

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  Jean Cha Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000  Bar # 228137	Case Number(s): 10-O-11270-RAP (11-O-18100)	For Court use only   <div style="text-align: center;"> <p><b>FILED</b></p> <p><b>JAN 25 2012</b> </p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
Counsel For Respondent  David A Clare Attorney at Law 444 W Ocean Blvd Ste 800 Long Beach, CA 90802 (562) 624-2837  Bar # 44971	<p><b>PUBLIC MATTER</b></p>	
In the Matter of: Byron Edwin Congdon  Bar # 123286  A Member of the State Bar of California (Respondent)	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 10, 1986.
- (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 11 pages, not including the order.



(Do not write above this line.)

- (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 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013, 2014 & 2015. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are 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 05-O-03890-RMT
  - (b)  Date prior discipline effective 11/07/2006
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Business & Professions Code section 6068(i)
  - (d)  Degree of prior discipline Public Reprimand
  - (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.
- (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. Respondent has been candid and has cooperated in stipulating to discipline. (Std. 1.2(e)(v); Silva-Vidor v. State Bar (1989) 49 Cal.3d 1071, 1079; Pineda v. State Bar (1989) 49 Cal.3d 753, 760.)
- (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.

(Do not write above this line.)

- (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:**

N/A

**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 TWO (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 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 the 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:
  - Substance Abuse Conditions                       Law Office Management Conditions
  - Medical Conditions                                       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 5.162(A) & (E), 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.
- (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 (if any):

**ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       BYRON EDWIN CONGDON, 123286  
CASE NUMBERS:         10-O-11270 & (11-O-18100)

Respondent Byron Edwin Congdon, admits the facts set forth in the stipulation are true and that he is culpable of the specified violations.

**THE BYRD MATTER – Case No. 10-O-11270**

**FACTS**

1. In June 2006, Edith Byrd (“Byrd”) retained Respondent for modification of child support and spousal support in a family law matter, San Bernardino Superior Court Case No. SBFSS40166, *Edith D. Byrd v. Andy R. Byrd* (the “Byrd matter”).
2. On September 21, 2006, Respondent filed an Order to Show Cause re Modification of Child Support/Spousal Support (“OSC”) on behalf of Byrd.
3. On June 20, 2008, an evidentiary hearing was held, during which both parties in the Byrd matter testified. Respondent appeared on behalf of Byrd at the evidentiary hearing.
4. On May 21, 2009, Respondent appeared on behalf of Byrd at a hearing re Decision on Child Support/Spousal Support in the Byrd matter. At the conclusion of the hearing, the action was complete. The court ordered the parties to submit trial briefs by June 5, 2009, supplemental arguments, if any, by June 12, 2009, and set the next non-appearance hearing date for June 26, 2009, for the matter to be taken under submission.
5. On June 5, 2009, Respondent did not file a trial brief on behalf of Byrd. According to Respondent, he believed that a brief was not necessary and that the matter should be submitted on the existing record. Opposing counsel did submit a trial brief. Respondent received opposing counsel’s trial brief. Respondent did not inform Byrd of his decision not to file a brief.
6. On June 26, 2009, the court continued the submission date to July 31, 2009, giving Respondent more time to file a brief by July 31, 2009. The court also warned Respondent that it would render its decision based only on the opposing party’s brief if Respondent did not file a brief by July 31, 2009. Respondent received the notice and did not inform Byrd of the court’s extension and warning.
7. Respondent did not submit a brief on behalf of Byrd by July 31, 2009. The court rendered its decision and found that child support should continue until the minor child reaches the age of majority and that spousal support shall terminate. Respondent informed Byrd of the court’s decision.

8. Between September 2009 and December 2009, Byrd tried to reach Respondent and left several voicemails to request that Respondent file a new order to show cause re modification for spousal support based on a change in Byrd's circumstances. Respondent received Byrd's communications but did not respond.

9. On September 4, and October 10, 2009, Byrd mailed letters to Respondent, and enclosed a substitution of attorney for Respondent's signature. Respondent received Byrd's letters but did not respond and did not sign and return the substitution of attorney to Byrd.

10. On March 12, 2010, Byrd filed a notice of motion and motion to relieve counsel because she was unable to speak to Respondent. On April 14, 2010, the court granted Byrd's motion to relieve counsel. Thereafter, Byrd represented herself *in pro per* and obtained an order of spousal support commencing January 11, 2011.

### **CONCLUSIONS OF LAW**

11. By failing to return Byrd's calls and respond to her letters, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

12. By failing to inform Byrd that Respondent decided not to file a trial brief on her behalf, and failing to inform Byrd that he declined to continue to represent her in further requests for modification of spousal support, Respondent failed to keep Byrd reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

### **THE UPL MATTER – (Case No. 11-O-18100)**

### **FACTS**

13. On July 19, 2011, a Notice of Disciplinary Charges ("NDC") was filed in State Bar Court Case No. 10-O-11270. A response to the NDC was due no later than August 13, 2011. The State Bar filed a notice of motion for entry of default on August 23, 2011 but Respondent failed to file a response. On September 8, 2011, the State Bar Court filed an order entering Respondent's default and enrolling Respondent inactive effective September 11, 2011, in accordance with Business and Professions Code section 6007(e). Respondent received actual notice of his inactive enrollment on the afternoon of September 15, 2011.

14. Respondent made appearances in the San Bernardino Superior Court before the Honorable Douglas M. Elwell on September 15, 2011, September 16, 2011, September 19, 2011, September 20, 2011, September 26, 2011, and September 30, 2011. Respondent did not inform opposing counsel, his clients or the Court that he was not an active member of the State Bar and was not entitled to practice law in California.

15. On September 15, 2011, Respondent retained counsel. On September 15, 16 and 19, 2011, Respondent made the appearances solely for the purposes of obtaining continuances. On September 19, 2011, Respondent provided his counsel with a declaration in support of a motion to set aside his default in the State Bar matter. According to Respondent, he believed that once he provided his declaration, his counsel would promptly file a motion to set aside his default, the default would be set aside promptly, and his inactive enrollment would be terminated, nunc pro tunc. On September 30, 2011, Respondent learned that he was still enrolled inactive and that he would remain inactive until after his default was set aside. Respondent, therefore, stopped making appearances. Respondent acknowledges his wrongdoing and understands that he should not have assumed that he could continue to make appearances while on inactive status.

Respondent now acknowledges that his belief was both mistaken and unreasonable.

16. On October 13, 2011, Respondent, through his counsel, filed a motion to set aside the default, in accordance with Business and Professions Code section 6007(e)(2). On October 24, 2011, the motion to set aside default was granted and Respondent's inactive enrollment was terminated.

### **CONCLUSION OF LAW**

17. By appearing before the Honorable Douglas M. Elwell of the San Bernardino Superior Court on September 15, 16, 19, 20, 26, and 30, 2011, while not entitled to practice law, Respondent engaged in the unauthorized practice of law in wilful violation of Business and Professions Code sections 6125 and 6126(a), and thereby failed to support the Constitution and laws of the United States and of this state in wilful violation of Business and Professions Code section 6068(a).

### **SUPPORTING AUTHORITY**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys.<sup>1</sup>

Standard 2.4(b),<sup>2</sup> provides for a reproof or suspension for a failure to communicate. Standard 2.6 provides for suspension for a failure to communicate and a violation of 6068(a), 6125, and 6126.<sup>3</sup> Standard 1.7(a) provides for a greater degree of discipline where there is a prior record of discipline. Standard 1.6 provides for the more severe sanction where different sanctions apply.

---

<sup>1</sup> *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.3.

<sup>2</sup> The Standards for Attorney Sanctions for Professional Misconduct, Rules Proc. Of State Bar, Title IV.

<sup>3</sup> Business and Professions Code section 6125 states that, "No person shall practice law in California unless the person is an active member of the State Bar." Business and Professions Code section 6126(a) states that any person holding himself out as practicing or entitled to practice law or otherwise practicing law, who is not an active member of the State Bar, is guilty of a misdemeanor.

The standards are guidelines<sup>4</sup> and are afforded great weight<sup>5</sup> but they are not applied in a talismanic fashion.<sup>6</sup> The determination of discipline involves an analysis of the standards on balance with the aggravation, mitigation, facts, and circumstances surrounding the misconduct.<sup>7</sup>

Here, a ninety-day actual suspension is consistent with the standards and is sufficient to protect the public, courts, and legal profession.<sup>8</sup>

### **DISMISSALS**

The parties respectfully request the Court dismiss two alleged violations from the NDC in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
10-O-11270	One	Rules of Professional Conduct, rule 3-110(A)
10-O-11270	Four	Business and Professions Code section 6068(i)

### **PENDING PROCEEDINGS**

The disclosure date referred to on page two, paragraph A.(7), was December 27, 2011.

### **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent was informed that as of December 27, 2011, the estimated costs in this matter are approximately \$4,161.00. This figure is an estimate and additional costs may exist,<sup>9</sup> which will be included in any final cost assessment.<sup>10</sup>

<sup>4</sup> *Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.

<sup>5</sup> *In re Silvertown* (2005) 36 Cal.4th 81, 91-92.

<sup>6</sup> *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.

<sup>7</sup> Std. 1.6(b); *Segal v. State Bar* (1988) 44 Cal.3d 1077, 1089; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-11.

<sup>8</sup> *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32 – appropriate range is from no actual suspension to 90 days actual suspension for abandoning a single client matter. The attorney in *Aguiluz* was disciplined with one year stayed suspension. *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639 – attorney was disciplined with ninety days of actual suspension for holding himself out as entitled to practice law, practicing law and moral turpitude during a 75-day suspension. *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229 – an attorney was suspended for thirty days for accepting employment from a client and appearing in the bankruptcy court while suspended.

<sup>9</sup> See Bus. & Prof. Code section 6068.10(c), C.C.P. section 1033.5(a).

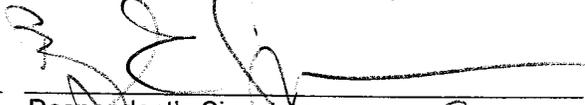
<sup>10</sup> Respondent acknowledges that if this stipulation is rejected or if relief from the stipulation is granted, the costs may increase due to further proceedings. Failure to pay any installment of disciplinary costs within the time provided or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision(c), triggers the remaining balance of the costs to be due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California. Rules Proc. of State Bar, rule 5.130 (old rule 286); Payment of costs is enforceable as provided in Business and Professions Code section 6140.7 and as a money judgment.

(Do not write above this line.)

In the Matter of: Byron Edwin Congdon	Case number(s): 10-O-11270 & (11-O-18100)
------------------------------------------	----------------------------------------------

**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>1/12/12</u> Date	 Respondent's Signature	<u>Byron Congdon</u> Print Name
<u>1/18/12</u> Date	 Respondent's Counsel Signature	<u>David Clare</u> Print Name
<u>1/18/12</u> Date	 Deputy Trial Counsel's Signature	<u>Jean Cha</u> Print Name

(Do not write above this line.)

In the Matter of: Byron Edwin Congdon	Case Number(s): 10-O-11270 & (11-O-18100)
------------------------------------------	----------------------------------------------

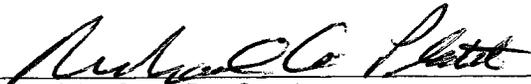
### ACTUAL SUSPENSION ORDER

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 5.58(E) & (F), 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.)**

01-25-12  
Date

  
Judge of the State Bar Court

RICHARD A. PLATEL

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 25, 2012, 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:

DAVID CLARE  
ATTORNEY AT LAW  
444 W OCEAN BLVD STE 800  
LONG BEACH, CA 90802

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

JEAN CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 25, 2012.



Angela Carpenter  
Case Administrator  
State Bar Court