsuits, respondent returned tools to Jack on February 3, 2009. Respondent provided photographs and an inventory of the tools she returned on February 3, 2009. Jack disputes whether respondent returned all the tools that he left in her possession, whether she returned the original tools or other tools, and the valuation of tools that he states were missing from the items that should have been returned. Jack and respondent are in the process of settling the civil suit.

CONCLUSIONS OF LAW

1. By agreeing to exchange legal services for contracting work, and by failing to obtain Jack's written consent to a written waiver whereby Jack confirmed that he was advised, in writing, that he could seek the advice of an independent lawyer of his choice, and that he was given a reasonable opportunity to do so, before entering into the offset agreement with respondent, respondent willfully violated Rules of Professional Conduct, rule 3-300 (A)(B)&(C);
2. On September 23, 2009, by asserting a possessory interest in the tools that Jack left at her residence, without putting her possessory interest in writing; without obtaining the client's written consent to her possessory interest; and without giving the client the opportunity to seek the advice of independent counsel prior to her obtaining this possessory interest; and by choosing terms that were not fair and reasonable to the client because retaining his tools of trade had a disparate impact on his livelihood, respondent willfully violated Rules of Professional Conduct, rule 3-300 (A)(B)&(C);
3. By wrongfully retaining Jack's tools from September 23, 2003 through February 2, 2009, respondent committed an act of moral turpitude, in willful violation of Business and Professions Code, section 6106;
4. By failing to respond to Jack's repeated requests that she provide him with an inventory of his tools in her possession, respondent failed to identify and label client property, and render accounts to the client, in willful violation of Rules of Professional Conduct, rule 4-100(B)(1)(2) & (3);
5. By failing to promptly return Jack's tools upon his request in October, 2003, continuing until February 2, 2009, respondent failed to promptly deliver property to the client, property which the client is entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4);
6. On May 9, 2008, by serving Jack, *in pro per*, with the altered Judicial Council form, the form Request for Statement of Witnesses and Evidence, with the form altered by removing the words "For Limited Civil Cases Under 25,000." respondent misrepresented to Jack, Jack's discovery obligations

and thereby committed, by gross negligence, an act of moral turpitude, in willful violation of Business and Professions Code, section 6106.

3. Case No.: 08-O-13969

STATEMENT OF FACTS

Respondent represented the mother in *In re Marriage of X*, filed in Superior Court, County of Sacramento, which involved four consolidated family law matters, including case numbers 1) 05FL08XXX; 2) 05FL01XXX; and 3) 06FL01XXX. The Father was represented by counsel. At issue in the proceedings was the efficacy of a Marital Settlement Agreement (MSA) the parties signed in November, 1989 and which was incorporated in to a Judgment for Legal Separation. After executing the MSA, the parties then resumed cohabitating for at least a period of time. The dissolution proceeding was filed on March 3, 2005.

The parties had several ongoing discovery disputes regarding discovery of Father's business.

On February 15, 2008, respondent appeared at Father's business offices to obtain copies of documents pursuant to a subpoena and subsequent court order (ruling November 26, 2007) limiting the scope of the subpoena. The scope of respondent's subpoena and the issues of discovery of Father's business were contested matters in the family law proceedings.

Respondent was appearing by a pre-arranged appointment that she had arranged with a woman who identified herself as a custodian of records for Father's business. Father's counsel did not attend the February 15, 2008 scheduled appointment at Father's business.

At the scheduled appointment, respondent interacted with the employee of Father's business. However, respondent also engaged in conversations with Father regarding the discovery production, and she asserted to Father that he was not complying with the Court's order regarding discovery. Some of respondent's communication was through the employee/custodian of records as an intermediary, and some of her communication was directly to Father.

CONCLUSIONS OF LAW

1. By, on February 15, 2008, communicating with Father directly, regarding the subject of the representation (the discovery production in the family law proceedings), when respondent knew that Father was represented by counsel, respondent willfully violated Rules of Professional Conduct, rule 2-100.

4. Case No.: 08-O-13970 (Eyster)

STATEMENT OF FACTS

At all times pertinent to this disciplinary matter, and commencing in the summer of 2006, respondent represented Gail Salado Eyster in her ongoing divorce proceedings, *Gail Eyster v. Charles Eyster*, case no. SDR27808, filed in Superior Court, County of Placer. Charles Eyster, also known as C. David Eyster, (hereinafter, "Eyster") represented himself in pro per at times, and at times was represented by attorney John Kindopp and attorney Duncan M. James.

At all times pertinent to this disciplinary matter, Sarah Hanover, a sixteen-year old girl, maintained a web page "blog" site, entitled "Ten Roads, Musings of an Anachronism." at the address of <http://tenroads.blogspot.com>. Hanover described her blog spot as a place for her to share her generally

Civil-War related thoughts and experiences. On Tuesday, October 30, 2007, she posted a blog regarding a Civil War merchant named J. Allison Eyster. J. Allison Eyster was an ancestor of Eyster.

On November 10, 2007, Eyster posted a comment on the Ten Roads blogspot, consisting of an obituary of J. Allison Eyster. Charles Eyster identified himself as "C. David Eyster" from Ukiah, California, and he provided an email address.

Thereafter, on February 3, 2008, at ten p.m., an anonymous poster posted a blog on the Ten Roads blog site, beneath the posting of Charles Eyster. The blog consisted of disparaging remarks regarding the prior poster, Eyster.

In October, 2008, Eyster subpoenaed the records of AT&T Internet Services in an effort to ascertain who had posted the anonymous defamatory blog on the Ten Roads blog site.

On November 7, 2008, respondent filed a Notice of Motion and Motion to Quash the deposition subpoena to AT&T Internet Services. In support of her motion, respondent included a document entitled Statement of Facts/Points and Authorities and Conclusion. The signature line on this document indicated that it was signed on October 24, 2008 by Gail Salado-Petitioner, and that the signature was made under penalty of perjury. Gail Salado did not in fact sign this document.

CONCLUSIONS OF LAW

1. By submitting to the Court, on November 7, 2008, a pleading with a signature, made under penalty of perjury, purporting to be the signature of Gail Salado made on October 24, 2008, when it was in fact not Gail Salado's signature, respondent, with gross negligence, committed an act of moral turpitude, in willful violation of Business and Professions Code, section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was November 3, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 3, 2009 the prosecution costs in this matter are \$4660.90. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE

Standards for Attorney Sanctions for Professional Misconduct

Standard 2.3 Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client, or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Standard 3.2 Final conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate shall disbarment

not be imposed. In those latter cases, the discipline shall not be less than a two-year actual suspension, prospective to any interim suspension imposed, irrespective of mitigating circumstances.

Standard 2.8 Culpability of a member of a willful violation of rule 3-300 Rules of Professional conduct shall result in suspension unless the extend of the member's misconduct and the harm to the client are minimal, in which case the degree of discipline shall be reproof.

CASE LAW

1. Signing Client's Name to Document

In one matter, an attorney signed his client's name to a declaration without her approval and without her seeing the declaration. Even if he had client's authority to do so, the Court found his actions to be moral turpitude. *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179.

2. Failure to Account for Client Property

In *Rose v. State Bar* (1989) 49 Cal.3d. 646, the attorney convinced the client to invest the proceeds of her settlement, from a matter in which he had represented her, in a restaurant business. The attorney retained an interest in the restaurant business. At some point, the business failed. The client's money was spent on the restaurant equipment. The client requested an accounting of her equipment, and respondent failed to account. The Court found violations of rule 3-300 as well as former rule 8-101 (failure to account). The attorney received five years probation and two years of actual suspension.

In *Garlow v. State Bar* 44 Cal.3d. 689 (1988), the attorney kept rings as collateral for his fees. He subsequently sold the rings. He was disbarred.

3. Attorney Acquiring Interest in Client's Property

When an attorney acquires the ability to extinguish a client's interest in property, the attorney's interest is adverse to the client. *Connor v. State Bar* (1990) 50 Cal.3d. 1047.

When the transaction is such that it is reasonable to conclude that the interest acquired may become detrimental to the client, rule 3-300 is invoked. *Hawk v. State Bar* (1988) 45 Cal. 3d. 589, 599.

A 3-300 can arise mid-way between the attorney-client relationship. When the attorney reduced his fee for authorization to compromise the lienholder's bill, he acquired an interest adverse to his client and should have comported with the proscriptions of rule 3-300 of the Rules of Professional Conduct *In re Silvertown* (2005) 36 Cal.4th 81.

AGGRAVATING CIRCUMSTANCES.

Standard 1.2(b)(ii) multiple acts of wrongdoing

Standard 1.2(b)(iii) significant harm

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Respondent has committed thirteen acts of misconduct in four separate matters.

Respondent has caused significant harm to the administration of justice in case no. 08-O-12330 by violating a Court order and interfering with the parties' rights to custody of their minor child.

MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(v) candor and cooperation.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Respondent has been cooperative in reaching a stipulation in this matter.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

NOLO PLEA

Respondent pleads nolo contendere to the aforementioned facts and understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of her culpability of the violation of the statutes and or Rules of Professional Conduct specified in this stipulation, pursuant to Rule 133 (5)(ii)(b) of the Rules of Procedure of the State Bar.

ADDITIONAL STIPULATION OF THE PARTIES

Respondent is currently facing misdemeanor criminal charges in case no. 09M08376 filed in Superior Court, County of Sacramento. The charges relate to respondent's conduct in case no. 08-O-12330.

The parties anticipate that the criminal matter will be resolved with a plea to a violation of California Penal Code section 166.4, a misdemeanor.

Convictions are generally addressed by the State Bar pursuant to Rule 600 et. seq. of the Rules of Procedure of the State Bar.

If this criminal matter resolves with a conviction of California Penal Code section 166.4, as anticipated, then the State Bar agrees to recommend to the Hearing and/or Review Department that case no. 09M08376 **not** be referred for a hearing on the conviction, because the parties have addressed, in this stipulation, the misconduct in case no. 08-O-12330.

In the Matter of
Deborah Eldridge

Case number(s),
06-O-13222; 08-O-12330; 08-O-13969; 08-O-13970

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date 11/30/09


Signature

Print Name

(Do not write above this line.)

In the Matter of DEBORAH ELDRIDGE	Case number(s): 06-O-13222; 08-O-12330; 08-O-13969; 08-O-13970
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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.

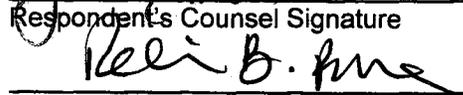
11/30/09
Date
November 30 2009
Date
11/30/09
Date



Respondent's Signature
Deborah Eldridge
Print Name



Respondent's Counsel Signature
Jonathan I. Arons
Print Name



Deputy Trial Counsel's Signature
Robin B. Brune
Print Name

(Do not write above this line.)

In the Matter Of Deborah Eldridge	Case Number(s): 06-O-13222; 08-O-12330; 08-O-13969; 08-O-13970
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ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Dec 8, 2009
Date

Pat McElroy
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 San Francisco, on December 9, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

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

JONATHAN IRWIN ARONS
LAW OFC JONATHAN I ARONS
221 MAIN ST STE 740
SAN FRANCISCO, CA 94105

by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

by overnight mail at _____, California, addressed as follows:

by fax transmission, at fax number _____. No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Robin Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 9, 2009.


George Hue
Case Administrator
State Bar Court