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**State Bar Court of California
Hearing Department
Los Angeles **PUBLIC MATTER**
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p>Timothy G. Byer Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number(s): 14-O-01186, 14-O-03498</p>	<p>For Court use only</p> <p align="center">FILED MAR 20 2015 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan L. Margolis Margolis & Margolis LLP 2000 Riverside Drive Los Angeles, CA 90039</p> <p>Bar # 104629</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: WILLIAM LAWRENCE MCKINNEY</p> <p>Bar # 66803</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 **December 18, 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 **14** 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)



- (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: **2016, 2017**. (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.

See Attachment, p. 9, "Aggravating Circumstances."
- (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. **See Attachment, p. 9, "Aggravating Circumstances."**
- (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.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment, p. 9, "Aggravating Circumstances."**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation. See Attachment, p. 9, "Mitigating Circumstances."

D. Discipline:

(1) **Stayed Suspension:**

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

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(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:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **three 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 **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 1.2(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:

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 1.2(c)(1), 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.

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- (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:

Provision by Respondent of proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session, within six months prior to the effective date of the discipline herein shall be deemed to satisfy this requirement.

- (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**

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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:

(See "Other Conditions" below)

- (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:**

With regard to the MPRE condition at Section F(1) on page 5: Provision by Respondent of proof of passage of the MPRE within six months prior to the effective date of the discipline herein shall be deemed to satisfy this requirement

See Attachment, pp. 11-13, "Fee Arbitration Conditions of Probation."

7. Respondent's fee agreement described Dupree as "surety" and Carter as "client," and disclaimed any obligation to communicate with Dupree regarding developments in the matter.

8. Respondent did not obtain informed written consent by Carter to Respondent's acceptance of fees for his case from his mother.

9. In September 2013, Dupree telephoned Respondent and complained that he had not contacted her or Carter with any communication of progress on the representation, informed him that the representation was therefore terminated, and demanded a refund of her advanced fee. Respondent asked Dupree to first allow him to meet with her at her home in San Diego.

10. In October 2013, Respondent and the private investigator separately employed by Carter's family traveled to San Diego and met with Dupree and other family members. Dupree agreed to allow Respondent to continue the representation in return for Respondent's commitment to have Carter's writ petition prepared and filed by April 2014.

11. In April 2014, Dupree contacted Respondent to ask about the status of the writ petition. Respondent told her that nothing further had been done on the case because she had not completed the fee payment called for in the fee agreement.

12. On August 13, 2014, Carter mailed a letter to Respondent, requesting a report from Respondent as to the status of his case, and an accounting of fees paid on his behalf. Respondent did not respond to that request until February 18, 2015. In a letter to Carter and Dupree dated February 18, Respondent conveyed his conclusion that, although there was some indication that witnesses against Carter had fabricated their statements to police detectives, the investigator had been unable to persuade any witnesses to sign sworn declarations to that effect, and thus there was insufficient evidence on which to base a habeas corpus writ petition. The February 18, 2015 letter also included an accounting of Respondent's fees.

13. On September 8, 2014, in response to a communication from the State Bar during the investigation of Carter and Dupree's State Bar complaint against him, Respondent mailed a letter to the State Bar in which he asserted that he had not communicated with Carter because "James Carter is not my client. I do not have a retainer agreement with him nor have I generated any direct contact with him including [sic] a business card." Respondent also asserted that "Mr. Carter asked for an accounting on a letter mailed 8/14/2014 to me (copy enclosed), I have not communicated with him since he is not my client and I was not paid by him."

14. Respondent did not communicate to Carter or Dupree any results of his investigation, legal analysis, or status as to the progress of the writ petition, at any time between his employment on June 15, 2013 and February 18, 2015.

CONCLUSIONS OF LAW:

15. By accepting \$5,000.00 from Ida Dupree as compensation for representing a client, James Carter, without obtaining his client's written consent for Respondent to receive such compensation, Respondent willfully violated Rules of Professional Conduct, rule 3-310(F).

16. By not communicating to Carter or Dupree the results of Respondent's investigation, legal analysis, status as to the progress of the writ petition or explanation for any lack of progress, until a year

and a half after he was employed, and by not completing work on the writ petition by April 2014 as was a condition of his continued employment, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

17. By not responding until February 18, 2015 to Carter's letter to him dated August 13, 2014, Respondent failed to respond promptly to a written reasonable status inquiry that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has been disciplined on two prior occasions. Effective January 9, 2003, in case no. 01-O-03615, Respondent was privately reprovved for a single count of failure to cooperate with the State Bar's investigation.

Effective November 14, 2006, in case no. 06-O-10709, Respondent was publicly reprovved for failing to communicate to his criminal defendant client that he had decided not to pursue an appeal on her behalf, and for failure to cooperate with the State Bar's investigation.

Bad Faith and Overreaching (Std. 1.5(d)): Respondent's fee agreements in both matters disclaimed any obligation to communicate with his incarcerated clients' third party fee paying family members, who those agreements described as "sureties." Respondent then asserted that the family members were the clients, and that the incarcerated individuals, identified as "clients" on the fee agreement, were not owed responses to their inquiries, since they were not his clients. Respondent's contradictions of his own fee agreement, when attempting to evade a duty of communication with his clients, were acts of bad faith and overreaching.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent has committed an act in violation of Business and Professions Code section 6068(m), a violation of Rules of Professional Conduct, rule 3-110(A), and two violations of Rules of Professional Conduct, rule 3-300(F).

MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*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].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "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.4th 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 Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 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 end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary 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).)

The most severe applicable standard in the present case is Standard 2.15. Standard 2.15 states that suspension not to exceed three years or reproof is appropriate for a violation of a provision of the Rules of Professional Conduct not specified elsewhere in the Standards. This standard applies to Respondent’s violations of rule 3-310(F) of the Rules of Professional Conduct.

Standard 1.8(b) addresses those circumstances in which two or more prior records of discipline make disbarment appropriate. Unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct, Standard 1.8(b) calls for disbarment where 1) actual suspension was ordered in any one of the prior disciplinary matters, 2) the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or 3) the prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities. In the current matter, Respondent has not previously been suspended, and the commonality between the instant misconduct and his prior discipline, while significant, does not rise to the level of either a pattern of misconduct nor a demonstration of inability to conform to his ethical responsibilities. Therefore, despite the two prior disciplines, Standard 1.8(b) does not make disbarment appropriate here.

Standard 1.8(a) provides that progressive discipline is required where an attorney has a “single prior record of discipline” unless the prior discipline was so remote in time and the previous misconduct was not serious enough to justify progressive discipline. The strict text of Standard 1.8(a) is inapplicable here, since Respondent has not merely a “single prior record” but two prior records of discipline. Under the principle of progressive discipline enunciated in Standard 1.8(a), however, since both of Respondent’s prior records of discipline were reproofs (one private, one public), the instant matter requires Respondent’s suspension. Respondent failed to respond to the inquiries of one of his incarcerated clients and failed to ensure that the independent will of his clients was protected from interference by third-party payors, despite explicit language to the contrary in his fee agreement. Additionally, Respondent’s failure to communicate with his client is misconduct for which Respondent was previously disciplined. Notwithstanding the mitigating circumstance of Respondent’s agreement to enter into this stipulation as to facts and culpability prior to trial, the present misconduct and the aggravating and mitigating factors make 90 days of actual suspension an appropriate resolution to fulfill the purposes of attorney discipline.

Case law also supports this resolution. In *In the Matter of Aguiluz* (Rev. Dept. 1994) 3 Cal.State Bar Ct. Rptr. 41, an attorney had a prior discipline for failure to perform and abandonment, for which he received one year stayed suspension. Two years later he was disciplined a second time, for representation of conflicting interests without informed written consent, failure to perform, abandonment, and failure to notify his client of receipt of funds, in violation of rule 4-100(B)(1). The court imposed 90 days of actual suspension. The court's analysis was focused not on the aggravation value of the prior discipline, but on the standard applicable to the trust violation, and the aggravating circumstance of the respondent's lack of insight.

Considering the purposes of the standards, which are public protection, preservation of high legal standards, and maintenance of public confidence, 90 days of actual suspension is warranted in this case.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
14-O-01186	2	3-700(D)(2)
14-O-03498	3	3-700(A)(2)
14-O-03498	4	3-700(D)(2)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 10, 2015, the prosecution costs in this matter are \$6,498. 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.

FEE ARBITRATION CONDITIONS OF PROBATION:

A. Respondent's Duty to Initiate and Participate in Fee Arbitration

Respondent must initiate fee arbitration within thirty (30) days from the effective date of this matter, including making any payment(s) and filing fees required by the organization conducting the fee arbitration to start the process. The fee arbitration will be for the \$6,252.50 in fees paid to Respondent on behalf of Snyder, Jr. by Snyder Sr. and Washington, and for the \$5,000 in fees paid to Respondent on behalf of Carter by Dupree. Respondent must not request more fees than have already been paid by, or on behalf of, either Snyder, Jr. or Carter.

Respondent must provide the Office of Probation with a copy of the conformed filing within forty-five (45) days from the effective date of the discipline in this matter. Respondent must provide the Office of Probation with any information requested regarding the fee arbitration to verify Respondent's compliance, within 10 days of any such request by the Office of Probation.

Respondent must fully and promptly participate in the fee arbitration as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a

defense to the fee arbitration. Respondent understands and agrees that the Office of Probation may contact the entity conducting the fee arbitration for information.

Respondent must accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, Respondent must abide by the arbitration award and forego the right to file an action seeking a trial de novo in court to vacate the award.

B. Disputed Funds Must be Held in Trust by Respondent

Respondent must keep the disputed funds in a separate interest-bearing trust account (not an IOLTA). If Respondent has removed the disputed funds from trust, Respondent must open a separate interest-bearing trust account and deposit the disputed funds into such account within fifteen (15) days from the effective date of discipline. Respondent must provide evidence, e.g. a copy of Respondent's bank statement showing that the disputed funds have been placed in trust within thirty (30) days from the effective date of this matter, and a statement under penalty of perjury that the funds have remained in trust with each of Respondent's quarterly and final reports.

C. Respondent's Duty to Comply with the Arbitration Award

Within fifteen (15) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, Respondent must provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent must abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth a deadline for any payment, Respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award. Respondent must provide proof thereof to the Office of Probation within thirty (30) days after payment.

To the extent that Respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of this matter, Respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been provided to the Office of Probation.

D. Fee Arbitration Conditions can be Satisfied by Respondent's Full Payment to Snyder, Sr., Washington, and Dupree

The Fee Arbitration Conditions can also be satisfied by Respondent's full payment of all \$6,252.50 in fees that Snyder, Sr. and Washington paid Respondent on behalf of Snyder, Jr., and full payment of all \$5,000.00 in fees that Dupree paid Respondent on behalf of Carter, plus interest of 10% per annum from the date of each partial payment, within thirty (30) days from the effective date of this matter. Satisfactory proof of payment must be received by the Office of Probation within forty-five (45) days from the effective date of this matter.

E. Effect of Respondent's Failure to Comply with Fee Arbitration Conditions

Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court imposing additional discipline (with attendant costs) and conditions upon

Respondent, including ordering Respondent to pay back the full amount of fees paid to Respondent by Snyder, Sr., Washington, and Dupree, plus 10% interest from the date of each partial payment.

EXCLUSION FROM MCLE CREDIT

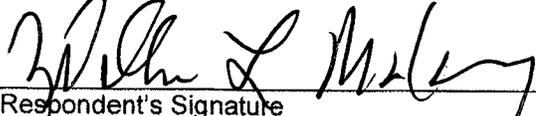
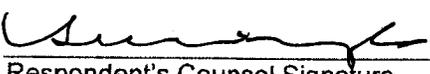
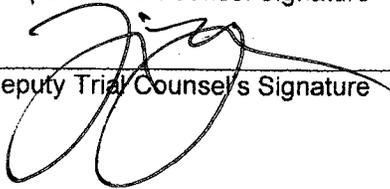
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: WILLIAM LAWRENCE McKINNEY	Case number(s): 14-O-01186, 14-O-03498
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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 Facts, Conclusions of Law, and Disposition.

<u>3-6-15</u> Date	 Respondent's Signature	<u>William L. McKinney</u> Print Name
<u>3-6-15</u> Date	 Respondent's Counsel Signature	<u>Susan L. Margolis</u> Print Name
<u>3-9-15</u> Date	 Deputy Trial Counsel's Signature	<u>Timothy G. Byer</u> Print Name

(Do not write above this line.)

In the Matter of: WILLIAM LAWRENCE MCKINNEY	Case Number(s): 14-O-01186, 14-O-03498
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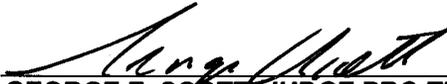
ACTUAL SUSPENSION ORDER

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.)**

3-19-15
Date


GEORGE E. SCOTT, JUDGE PRO TEM
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 Los Angeles, on March 20, 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 Los Angeles, California, addressed as follows:

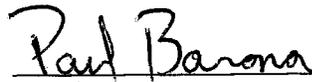
**SUSAN LYNN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

Timothy G. Byer, Enforcement, Los Angeles

Terrie Goldade, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 20, 2015.



Paul Barona
Case Administrator
State Bar Court