



ORIGINAL

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>San Francisco</b> <b>STAYED SUSPENSION</b>		
Counsel For The State Bar  <b>Susan Chan</b> Supervising Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2384  Bar # 233229	Case Number(s): <b>13-O-17144-LMA</b>	For Court use only  <b>PUBLIC MATTER</b>  <b>FILED</b>   <b>MAR 06 2015</b>  <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
In Pro Per Respondent  <b>Richard E. Coombs</b> PO Box 2421 Carmichael, CA 95609 (916) 568-6100  Bar # 74281	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: <b>RICHARD EDWARD COOMBS</b>  Bar # 74281  A Member of the State Bar of California (Respondent)		

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 28, 1977**.
- (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".

(Effective January 1, 2014)

Stayed Suspension



REC

30

(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):
- Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles after the effective date of the Supreme Court Order.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (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 or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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.

(Effective January 1, 2014)

Stayed Suspension

REC

- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances**

**Prior Record of Discipline. See Attachment at page 10.**  
**Multiple Acts of Misconduct. See Attachment at page 11.**

**C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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 subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

(Do not write above this line.)

---

**Additional mitigating circumstances**

**Pretrial Stipulation. See Attachment at page 11.**

*REC*

#### D. Discipline:

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **one 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 1.2(c)(1), 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:

The above-referenced suspension is stayed.

(2)  **Probation:**

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

#### E. Additional Conditions of Probation:

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

(2)  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.

(3)  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.

(4)  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.

(5)  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.

*REC*

(Do not write above this line.)

---

- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  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.
- (9)  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 within one year. **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)  **Other Conditions:**

*REC*

(Do not write above this line.)

In the Matter of: <b>RICHARD EDWARD COOMBS</b>	Case Number(s): <b>13-O-17144-LMA</b>
---	--

### 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
Narendra Pratap	\$4,500.00	10/1/2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **six months prior to the end of the probationary period. Respondent shall pay full restitution of \$4,500, plus interest, at a minimum of \$200 a month, payable in full six months prior to the end of the probationary to Narendra Pratap.**

#### 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
Narendra Pratap	\$200	Monthly

- 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.

#### 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:
- 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";

(Effective January 1, 2011)

*Ree*

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.

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

IN THE MATTER OF:                      RICHARD EDWARD COOMBS

CASE NUMBER:                            13-O-17144-LMA

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct and sections of the Business and Professions Code.

Case No. 13-O-17144 (Complainant: Narendra Pratap)

**FACTS:**

1. Narendra Pratap and his wife ("the Prataps") hired Ron Lal ("Lal") to contact their loan service provider, Del Toro Loan Servicing, to modify the loan they had on property located in Sacramento, CA. Lal is a non-lawyer who works for American Real Estate Services. Lal contacted the loan provider on behalf of the Prataps and attempted to modify their loan payments.

2. On July 19, 2012, Lal emailed respondent seeking his services. In pertinent part the email read, "Below is a client that we tried loan modification and short sale and lender will not allow either. Please review and advise, client lives in Hayward California, and is available to come to Sacramento to file suit against bank if there are any grounds... ..Do we have a legal deed transfer? Are there any grounds for litigation? How does client proceed?"

3. Lal had no known relationship with respondent and was hired independently by the Prataps to act as an intermediary due to a language barrier.

4. On July 23, 2012, Lal and the Prataps met with respondent. The Pratap's hired respondent and paid respondent \$4,500 in advanced fees. Respondent was hired to evaluate and advise the Prataps on the merits of a civil action and to determine the existence of a legal deed.

5. On September 6, 2012, respondent drafted a Forbearance Agreement which he discussed with the Prataps.

6. On September 11, 2012, the Prataps and respondent met to discuss the case. At this meeting, the Prataps realized respondent had not performed any work on their case.

7. On September 12, 2012, respondent contacted the loan service provider via email. Respondent requested to speak directly with the lender. Respondent provided the loan service provider with a release from the Prataps. The loan service provider informed respondent he could not speak directly with the lender. After respondent contacted the loan service provider, he performed no further work on the Pratap's case. Respondent did not provide any legal services to the Prataps, did not negotiate with or initiate any civil action against the lender.

8. On October 1, 2012, Lal emailed respondent on the Prataps' behalf. Lal requested the return of all original documents and the full \$4,500 in advanced fees. Respondent received the email. To date, respondent has not refunded the \$4,500 to the Prataps. Respondent has not returned the original documents to the Prataps.

9. On November 5, 2013, the Prataps filed a complaint with the State Bar.

10. On January 4, 2014, a State Bar investigator mailed a letter to respondent requesting a response to the allegations by January 28, 2014. Respondent received the letter but failed to provide a written response to the allegations.

11. On February 19, 2014, the State Bar investigator sent an email to respondent requesting a response to the January 4, 2014 letter. Respondent received the email but failed to respond.

12. On March 17, 2014, the State Bar investigator sent a final letter reminding respondent of his duty to respond to the initial letter dated January 4, 2014. Respondent received the letter but failed to respond.

#### CONCLUSIONS OF LAW:

13. By failing to perform legal services, namely, to evaluate and advise the Prataps on the merits of a possible civil action in a foreclosure matter and by failing to determine whether or not a legal deed existed, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

14. By failing to promptly refund any of the \$4,500 in advanced fees paid by the Prataps that respondent had not earned upon termination from employment on October 1, 2012, respondent failed to promptly refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

15. By failing to promptly release the Prataps' client file following the client's request for the client file after termination of respondent's employment on October 1, 2012, respondent failed to promptly release all the client papers and property in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

16. By failing to provide a written response to the investigator's letters, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent, in willful violation of Business and Professions Code, section 6068(i).

#### ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (standard 1.5(a)):** Respondent has previously been disciplined in State Bar Case No. 13-O-14659, by the State Bar Court Hearing Department, in a decision filed on October 30, 2014, which recommended that respondent be suspended for one year stayed, to include a 30-day actual suspension and three years probation. Although the latest incident of discipline is not yet final, pursuant to rule 5.106 of the Rules of Procedure of the State Bar of California, it is considered a prior record of discipline. In State Bar Case No. 13-O-14659, respondent was found culpable of the

following misconduct in one client matter from December 2012 through February 2014: failing to maintain client funds in trust, misappropriating \$485, making a misrepresentation to the State Bar, failing to perform competently, failing to communicate with a client, and failing to promptly return unearned fees.

**Multiple Acts of Misconduct (standard 1.5(b)):** Respondent committed four separate acts of misconduct in this matter. Respondent failed to perform competently, failed to return the client file, failed to return unearned fees, and failed to cooperate in a State Bar Investigation. This demonstrates multiple acts of misconduct.

#### **ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.**

**Pretrial Stipulation:** Respondent has voluntarily entered into this stipulation and is entitled to receive mitigative credit for his admission of culpability and consent to the imposition of discipline. (See *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].) However, the mitigation is tempered by respondent's failure to cooperate with the State Bar's investigation in this matter.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct provide "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. Of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.)

The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4<sup>th</sup> 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) Any discipline recommendation that deviates from the Standards must include clear reasons for the departure. (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent committed four acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." The most severe sanction applicable to respondent's misconduct is found in Standard 2.15, which applies to respondent's failure to return unearned fees in violation of Rules of Professional Conduct, rule 3-700(D)(2).

Standard 2.15 provides that: "Suspension not to exceed three years or reproof is appropriate for a violation of a provision of the Business and Professions Code or the Rules of Professional Conduct not specified in these standards."

Standard 1.8(a) also applies since respondent has a prior record of discipline. Standard 1.8(a) provides: "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Here, respondent accepted \$4,500 in advanced fees and then failed to perform any work on the Prataps' case. After being terminated, respondent failed to return the unearned fees, failed to return the client file, and then failed to cooperate in a State Bar investigation.

Respondent's misconduct is aggravated by a prior record of discipline which was serious and not remote in time. However, the aggravating force of respondent's prior discipline is somewhat diminished since the present matter stems from misconduct occurring before the imposition of discipline in respondent's prior discipline and is not an indication of respondent's unwillingness or inability to conform to ethical norms following the imposition of discipline. (See *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618-619). In *Sklar*, the attorney had prior discipline and was involved in a second disciplinary proceeding involving misconduct which occurred during the same time period as his prior discipline. The court held that the impact of prior discipline was diminished because it occurred at the same time. The findings in the two cases must be analyzed together to determine what the discipline would have been had all the charged misconduct during this period been brought as one case. (*In the Matter of Sklar, supra*, 2 Cal. State Bar Ct. Rptr. at 619).

While the misconduct here is not contemporaneous, it is close enough in time to apply the *Sklar* analysis. Under *Sklar*, the current misconduct will not result in any greater discipline for respondent. In aggravation, respondent has a prior discipline and committed multiple acts of misconduct. In mitigation, respondent voluntarily entered into this pretrial stipulation. Under the standards, a period of stayed suspension is appropriate.

On balance, a one year stayed suspension with two years probation and full restitution of \$4,500 plus interest at \$200 a month, payable in full six months prior to the end of the probationary period is appropriate to serve the purposes of attorney discipline and public protection.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

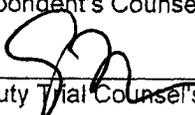
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 28, 2015, the prosecution costs in this matter are \$7,252.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: RICHARD EDWARD COOMBS	Case number(s): 13-O-17144-LMA
--	-----------------------------------

**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>2/6/15</u> Date	 Respondent's Signature	<u>Richard E. Coombs</u> Print Name
<u>2/12/2015</u> Date	 Deputy Trial Counsel's Signature	<u>Susan Chan</u> Print Name

ORIGINAL

(Do not write above this line.)

In the Matter of: RICHARD EDWARD COOMBS	Case Number(s): 13-O-17144-LMA
--	-----------------------------------

### STAYED 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.

Rule 5.106(A)(2) provides that a prior record of discipline includes the recommended discipline that the Court of last resort in the jurisdiction has not yet approved.

Respondent has a disciplinary matter pending before the Review Department (case No. 13-O-14659). The Review Department will independently review the record and may make findings, conclusions or a decision or recommendation different from those of the hearing decision or remand the matter. (Rules Proc. of State Bar, rule 5.155(A) and (B).) Thus, because respondent's matter is still pending, discipline has not been recommended to the Supreme Court for approval.

Accordingly, since there is no recommended discipline, respondent's currently pending matter before the Review Department is not considered as a prior record of discipline in aggravation.

Therefore, the stipulation is modified as follows:

1. On pp. 10-11, the paragraph entitled "Prior Record of Discipline" is deleted and modified to read: "Respondent does not have a prior record of discipline; but he does have a pending matter before the Review Department, case No. 13-O-14659, in which the Hearing Department filed a decision on October 30, 2014."
2. On p. 12, the third, fifth and sixth paragraphs are deleted, regarding prior record of discipline. The following three sentences in the sixth paragraph are modified to read: "In aggravation, respondent committed multiple acts of misconduct. In mitigation, respondent voluntarily entered into this pretrial stipulation. Under the standards, a period of stayed suspension is appropriate."

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

(Do not write above this line.)

---

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.)**

March 6, 2015  
Date

Pat E. McElroy  
**PAT E. McELROY**  
Judge of the State Bar Court

**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 San Francisco, on March 6, 2015, 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:

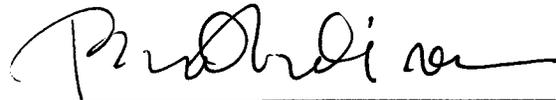
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

RICHARD EDWARD COOMBS  
LAW OFFICES OF RICHARD E. COOMBS  
PO BOX 2421  
CARMICHAEL, CA 95609

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

SUSAN CHAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 6, 2015.



---

Bernadette C.O. Molina  
Case Administrator  
State Bar Court