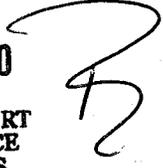


(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles



<p>Counsel For The State Bar</p> <p>Timothy G. Byer, DTC 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number (s) 09-O-10394 09-O-10006</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>NOV 15 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> 
<p>Counsel For Respondent</p> <p>Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave., Ste. 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 77688</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>In the Matter Of: Tristan R. Pico</p> <p>Bar # 64482</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 27, 1975.
- (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 13 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".

(Do not write above this line.)

- (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: 2011, 2012 (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 00-O-14931; 02-O-10052
 - (b) Date prior discipline effective March 30, 2002
 - (c) Rules of Professional Conduct/ State Bar Act violations: 2 violations of rule 4-100(A)
 - (d) Degree of prior discipline Private reproof
 - (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. See Attachment, "Aggravating Circumstances"

(Do not write above this line.)

- (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, "Mitigating Circumstances"
- (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. See Attachment, "Mitigating Circumstances"
- (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. See Attachment, "Mitigating Circumstances"
- (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. See Attachment, "Mitigating Circumstances"
- (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 1 year.
 - i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
 - ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of 2 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 6 months.
 - 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 checked="" 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:

(Do not write above this line.)

- (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.
- (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 language begins here (if any):

ATTACHMENT TO STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TRISTAN R. PICO

CASE NUMBERS: 09-O-10006, 09-O-10394

WAIVER OF RIGHT TO FILING OF NOTICE OF DISCIPLINARY CHARGES:

The parties waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

FACTS AND CONCLUSIONS OF LAW:

Respondent admits that the following facts are true and that he is culpable of violation of the specified Rule of Professional Conduct.

Facts:

Case No. 09-O-100064

1. On August 31, 2005, Genelle Peterson employed Respondent to represent her in a personal injury matter. Respondent settled the matter at mediation on September 13, 2007.
2. On October 3, 2007, Respondent deposited a settlement check issued on behalf of Peterson in the sum of \$20,000.00 into his client trust account, no. x x x x x x 6808,¹ at Wells Fargo Bank ("CTA"). After subtracting Respondent's contingent fee and the amounts owing to Peterson's medical care providers, Respondent was required to maintain \$12,259.32 in trust for Peterson.
3. On numerous occasions thereafter, and before paying out any funds to Peterson or to any other entity on Peterson's behalf, Respondent allowed the balance in his CTA to fall below \$12,259.32. On October 26, 2007, Respondent allowed the balance in his CTA to fall to \$2,654.95.
4. Peterson made numerous requests of Respondent for the status of her matter, which Respondent received but to which he did not respond. Peterson made numerous telephone calls to Respondent between October 2007 and October 2008, and employed another attorney to mail Respondent a letter dated October 18, 2008, requesting to be advised of the status of Peterson's case. Respondent received the October 18, 2008 letter but did not respond to it.
5. After settling Peterson's matter at mediation on September 13, 2007, Respondent delayed negotiation of the medical liens owed by Peterson, and payment of those medical liens, until January 2009.

¹ The full account number is omitted for privacy purposes.

6. In her telephone calls to Respondent between October 2007 and October 2008, Peterson repeatedly asked Respondent to negotiate her medical liens and pay out those funds owed to the lienholders and the remaining funds to her.
 7. Respondent failed until January 2009 to pay out to Peterson her share of the settlement funds he deposited into his CTA in October 2007, despite her repeated requests that he do so.
- Case No. 09-O-10934
8. On November 10, 2004, Todd McCraven employed Respondent for representation in a personal injury matter.
 9. On February 1, 2007, Respondent deposited a settlement check issued on behalf of McCraven in the sum of \$8,000.00 into his client trust account, no. x x x x x 6808,² at Wells Fargo Bank ("CTA"). After subtracting Respondent's contingent fee, reimbursable legal costs, and the amount paid to McCraven as his portion of the settlement, Respondent was required to maintain \$2,905.70 in trust for payment of McCraven's medical providers/lienholders.
 10. On numerous occasions thereafter, Respondent allowed the balance in his CTA to fall below \$2,905.70. On September 26, 2007, Respondent allowed the balance in his CTA to fall to \$18.89.
 11. One of McCraven's medical providers/lienholders, "San Gabriel Valley Diagnostic," referred McCraven's unpaid obligation to a debt collection agency when their lien was not paid.
 12. McCraven made numerous attempts to contact Respondent about this unpaid lien, calling Respondent, and sending faxed letters and email messages. Respondent received all the messages but responded to none of them.
 13. In his telephone calls, faxed letters, and email messages to Respondent, McCraven repeatedly asked Respondent to pay his medical liens.
 14. Respondent failed to pay out to San Gabriel Valley Diagnostic the amount of the lien held by that medical service provider, despite McCraven's repeated requests that he do so.

Legal Conclusions

15. By not maintaining at least \$12,259.32 in trust for Peterson in his CTA, Respondent willfully failed to maintain the balance of funds received for the benefit of his client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).
16. By not responding to Peterson's reasonable status inquiries, Respondent failed to respond promptly to reasonable status inquiries of a client, in willful violation of Business & Professions Code, section 6068(m).

² The full account number is omitted for privacy purposes.

17. By not disbursing Peterson's settlement funds to her and to her medical lienholders from September 2007 until January 2009, Respondent willfully failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).
18. By his grossly negligent misappropriation of \$9,604.37 that he was required to maintain in trust for Genelle Peterson, Respondent committed an act or acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code, section 6106.
19. By not maintaining at least \$2,905.70 in trust for McCraven in his CTA, Respondent willfully failed to maintain the balance of funds received for the benefit of his client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).
20. By not responding to McCraven's reasonable status inquiries, communicated to Respondent in numerous telephone calls, faxed letters, and email messages, all of which Respondent received, Respondent willfully failed to respond promptly to reasonable status inquiries of a client, in willful violation of Business & Professions Code, section 6068(m).
21. By not paying San Gabriel Valley Diagnostic the amount due that provider from McCraven's settlement funds, as McCraven requested, Respondent willfully failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).
22. By his grossly negligent misappropriation of \$2,886.81 that he was required to maintain in trust for Todd McCraven, Respondent committed an act or acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code, section 6106.

Aggravating Circumstances:

Multiple Acts of Misconduct: Respondent committed eight separate acts of misconduct: two acts of misappropriation, two acts of failing to maintain client funds in trust, two acts of failing to respond promptly to reasonable status inquiries of a clients, and two acts of failing to pay client funds out promptly.

Mitigating Circumstances:

Emotional/Physical Difficulties and Severe Financial Stress: At the time of the underlying actions, Respondent had closed his law practice to work for a company that soon thereafter experienced financial crisis and failed, which resulted in unforeseen and severe financial consequences to Respondent. His serious financial problems contributed to his becoming clinically depressed, which adversely impacted his ability to act promptly in completing the few remaining cases from his solo law practice and which contributed to his failures to adequately maintain his CTA.

Candor/cooperation: Respondent cooperated fully with the State Bar, and did not seek to avoid responsibility for his improper handling of trust funds.

Remorse: Respondent admitted his failure to maintain client funds in his client trust account and fully repaid all the sums owed.

AUTHORITIES SUPPORTING RECOMMENDED DISCIPLINE:

Standards:

Standard 2.3 provides that “[c]ulpability 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.”

COSTS:

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that, as of August 8, 2010, the costs in this matter are \$2,602.00. 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.

In the Matter of
TRISTAN R. PICO, No. 64482

Case number(s):
09-O-10006, 09-O-10394

A Member of the State Bar

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

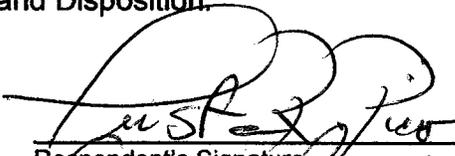
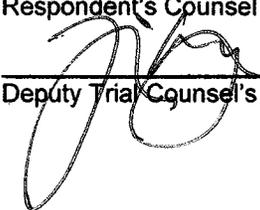
- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of TRISTAN R. PICO	Case number(s): 09-O-10006, 09-O-10394
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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.

<u>10-15-2010</u> Date	 Respondent's Signature	<u>TRISTAN R. PICO</u> Print Name
<u>10-20-2010</u> Date	 Respondent's Counsel Signature	<u>ELLEN A. PANSKY</u> Print Name
<u>10-25-10</u> Date	 Deputy Trial Counsel's Signature	<u>TIMOTHY G. BYER</u> Print Name

(Do not write above this line.)

In the Matter Of TRISTAN R. PICO	Case Number(s): 09-O-10006, 09-O-10394
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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.

On page 2 of the stipulation, the "X" in the first box of paragraph A(8) is deleted because it is inconsistent with the stipulated extension of time for respondent to pay costs that is set forth in the second box of paragraph A(8). (The instructions to paragraph A(8) state "(Check one option only).") Further, the two membership years designated in paragraph A(8) are amended to read: 2012 and 2013.

On page 4 of the stipulation, the "X" in box E(1) is deleted to remove the conditional standard 1.4(c)(ii) requirement. The conditional standard 1.4(c)(ii) requirement is inappropriate because no "and until" condition is attached to respondent's six-month suspension which could cause respondent to be "actually suspended for two years or more."

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.)**

11/10/10
Date



Judge of the State Bar Court

DONALD F. MILES

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 November 15, 2010, 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:

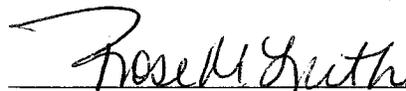
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ELLEN ANNE PANSKY, ESQ.
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030

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

TIMOTHY BYER, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 15, 2010.



Rose Luthi
Case Administrator
State Bar Court