



STATE BAR COURT OF CALIFORNIA

1149 S. HILL STREET, 5TH FLOOR, LOS ANGELES, CALIFORNIA 90015-2299

April 9, 2013

In Re: 96-O-00716; 94-O-15223 & 89-O-12528 In the Matter of David K. Jefferies

Enclosed please find copies of the documents you requested in the above-referenced matter.

We acknowledge receipt of your check (No. 4962). Below is a complete itemization of the charges made to you for the requested copies.

Files retrieved @ \$3.00 per file	\$	0.00
81 Pages photocopied @ \$0.50 per page	\$	40.50
Mandatory certification fee	\$	1.00
Total Amount Charged	\$	41.50
Amount Received	\$	30.00
Amount Due	\$	WAIVED
Refund*	\$	

* Please note that refunds are sent under separate cover by the Financial Department of the State Bar of California. Please allow six to eight weeks for receipt.

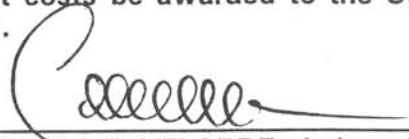
PUBLIC MATTER

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</p> <p style="text-align: center; font-weight: bold;">DEC 13 1996</p> <p style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p>DAVID KENNETH JEFFERIES,</p> <p style="padding-left: 40px;">Bar No. 81996,</p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO: 94-O-15223-CEV 95-H-16157-CEV consolidated</p> <p>ORDER REGARDING STIPULATION (<input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED) AS TO FACTS AND DISPOSITION</p>

A fully executed Stipulation as to Facts and Disposition pursuant to rules 130-135, Rules of Procedure of the State Bar of California, State Bar Court Proceedings consisting of 21 pages, approved by the parties, was submitted in the above-captioned case(s). Any Stipulations submitted previously are rejected. The Stipulation is attached to this order and incorporated as though fully stated here. Unless a party withdraws or modifies the Stipulation pursuant to rule 135(c), Rules of Procedure of the State Bar of California, this order shall be effective 15 days from the service of this order. After consideration of this Stipulation, the Court hereby orders:

- ☐ The above mentioned case numbers are hereby consolidated for the purposes of ruling upon this Stipulation.
- ☒ Modifications to the Stipulation are attached:
 - ☐ the parties having no objection.
 - ☐ the parties having agreed on the record on _____.
 - ☒ any party must object within 15 days of the service of this order to the Stipulation, as modified by the Court, or it shall become effective; if any party objects, the Stipulation shall be deemed rejected.
- ☒ It appearing that this Stipulation and all attachments are fair to the parties and consistent with adequate protection of the public, the stipulation is approved and the disposition is:
 - ☒ ordered.
 - ☐ recommended to the California Supreme Court.
 - ☐ further discussion attached.
- ☐ After due consideration of this Stipulation and all attachments, it is rejected:
 - ☐ for the reasons discussed with the parties in previous conference(s).
 - ☐ for the reasons attached to this order.
- ☒ It is further ☒ ordered ☐ recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

DATED: December 10, 1996


 CARLOS E. VELARDE, Judge of the State Bar Court

**ATTACHMENT TO ORDER REGARDING STIPULATION
INCORPORATED BY REFERENCE**

In The Matter of **DAVID KENNETH JEFFERIES**

Case No: **94-O-15223-CEV
95-H-16157-CEV**

Bar No. 81996

A Member of the State Bar.

MODIFICATION OF STIPULATION

On the face page of the stipulation (page one) three ommisions have been brought to the court's attention and are at this time being added to the stipulation:

1. In the top left hand box, insert below the word "ENFORCEMENT": "Alyse M. Lazar, Cydney G. Crickard, No. 113407";
2. In the top right hand box, insert below "COUNSEL FOR RESPONDENT:" David Kenneth Jefferies, 44404 16th Street West, #109, Lancaster, CA 93534, (805)949-9594"; and
3. At paragraph A., line 5, insert "11/29/78" in the blank after the word "on".

In the Matter of DAVID KENNETH JEFFEREIS

CASE NO: 94-O-15223-CEV
95-H-16157-CEV

Bar No. 81996

A Member of the State Bar.

☒ **PUBLIC REPROVAL**

Service upon the parties of this "Order Approving Stipulation As To Facts And Disposition" constitutes a letter of **PUBLIC** Reproval in the name of the State Bar of California to the above named member of the State Bar pursuant to rule 270, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings.

☒ Conditions in the manner authorized by rule 956, California Rules of Court, are ordered to be attached to this reprovail as set forth in the attached stipulation.

☐ No conditions are attached to this reprovail.

This **PUBLIC** Reproval shall be effective upon expiration of the period provided by rule 135(c), Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings, unless a timely request for withdrawal or modification of the stipulation is filed.

☐ **PRIVATE REPROVAL**

Service upon the parties of this "Order Approving Stipulation As To Facts And Disposition" constitutes a letter of **PRIVATE** Reproval in the name of the State Bar of California to the above named member of the State Bar pursuant to rule 270, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings.

☐ Conditions in the manner authorized by rule 956, California Rules of Court are ordered to be attached to this reprovail as set forth in the attached stipulation.

☐ No conditions are attached to this reprovail.

This **PRIVATE** Reproval shall be effective upon expiration of the period provided by rule 135(c), Rules of Procedure of the State Bar, Title II, State Bar Court Proceedings, unless a timely request for withdrawal or modification of the stipulation is filed. (See rule 270, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings.)

<p>COUNSEL FOR STATE BAR: THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT</p> <p>1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1000</p>	<p>COUNSEL FOR RESPONDENT: --</p>
<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT - DEC 10 1996</p> <p><input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco</p> <p>STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>DEC 10 1996</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p><u>DAVID KENNETH JEFFERIES,</u></p> <p>No. <u>81996</u></p> <p>A MEMBER OF THE STATE BAR OF CALIFORNIA</p>	<p>CASE NO(S). <u>94-O-15223-CEV</u> [94-O-17382; 95-O-10901; 95-H-16157.]</p> <p>STIPULATION AS TO FACTS AND DISPOSITION (RULE 133, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA) - PUBLIC REPROVAL</p>

SECTION ONE. GENERAL AGREEMENTS AND WAIVERS.

A. PARTIES. The parties to this stipulation as to facts and disposition, entered into under rule 133, Rules of Procedure of the State Bar of California (herein "Rules of Procedure"), are the member of the State Bar of California, captioned above (hereinafter "respondent"), who was admitted to practice law in the State of California on _____ and the Office of the Chief Trial Counsel.

B. JURISDICTION, SERVICE AND NOTICE OF CHARGES. The parties agree that the State Bar Court has jurisdiction over respondent to take the action agreed upon in this stipulation. No issue is raised over notice or service of any charge.

☒ The parties waive any variance between this stipulation and any charge.

C. PROCEDURES AND TRIAL. In order to accomplish the objectives of this stipulation, the parties waive all State Bar Court procedures regarding formal discovery, hearing or trial. Instead, the parties agree to submit this stipulation to a judge of the State Bar Court.

☐ **WAIVER OF ISSUANCE OF NOTICE OF DISCIPLINARY CHARGES** - It is agreed by the parties that investigative matters designated as _____ shall be incorporated into this stipulation. The parties waive the issuance of a Notice of Disciplinary Charges and the right to a formal hearing and any other procedures necessary with respect to these investigative matters in order to accomplish the objectives of this stipulation.

☐ **PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING** - This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court.

On _____, respondent, was convicted of violating _____. On _____, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues:

☒ **AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1**

- a. Respondent's culpability determined in the disciplinary proceeding in 94-O-15223-CEV would warrant the imposition of discipline in the State of California under the laws or rules in effect in this State at the time the misconduct was committed; and
- b. The proceeding in the above jurisdiction provided respondent with fundamental constitutional protection.

D. PENDING PROCEEDINGS. All pending investigations and matters included in this stipulation are listed by case number in the caption above. Respondent has been advised in writing of the case numbers and complaining witness names of any pending investigations or proceedings not resolved by this stipulation, except for investigations, if any, related to investigations by criminal law enforcement agencies. All such information has been provided to the respondent in a separate document as of Nov. 15, 1996. This date is no more than thirty days prior to the date the stipulation is filed.

E. EFFECT OF THIS STIPULATION.

1. The parties agree that this stipulation is not binding unless and until approved by a judge of the State Bar Court. If approved, this stipulation shall bind the parties in all matters covered by this stipulation and the parties expressly waive review by the Review Department of the State Bar Court.

2. If the stipulation is not approved by a State Bar Court judge, the parties will be relieved of all effects of the stipulation and any proceedings covered by this stipulation will resume.

3. The parties agree that stipulations as to proposed discipline involving suspension are not binding on the Supreme Court of California.

4. This stipulation resolves the entire proceeding, except as expressly set forth in this stipulation.

☒ The parties agree that this stipulation, including the statement of facts and legal conclusions, is the full and complete resolution of this State Bar proceeding only.

5. This stipulation includes all language contained in this form, except provisions contained in paragraphs preceded by boxes that have not been checked.

F. PREVIOUSLY REJECTED STIPULATIONS IN PROCEEDINGS OR INVESTIGATIONS COVERED BY THIS STIPULATION.

☒ There have been no previously rejected or withdrawn stipulations in matters or investigations covered by this stipulation.

☐ Facts regarding previous stipulations:

G. COSTS OF DISCIPLINARY PROCEEDINGS.

The agreed disposition is eligible for costs to be awarded the State Bar. Respondent has been notified of respondent's duty to pay costs and acknowledges the provisions of Business and Professions Code sections 6086.10 and 6140.7. The amount of costs assessed by the Office of the Chief Trial Counsel will be disclosed in a separate cost certificate submitted following approval of this stipulation by a hearing judge. The amount of costs assessed by the State Bar Court will be disclosed in a separate cost certificate submitted upon finalization of this matter. Respondent acknowledges that this stipulation is a compromise of disputed allegations and that a petition for relief from costs pursuant to rules of procedure, rule 282, alleging special circumstances or other good cause shall not be based upon the timing of this stipulation, any aspects of the negotiation process in this case, or the degree of discipline agreed upon by the parties hereto. Respondent waives all challenges to the State Bar's calculation of "reasonable costs" under Business and Professions Code section 6086.10(b)(3).

☒ Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of Nov. 13, 1996, the estimated prosecution costs in this matter are approximately \$ 2,023.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. 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.

SECTION TWO. STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW WARRANTING THE AGREED DISPOSITION.

Attached hereto as Exhibit "1" is a statement of (1) acts or omissions acknowledged by the respondent as cause or causes for discipline and (2) conclusions of law, drawn from and specifically referring to the facts admitted by respondent, regarding respondent's culpability of violating specified Statutes and/or Rules of Professional Conduct.

☒ Based on further investigation, the parties respectfully request the Court to dismiss the following alleged violations in the interests of justice:

<u>Case No</u>	<u>Count</u>	<u>Alleged Violation</u>
94-O-15223	TWO	Rule 4-100(B)(4) [Failure to deliver ppty]
94-O-15223	THREE	B&P §6016 [Moral turpitude]
94-O-15223	FOUR	B&P § 6068(m) [Failure to communicate]
94-O-15223	FIVE	Rule 3-110(A) [Failure to act competently]
94-O-17382	SEVEN	Rule 3-110(A) [Failure to perform competently]
94-O-17382	EIGHT	Rule 3-700(D)(2) [Failure to return fees]
<div style="border: 1px solid black; padding: 5px;"> Authorities supporting discipline: </div>		
94-O-17382	NINE	B&P §6068(m) [Failure to communicate]
95-O-10901	ELEVEN	Rule 4-100(B)(3) [Failure to account]
95-O-10901	TWELVE	Rule 3-700(D)(2) [Failure to refund fees]
95-O-10901	THIRTEEN	B&P §6068(e) [Failure to preserve confidence]

SECTION THREE. STATEMENT OF CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

The parties agree that the following mitigating, aggravating or other circumstances bear upon the agreed disposition:

A. AGGRAVATING CIRCUMSTANCES:

☐ Respondent has a record of prior discipline (Standard 1.2(B)(i) Standards for Attorney Sanctions for Professional Misconduct), as follows:

☐ Respondent's misconduct evidences multiple acts of wrongdoing (Standard 1.2(b)(ii) Standards for Attorney Sanctions for Professional Misconduct), as follows:

☒ Respondent's misconduct evidences/demonstrates a pattern of misconduct (Standard 1.2(b) (ii) Standards for Attorney Sanctions for Professional Misconduct), as follows:

PLEASE SEE EXHIBIT "2"

- ☐ Respondent's misconduct was surrounded or followed by bad faith, dishonesty, concealment, overreaching or other circumstances defined by Standard 1.2 (b)(iii) Standards for Attorney Sanctions for Professional Misconduct), as follows:
- ☐ Respondent's misconduct harmed significantly client(s), the public or the administration of justice (Standard 1.2(b)(iv) Standards for Attorney Sanctions for Professional Misconduct), as follows:
- ☐ Respondent demonstrated indifference to rectifying the consequences of misconduct (Standard 1.2 (b)(v) Standards for Attorney Sanctions for Professional Misconduct), as follows:
- ☐ Respondent demonstrated indifference to atoning for the consequences of misconduct (Standard 1.2(b)(v) Standards for Attorney Sanctions for Professional Misconduct), as follows:
- ☐ Respondent displayed a lack of candor and cooperation to any victim(s) of misconduct (Standard 1.2(b)(vi) Standards for Attorney Sanctions for Professional Misconduct), as follows:
- ☒ Respondent displayed a lack of candor and cooperation to the State Bar during disciplinary investigation or proceedings (Standard 1.2(b)(vi) Standards for Attorney Sanctions for Professional Misconduct), as follows: Respondent failed to cooperate in two State Bar investigations. He signed for a letter and agreed to provide written response to State Bar; however, he failed to comply.
- ☐ Additional circumstance(s) in aggravation or additional facts regarding the above paragraphs are stated as follows:
- ☐ There are no aggravating factors.

B. MITIGATING CIRCUMSTANCES:

- ☒ Respondent has no record of prior discipline over many years of practice, coupled with present misconduct not deemed serious

(Standard 1.2(e)(i) Standards for Attorney Sanctions for Professional Misconduct).

Respondent has been licensed to practice law for eighteen years.

- ☐ Respondent has no prior record of discipline. However, Standard 1.2(e)(i), Standards for Attorney Sanctions for Professional Misconduct, does not apply because:

Nevertheless, the parties agree that the Court may consider respondent's lack of prior discipline in determining whether the recommended level of discipline is appropriate.

- ☐ Respondent acted in good faith (Standard 1.2 (e)(ii) Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Respondent's misconduct did not result in harm to the client(s) or person(s) who were the objects of misconduct. (Standard 1.2(e)(iii) Standards for Attorney Sanctions for Professional Misconduct) as follows:

- ☐ Respondent suffered extreme emotional difficulties at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2(e)(iv) Standards for Attorney Sanctions for Professional Misconduct, as follows:

- ☐ Respondent suffered extreme physical disabilities at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2(e)(iv), Standards for Attorney Sanctions for Professional Misconduct, as follows:

- ☐ Respondent displayed spontaneous candor and cooperation to the victim(s) of misconduct (Standard 1.2 (e)(v), Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings (Standard 1.2(e)(v), Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Respondent presented an extraordinary demonstration of good character as set forth in Standard 1.2(e)(vi), Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Respondent promptly took objective steps to spontaneously demonstrate remorse which steps were designed to timely atone for any consequences of respondent's misconduct (Standard 1.2(e)(vii), Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Respondent promptly took objective steps to spontaneously demonstrate recognition of the wrongdoing acknowledged, which steps were designed to timely atone for any consequences of respondent's misconduct (Standard 1.2(e)(vii), Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Considerable time has passed since respondent's misconduct, followed by convincing proof of subsequent rehabilitation (Standard 1.2(e)(viii), Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Excessive delay occurred in conducting this disciplinary proceeding, which delay is not attributable to respondent and which delay was prejudicial to respondent (Standard 1.2(e)(ix) Standards for Attorney Sanctions for Professional Misconduct), as follows:

- ☐ Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows:

☐ There are no mitigating circumstances.

SECTION FOUR. AGREED DISPOSITION

Based on the foregoing, the parties agree that the appropriate disposition of all matters covered by this stipulation is that respondent be publicly reproved by the State Bar Court.

☐ There are no conditions to be attached to this public reproof.

☒ Pursuant to rule 956, paragraph (a), California Rules of Court, it is recommended that the following conditions be attached to the public reproof. The parties stipulated that protection of the public and the interests of respondent will be served thereby.

RESPONDENT ACKNOWLEDGES THAT THIS STIPULATION CONSTITUTES NOTICE THAT, PURSUANT TO RULE 956, CALIFORNIA RULES OF COURT, RESPONDENT'S FAILURE TO COMPLY WITH THE CONDITIONS ATTACHED TO ANY PUBLIC REPROVAL ADMINISTERED BY THE STATE BAR COURT MAY CONSTITUTE CAUSE FOR A SEPARATE ATTORNEY DISCIPLINARY PROCEEDING FOR WILFUL BREACH OF RULE 1-110, RULES OF PROFESSIONAL CONDUCT.

☒ **MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION**

Respondent shall take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year of the effective date of the administration of the public reproof and furnish satisfactory proof of such passage to the Probation Unit within said period.

☒ **STATE BAR ETHICS SCHOOL**

☒ Within one year from the date on which the disciplinary order in this matter becomes effective, respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California offices in Los Angeles and San Francisco, and shall pass the test given at the end of such session. Because respondent has agreed to attend State Bar Ethics School as part of this Stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

☐ It is not recommended that respondent attend State Bar Ethics School since respondent attended Ethics School within the last two years in connection with case number _____.

☐ Respondent resides outside California and is unable to attend State Bar Ethics School. As an alternative to State Bar Ethics School, the parties agree that respondent will complete the following courses:

☒ STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE

☒ Within one year from the date on which the disciplinary order in this matter becomes effective, respondent shall attend the State Bar Ethics School Client Trust Account Record-Keeping Course, which is held periodically at the State Bar of California offices in Los Angeles and San Francisco, and shall take and pass the test given at the end of such session. Because respondent has agreed to attend State Bar Ethics School as part of this Stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

☐ It is not recommended that respondent attend Ethics School Client Trust Account Record-Keeping Course since respondent attended Ethics School within the last two years in connection with case number _____.

☐ Respondent resides outside California and is unable to attend State Bar Ethics School Client Trust Account Record-Keeping Course. As an alternative to State Bar Ethics School Client Trust Account Record-Keeping Course, the parties agree that respondent will complete the following courses:

☐ RESTITUTION

☐ That within _____ from the effective date of the Order approving this stipulation, respondent must make restitution to _____ or the Client Security Fund if it has paid, in the amount of \$ _____ plus interest at the rate of 10% per annum from _____ until paid in full and furnish satisfactory evidence of restitution to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles; respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period.

☐ That within _____ from the effective date of the Order approving this stipulation, respondent must make restitution to _____ or the Client Security Fund if it has paid, in the amount of \$ _____ plus interest at the rate of 10% per annum from _____ in _____ installments until paid in full and furnish satisfactory evidence of such restitution to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles; respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period.

☐ See attachment.

STANDARD CONDITIONS OF REPROVAL

A. For 2 [] months [X] years following the effective date of the order approving this stipulation (hereinafter "the reporting period"):

☒ **GENERAL CONDITIONS OF PROBATION** - Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California;

☒ **REPORTING REQUIREMENTS** - Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during the reporting period, in writing to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, respondent shall file said report on the due date next following the due date after said effective date):

(a) in respondent's first report, that respondent has complied with all provisions of the State Bar Act, and Rules of Professional Conduct since the effective date of said Order approving stipulation.

(b) in each subsequent report, that respondent has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

(c) provided, however, that a final report shall be filed covering the remaining portion of the period following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof; respondent shall file this report no earlier than twenty days before the end of the reporting period and before the expiration of said period.

☒ **CHANGES OF ADDRESS** - That respondent shall promptly report, and in no event in more than ten days, to the membership records office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code;

☒ **DUTY TO RESPOND TO INQUIRIES** - That subject to assertion of applicable privileges, respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit, Office of the Chief Trial Counsel, and any probation monitor assigned pursuant to this stipulation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the requirements set forth herein.

☐ **COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER** - Respondent shall comply with all conditions of ☐ Probation ☐ Parole imposed upon respondent in the underlying criminal matter and shall so declare under penalty of perjury in

conjunction with any report required to be filed with the Probation Unit, Office of the Chief Trial Counsel.

☐ **PROBATION MONITOR** - That respondent shall be referred to the Probation Unit, Office of the Chief Trial Counsel, for assignment of a probation monitor. Respondent shall promptly review the terms and conditions of this stipulation with the probation monitor to establish a manner and schedule of compliance consistent with these terms of probation. During the period of probation, respondent shall furnish such reports concerning respondent's compliance as may be requested by the probation monitor. Respondent shall cooperate fully with the probation monitor in the performance of his or her duties pursuant to rule 2702, Rules of Procedure of the State Bar;

☐ **PROTECTION OF CLIENT FUNDS**

(a) That if respondent is in possession of client funds, or has come into possession thereof during the period covered by each quarterly report, respondent shall file with each report a certificate from a Certified Public Accountant or Public Accountant certifying:

(1) That respondent has kept and maintained such books or other permanent accounting records in connection with respondent's practice as are necessary to show and distinguish between:

(A) Money received for the account of a client and money received for the attorney's own account;

(B) Money paid to or on behalf of a client and money paid for the attorney's own account;

(C) The amount of money held in trust for each client;

(2) That respondent has maintained a bank account in a bank authorized to do business in the State of California at a branch within the State of California and that such account is designated as a "trust account" or "clients' funds account";

(3) That respondent has maintained a permanent record showing:

(A) A statement of all trust account transactions sufficient to identify the client in whose behalf the transaction occurred and the date and amount thereof;

(B) Monthly total balances held in a bank account or bank accounts designated "trust account" or "clients' funds account" as appears in monthly bank statement of said accounts;

(C) Monthly listings showing the amount of trust money held for each client and identifying each client for whom trust money is held;

(D) Monthly reconciliations of any differences as may exist between said monthly total balances and said monthly listings, together with the reasons for any differences;

(4) That respondent has maintained a listing or other permanent record showing all specifically identified property held in trust for clients.

(b) In the event that respondent did not possess any clients' funds during the period covered by each quarterly report, respondent shall so state under penalty of perjury in each quarterly report required

by these conditions to be filed with the Probation Unit, Office of the Chief Trial Counsel.

☐ **ALCOHOL/DRUG ABUSE CONDITIONS OF PROBATION**

CURRENT ADDRESS AND TELEPHONE NUMBER - That respondent maintain with the Probation Unit, Office of the Chief Trial Counsel, a current address and a current telephone number at which respondent can be reached and respond within twelve hours.

ABSTINENCE - That respondent shall abstain from the use of any alcoholic beverages, and shall not use or possess narcotics, dangerous or restricted drugs or associated paraphernalia except with a valid prescription.

SUBSTANCE ABUSE TREATMENT PROGRAM - That within thirty days of the effective date of the discipline ordered herein, the respondent shall provide evidence to the Probation Unit, Office of the Chief Trial Counsel, of enrollment in a program of substance abuse recovery which meets with the approval of the Probation Unit, Office of the Chief Trial Counsel. The respondent must provide satisfactory evidence of compliance with such program with each report required under these conditions.

SUBSTANCE ABUSE TESTING - That respondent shall employ, at respondent's own expense, a licensed medical laboratory facility or hospital capable of conducting tests and analysis of blood and/or urine, which is certified by the National Institute on Drug Abuse and which meets with the approval of the Probation Unit, Office of the Chief Trial Counsel.

That subject to the discretion of the Probation Unit, Office of the Chief Trial Counsel, respondent shall be contacted by telephone by a member of the Probation Unit staff, on a random basis, and directed to submit to an approved laboratory or hospital facility, screening of respondent's blood and/or urine within twelve hours of notification. Respondent shall provide the results from that approved laboratory or hospital facility screening within ten days of receipt. The blood and/or urine samples shall be furnished by respondent to the approved laboratory or hospital facility in such manner as may be specified by the laboratory to ensure specimen integrity.

That respondent shall provide the Probation Unit any and all waivers necessary to allow the Probation Unit to verify with the approved laboratory or hospital facility the accuracy of reports submitted by respondent.

☐ **MENTAL HEALTH CONDITIONS OF PROBATION TREATMENT**

That respondent shall obtain psychiatric or psychological treatment from a duly licensed psychiatrist, clinical psychologist or clinical social worker, no less than two times per month and at the respondent's expense. Respondent shall commence treatment within

forty-five days from the date on which the disciplinary order in this matter becomes effective or the execution date of the agreement in lieu of discipline, whichever is applicable. Respondent shall furnish to the Probation Unit, Office of the Chief Trial Counsel, at the time quarterly reports are required to be filed by the respondent with the Probation Unit, a written statement from the treating psychiatrist, clinical psychologist or clinical social worker, that respondent is complying with this condition of probation.

Upon a determination by the treating psychiatrist, clinical psychologist or clinical social worker that respondent is no longer in need of treatment, respondent shall provide, to the Probation Unit, Office of the Chief Trial Counsel, a written statement from the treating psychiatrist, clinical psychologist or clinical social worker verifying the conclusion of treatment. Upon acceptance by the Probation Unit, Office of the Chief Trial Counsel, no further reports under this condition will be required.

That respondent shall execute and provide the Probation Unit, Office of the Chief Trial Counsel, upon its request, a medical waiver which shall provide access to respondent's medical records relevant to this referral; failure to provide and/or revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Probation Unit, Office of the Chief Trial Counsel, under this paragraph, shall be confidential and shall not be disclosed except to personnel of the Office of the Chief Trial Counsel, the Probation Unit, and the State Bar Court, who are involved in maintaining and/or enforcing the terms and conditions of this stipulation.

☐ **LAW PRACTICE MANAGEMENT SECTION OF THE STATE BAR** - That respondent shall join the Law Practice Management Section of the State Bar of California and shall pay whatever dues and costs are associated with such enrollment for a period of one year. Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit, Office of the Chief Trial Counsel, in the first quarterly report required herein.

☒ **COURSES ON LAW OFFICE MANAGEMENT** - That respondent shall complete four (4) hours of California Minimum Continuing Legal Education-approved course(s) on law office management within one year (1) from the date on which the disciplinary order in this matter becomes effective. Completion of the State Bar Ethics School course will not satisfy this requirement. Respondent shall furnish satisfactory evidence of completion of the course(s) to the Probation Unit, Office of the Chief Trial Counsel, in the next quarterly report that is due following completion of each course or prior to the expiration of the reporting period if no such report will become due prior to the expiration of said period. Respondent agrees that the course hours required by this condition are in addition to any requirement respondent must meet in compliance with the State Bar Minimum Continuing Legal Education Program.

☐ **LAW OFFICE MANAGEMENT PLAN** - Respondent shall develop a law office management/organization plan that meets with the approval of the Probation Unit, Office of the Chief Trial Counsel, within _____ from the date on which the disciplinary order in this matter becomes effective. This plan will include procedures for sending periodic status reports to clients, documentation of telephone messages received and sent, file maintenance, meeting deadlines, calendaring appointments and deadlines, withdrawing as attorney whether of record or not when clients cannot be contacted or located, and training and supervising support personnel. Respondent shall state in each quarterly report that respondent has implemented the law office management plan and continues to follow the procedures set forth in the plan or that respondent was not engaged in the practice of law during the reporting period. Failure to so state in a quarterly report shall be a violation of probation.

☐ **CONTINUING LEGAL EDUCATION COURSES** - That respondent shall complete _____ hours of California Minimum Continuing Legal Education-approved courses in attorney-client relations and/or legal ethics within _____ from the date on which the disciplinary order in this matter becomes effective. Completion of the State Bar Ethics School course will not satisfy this requirement. Respondent shall furnish satisfactory evidence of completion of the courses to the Probation Unit, Office of the Chief Trial Counsel, in the next quarterly report that is due following completion of each course or prior to the expiration of the reporting period if no such report will become due prior to the expiration of said period. Respondent agrees that the course hours required by this condition are in addition to any requirement respondent must meet in compliance with the State Bar Minimum Continuing Legal Education Program.

APPROVAL OF PARTIES

The parties and all counsel of record hereby approve the foregoing stipulation and the parties agree to be bound by all terms and conditions stated and the agreed disposition.

DATE: 12-10-96

Cydne G. Crickard
Cydne G. Crickard
Deputy Trial Counsel

DATE: 12/5/1996

David K. Jefferies
David Kenneth Jefferies
Respondent

EXHIBIT "1"

Case No. 94-O-15223

Count One

ACTS OR OMISSIONS ACKNOWLEDGED BY THE RESPONDENT AS CAUSE OR CAUSES FOR DISCIPLINE

1. By in or about February, 1991, Angela M. Williams ("Ms. Williams"), now known by her maiden name, Angela Zapien, had employed RESPONDENT to represent her in her dissolution of marriage.

2. When Ms. Williams hired RESPONDENT, she did not have sufficient funds to pay RESPONDENT money to retain his services. RESPONDENT took possession of Ms. Williams' personal property, including an antique gold and diamond necklace and her wedding ring. RESPONDENT thereby acquired an interest adverse to his client in her personal property.

3. In a handwritten receipt dated February 21, 1991, RESPONDENT acknowledged receipt of Ms. Williams' gold chain with gold ingot attached containing six small diamonds. The receipt stated that this jewelry had been accepted as security for payment of fees and costs from Ms. Williams. RESPONDENT represented to Ms. Williams that if he could collect his attorney fees from her ex-husband, her jewelry would be returned to her.

4. In a handwritten receipt dated May 31, 1991, RESPONDENT acknowledged receipt of Ms. Williams' wedding ring. The receipt stated that his jewelry had been accepted as security for payment of fees and costs due from Ms. Williams. RESPONDENT represented to Ms. Williams that if he could collect his attorney fees from her ex-husband, her jewelry would be returned to her.

5. In or about February, 1991, the value of the antique gold chain with gold ingot and six small diamonds was two thousand dollars (\$2,000.00), and the value of the wedding ring was thousand six hundred dollars (\$2,600.00).

6. Although RESPONDENT provided Ms. Williams with a retainer agreement that Ms. Williams signed, RESPONDENT failed to establish specific terms, including specific time and notice requirements, that would have to occur to enable Ms. Williams to re-take possession of her personal property or to allow RESPONDENT to claim ownership of Ms. Williams' personal property. Having failed to identify specific terms,

STIP PUB REP

RESPONDENT failed to ensure that the terms of his transaction or acquisition of his client's property were fair and reasonable and fully disclosed, understandably, to her in writing.

7. RESPONDENT failed to advise Ms. Williams in writing that she may seek the advice of an independent lawyer of her choice regarding RESPONDENT'S taking possession of her jewelry. Nor did RESPONDENT give her a reasonable opportunity to seek that advice after so advising her.

8. Ms. Williams did not consent in writing to the terms of the acquisition, after such fair and reasonable terms were understandably and fully disclosed in writing, and after she, upon being advised in writing that she might seek advice, had opportunity to be advised by counsel.

9. By accepting Ms. Williams' jewelry and thereby acquiring an ownership, possessory, security, or other pecuniary interest adverse to his client, and by failing to comply with the requirements delineated in paragraphs five through seven, above, RESPONDENT acted contrary to his professional ethical duties.

CONCLUSIONS OF LAW

By the foregoing conduct, RESPONDENT wilfully violated Rules of Professional Conduct, rule 3-300.

Case No. 94-O-15223

Count Six

ACTS OR OMISSIONS ACKNOWLEDGED BY THE RESPONDENT AS CAUSE OR CAUSES FOR DISCIPLINE

1. On or about August 3, 1994, Brian Rowsey, Special Investigator, State Bar of California, addressed to RESPONDENT at his State Bar Membership Records address and mailed to RESPONDENT with adequate postage affixed, a letter. This letter was not returned to Mr. Rowsey by the United States Postal Service as refused, unable to be forwarded, or for any other reason, undeliverable. In the letter, Mr. Rowsey requested that RESPONDENT provide written response to allegations made by Ms. Williams against him.

2. RESPONDENT failed to reply to the State Bar's August 3, 1994 letter.

3. By failing to respond to the State Bar's request, RESPONDENT failed to cooperate and participate in a disciplinary investigation regarding his professional actions in case no. 94-O-15223.

STIP PUB REP

CONCLUSIONS OF LAW

By the foregoing conduct, RESPONDENT wilfully violated Business and Professions Code, section 6068(i).

Case No. 94-O-17382

Count Ten

ACTS OR OMISSIONS ACKNOWLEDGED BY THE RESPONDENT AS CAUSE OR CAUSES FOR DISCIPLINE

1. On or about October 8, 1992, Rosemary G. Lawson (Ms. Lawson") employed RESPONDENT to represent her in a post-dissolution of marriage child custody matter and to secure her interests in her ex-husband's military retirement benefits in Groleau v. Groleau, Case No. D 183 853. Ms. Lawson paid RESPONDENT one thousand dollars (\$1,000.00) in advanced attorney fees.

2. On or about November 1, 1994, Brian Rowsey, Special Investigator, State Bar of California, sent RESPONDENT a letter by first class mail, proper postage affixed. Mr. Rowsey mailed the letter to RESPONDENT'S State Bar official Membership Records address. The United States Postal Service did not return this as refused, unable to be forwarded, or otherwise undeliverable. In this letter, the Office of Investigations informed RESPONDENT of Ms. Lawson's allegations and requested that RESPONDENT provide a written response to the allegations.

3. On or about March 2, 1995, Cydney G. Crickard, Deputy Trial Counsel gave RESPONDENT a letter which RESPONDENT signed at the bottom in acknowledgement of receipt. This letter, in addition to other things, confirmed a telephone conversation in which RESPONDENT promised to provide the Office of Investigations with documentation and explanation regarding the Lawson case.

4. RESPONDENT failed to respond to these two letters or otherwise participate in the investigations of case no. 94-O-17382.

5. By failing to respond to these letters and by failing to otherwise respond to the investigation, RESPONDENT failed to cooperate and participate in a disciplinary investigation regarding his professional actions.

CONCLUSIONS OF LAW

By the foregoing conduct, RESPONDENT wilfully violated Business and Professions Code, section 6068(i).

STIP PUB REP

Case No. 95-H-16157

Count Fourteen

ACTS OR OMISSIONS ACKNOWLEDGED BY THE RESPONDENT AS CAUSE OR CAUSES FOR DISCIPLINE

1. On or about March 2, 1995, RESPONDENT signed a Stipulation as to Facts and Disposition ("Stipulation"), thereby agreeing to a Private Reproval. The Stipulation was filed with the State Bar Court, Hearing Department. On or about March 3, 1995, an Order Regarding Stipulation ("Order"), approving the Stipulation and ordering the disposition therein, was filed in case number 89-O-12528-CEV, 93-O-18324-CEV (Consolidated).

2. On or about March 8, 1995, RESPONDENT was served by the State Bar Court with this Order.

3. Page 28 of the Stipulation, "Cond. 410.", states:

"That during the period of probation, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, in writing, to the Probation Unit, Office of Trials, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, Respondent shall file said report on the due date next following the due date after said effective date):

(a) in Respondent's first report, that Respondent had complied with all provisions of the State Bar Act, Rules of Professional Conduct since the effective date of said probation;

(b) in each subsequent report, that Respondent had complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

(c) provided, however, that a final report shall be filed covering the remaining portion of the period of probation following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof;"

4. RESPONDENT failed to file the quarterly reports due July 10, 1995, and October 10, 1995, as a condition of his probation.

5. By RESPONDENT failing to file his quarterly reports with the Probation Unit of the State Bar, he failed to comply with conditions

STIP PUB REP

attached to a Private Reapproval.

CONCLUSIONS OF LAW

By the foregoing conduct, RESPONDENT wilfully violated Rules of Professional Conduct, rule 1-110.

Case No. 95-H-16157

Count Fifteen

ACTS OR OMISSIONS ACKNOWLEDGED BY THE RESPONDENT AS CAUSE OR CAUSES FOR DISCIPLINE

1. On or about March 2, 1995, RESPONDENT signed a Stipulation as to Facts and Disposition ("Stipulation"), thereby agreeing to a Private Reapproval. The Stipulation was filed with the State Bar Court, Hearing Department. On or about March 3, 1995, an Order Regarding Stipulation ("Order"), approving the Stipulation and ordering the disposition therein, was filed in case number 89-O-12528-CEV, 93-O-18324-CEV (Consolidated).

2. On or about March 8, 1995, RESPONDENT was served by the State Bar Court with this Order.

3. Page 28 of the Stipulation, "Cond. 410.", states:

"That during the period of probation, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, in writing, to the Probation Unit, Office of Trials, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, Respondent shall file said report on the due date next following the due date after said effective date):

(a) in Respondent's first report, that Respondent had complied with all provisions of the State Bar Act, Rules of Professional Conduct since the effective date of said probation;

(b) in each subsequent report, that Respondent had complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

(c) provided, however, that a final report shall be filed covering the remaining portion of the period of probation following the last report required by the foregoing

STIP PUB REP

provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof;"

4. Page 27 of the Stipulation, "Further Conditions To BE Attached to Reproval", states:

"Respondent shall establish a client trust account and shall provide proof of same to the Probation Unit no later than the due date of his second quarterly report. From the opening of such client trust account, Respondent shall maintain a client trust account throughout the balance of the period of probation in this case."

5. RESPONDENT failed to provide proof that he had opened a client trust account to the Probation Unit on or before October 10, 1995, the due date of his second quarterly report.

6. By RESPONDENT failing to provide proof to the Probation Unit of the State Bar that he has opened a client trust account on or before October 10, 1995, he failed to comply with conditions attached to a Private Reproval.

CONCLUSIONS OF LAW

By the foregoing conduct, Respondent wilfully violated Rules of Professional Conduct, rule 1-110.

EXHIBIT "2"

Case No. 94-O-15223-CEV

Standard 1.2(b)(ii) (See page 4 of stipulation)

Respondent failed to participate in State Bar proceedings including investigations on client complaints and State Bar Court-ordered conditions resultant from Respondent's stipulation to a private reproof prior to the filing of the Notice of Disciplinary Charges and after.

After the filing of the Notice of Disciplinary Charges on December 6, 1995, Respondent failed to take action to comply with the conditions of probation of his private reproof. This failure to comply with probation continued after Respondent was specifically notified in writing that his duty to comply with conditions of probation in connection with the private reproof was not obviated by the filing of the Notice of Disciplinary Charges, and that failure to bring compliance current would be considered an aggravating factor in the level of discipline in 94-O-15223-CEV if culpability was found.

Between December 6, 1995 and the date of this stipulation, Respondent accrued the following violations of probation:

1. Failure to file quarterly probation report, due January 10, 1996;
2. Failure to file final probation report, due March 24, 1996;
3. Failure to provide proof of completion of ethics school, due March 24, 1996;
4. Failure to provide proof of completion of client trust account school, due March 24, 1996.

STIP PUB REP

ADDITIONS.

The parties respectfully request the Court to allow the inclusion of Case number 97-H-13487[CEV] as a part of this Stipulation, as referenced in the caption.

FACTS AND CONCLUSIONS OF LAW.

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

FACTS - COUNT ONE

Case No. 97-H-13487-[CEV]

1. On or about December 13, 1996, The State Bar Court of the State Bar of California, entered the Order Granting Stipulation As to Facts and Disposition in Case numbers 94-O-15223-CEV and 95-H-16157-CEV consolidated (hereinafter "the Order").

2. Pursuant to the Order, Respondent was to file quarterly reports with the Probation Unit. The first report was due to be filed with the Probation Unit no later than April 10, 1997.

3. Respondent failed to file his first report with the Probation Unit on April 10, 1997 as directed by the Order. Respondent filed his April 10, 1997 quarterly report on July 11, 1997, after receiving notification from the State Bar regarding his failure to file his April 10, 1997, quarterly report.

4. Secondly, pursuant to the Order, Respondent was to promptly report to the Membership Records Office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel of the State Bar of California (hereinafter "Probation Unit"), all changes of information including current office or other address for State

13
Page # *DKT*
WAT
WAT

Bar purposes as prescribed by section 6002.1 of the Business and Professions Code.

5. On December 17, 1996, Probation Deputy Gloria D. Martin (hereinafter "Ms. Martin") of the Probation Unit wrote a letter to Respondent in which she formally reminded Respondent of the terms and conditions of his suspension and probation pursuant to the Order. In her letter, Ms. Martin specifically advised Respondent regarding his obligations to report to the Membership Records Office of the Chief Trial Counsel all changes of information. Enclosed with Ms. Martins's December 17, 1996 letter to Respondent was a copy of the Order.

6. The letter dated December 17, 1996 from Ms. Martin to Respondent and enclosures thereto were mailed on or about December 17, 1996 via the United States Postal Service, first class postage prepaid, addressed to Respondent at his official State Bar Membership Records address.

7. On December 30, 1996, the letter dated December 17, 1996 from Ms. Martin to Respondent and enclosures thereto were returned to the Probation Unit as undeliverable.

8. From the date of the Order to June 6, 1997, Respondent did not notify the State Bar of his change of address.

CONCLUSIONS OF LAW - COUNT ONE

By failing to timely file his quarterly report and by failing to keep his Membership Records address current, Respondent failed to comply with the terms and conditions of his probation imposed by

PS 14
Page # DES
with
HE

the December 13, 1996 Order of the State Bar Court of the State of California.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code section 6068(k).

~~Page~~ 15
Page # DKS.
WALL
WALL

ATTACHMENT TWO

IN THE MATTER OF: DAVID K. JEFFERIES
CASE NUMBER(S): 96-O-00716-CEV
 97-H-13487-[CEV]

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was
October 27, 1997.

AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE
SECTION 6049.1.

1. Respondent's culpability determined in the disciplinary proceeding in above-captioned cases would warrant the imposition of discipline in the State of California under the laws or rules in effect in this State at the time the misconduct was committed; and
2. The proceeding in the above jurisdiction provided respondent with fundamental constitutional protection.

ATTACHMENT THREE

IN THE MATTER OF: DAVID K. JEFFERIES
CASE NUMBER(S): 96-O-00716-CEV
 97-H-13487-[CEV]

E. Conditions Attached to Reproval:

(1) Respondent's probationary term shall be extended for an additional one (1) year, thereby terminating December 12, 1999. All conditions ordered by the State Bar in its December 13, 1996, Order shall remain in full force and effect throughout the extension of the term of probation, except as modified or supplemented herein.

ATTACHMENT FOUR

IN THE MATTER OF: DAVID K. JEFFERIES

CASE NUMBER(S): 96-O-00716-CEV
97-H-13487-[CEV]

X Prior record of discipline [see standard 1.2(f)]

- (a) State Bar Court case # of prior case 94-O-15223-CEV and
95-H-16157-CEV (Consolidated)
- (b) date prior discipline effective December 29, 1996
- (c) Rules of Professional Conduct/ State Bar Act violations:
rules 1-110 (2 counts), 3-300
section 6068(i) (2 counts)
- (d) degree of prior discipline Public Reapproval

- (a) State Bar Court case # of prior case 89-O-12528-CEV and
93-O-18324-CEV(Consolidated)
- (b) date prior discipline effective March 24, 1995
- (c) Rules of Professional Conduct/ State Bar Act violations:
rules 3-110(A) & its predecessor 6-101(A)(2), 4-100(A),
and 4-100(B)(4); sections 6068(i), 6068(l) [failure to
comply with conditions of an A.L.D.], and 6068(m) (2 counts)
- (d) degree of prior discipline Private Reapproval

Date 11/3/97

David H. Jefferies
Respondent's signature

David Kenneth Jefferies
print name

Date 11/3/97

William H. Koch
Respondent's Counsel's signature

William H. Koch
print name

Date 11/6/97

Cydne G. Crickard
Deputy Trial Counsel's signature

Cydne G. Crickard
print name

ORDER

☐ This stipulation as to facts and discipline is REJECTED.

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, listed on the attachment is GRANTED without prejudice, and:

☒ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.

☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date NOV 12, 97

Carlos E. Velarde
Judge of the State Bar Court

CARLOS E. VELARDE

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Coordinator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on **November 13, 1997**, I deposited a true copy of the following document(s)

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING FILED NOVEMBER 13, 1997

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

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

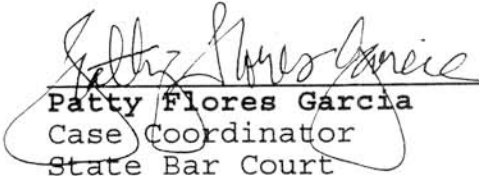
**WILLIAM A KOCH ESQ
44540 10TH STREET WEST
LANCASTER CA 93534**

[] by certified mail, , with a return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

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

CYDNEY G CRICKARD, OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on **November 13, 1997**.


Patty Flores Garcia
Case Coordinator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST April 8, 2013

State Bar Court, State Bar of California,
Los Angeles

By

Clerk

State Bar Court of the State Bar of California
Hearing Department ☒ **Los Angeles** ☐ **San Francisco**

<p>Counsel for the State Bar</p> <p>OFFICE OF THE CHIEF TRIAL COUNSEL THE STATE BAR OF CALIFORNIA VICTORIA MOLLOY CYDNEY G. CRICKARD, BAR NO. 113407 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299 (213) 765-1000</p>	<p>Case number(s)</p> <p>96-0-00716-CEV [96-0-04481 96-0-06136]</p> <p>(Investigation Matter) 97-H-13487-[CEV]</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">PUBLIC MATTER FILED</p> <p style="text-align: center; font-weight: bold;">NOV 13 1997</p> <p style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent</p> <p>WILLIAM A. KOCH, ESQ. LAW OFFICE OF WILLIAM A. KOCH 44540 10TH ST., WEST LANCASTER, CA 93534 (805) 949-6727</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of</p> <p style="text-align: center;">DAVID KENNETH JEFFERIES</p> <p>Bar # 81996</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted November 29, 1978
(date)
- (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 on the attachment under "Dismissals." The attachment consists of 1 pages. See Attachment 1, p.6
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included on the attachment under "Facts." See Attachment 1.
- (5) Conclusions of law, drawn from and specifically referring to the facts set forth on the attachment are also included under "Conclusions of Law." See Attachment 1.
- (6) 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.
 See Attachment 2.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - ☐ case ineligible for costs (private reproof)
 - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth on the attachment under "Partial Waiver of Costs"
 - ☐ costs entirely waived

Note: All information required by this form which cannot be provided on the approved forms, and any additional information, shall be set forth on one continuous attachment, which may consist of several pages, under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances (for definition, see Standards for Attorney Regulations for Professional Misconduct, standard 1.2(b)). Facts supporting aggravating circumstances are set forth below or on attachment.

(1) ☒ Prior record of discipline (see standard 1.2(f))

(a) ☐ State Bar Court case # of prior case _____

(b) ☐ date prior discipline effective _____

(c) ☐ Rules of Professional Conduct/ State Bar Act violations: _____

(d) ☐ degree of prior discipline _____

(e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or attachment under "Prior Discipline". See Attachment 4.

(2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

(8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. **Mitigating Circumstances** (see Standard 1.2(e)). Facts supporting mitigating circumstances are set forth below or on attachment.

- (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 to 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 in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) ☐ private reproof (check applicable conditions, **if any**, below)

(a) ☐ no public disclosure (stipulation prior to filing of charges only)

(b) ☐ public disclosure (Notice of Disciplinary Charges filed)

or

(2) ☒ public reproof (check applicable conditions, **if any**, below)

E. Conditions Attached to Reproof:

(1) ☒ Respondent shall comply with the conditions attached to the reproof for a period of See Attachment 3.

(2) ☒ During the condition period attached to the reproof, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) ☒ Respondent shall promptly report, and in no event in more than 10 days, to the Membership Records Office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code.

(4) ☒ Respondent shall submit written quarterly reports to the Probation Unit of the Office of the Chief Trial Counsel on each January 10, April 10, July 10, and October 10 of the period of probation, except as set forth in the second paragraph of this condition. Under penalty of perjury each report shall state that Respondent has complied with all provisions of the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter or period described in the second paragraph of this condition.

If the first report would cover less than 30 days, then the first report shall be submitted on the next quarter date and cover the extended period. The final report is due no earlier than 20 days before the last day of the period of probation and no later than the last day of probation.

(5) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 conditions attached to the reproof.

(6) ☐ Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of his/her probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent shall furnish such reports as may be requested by the probation monitor to the probation monitor in addition to quarterly reports required to be submitted to the Probation Unit of the Office of the Chief Trial Counsel. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge his/her duties.

(7) ☐ Within one year of the effective date of the reproof herein, Respondent shall attend the State Bar Ethics School, and shall pass the test given at the end of such session.

☒ No Ethics School ordered.

(8) ☐ Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year of the effective date of the reproof.

☒ No MPRE ordered.

- (9) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (10) ☐ Other conditions negotiated by the parties:

In the Matter of DAVID KENNETH JEFFERIES

A Member of the State Bar

Case Number(s):

96-0-00716-CEV

97-H-13487-[CEV]

Law Office Management Conditions

- ☒ Within 90 days of the effective date of the discipline, Respondent shall develop a law office management/organization plan that meets with the approval of his probation monitor, if one is assigned, or the Probation Unit of the Office of Chief Trial Counsel if no probation monitor is assigned. This plan must include procedures to send periodic status reports to clients, the documentation of telephone messages received and sent, file maintenance, the meeting of deadlines, the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located, and for the training and supervision of support personnel. This plan must specifically include Respondent's Systems (primary and back-up) for calendaring appropriate professional deadlines, court appearances and compliance dates for court orders.
- ☐ Within one year of the effective date of the discipline, Respondent must attend no less than _____ hours of courses which are California Minimum Continuing Legal Education approved in law office management, attorney/client relations, and/or general legal ethics and which must be approved in advance by Respondent's probation monitor or the Probation Unit of the Office of Chief Trial Counsel, if no probation monitor has been assigned. Respondent must provide satisfactory proof of attendance to the probation monitor or Probation Unit, within said year.
- ☐ Within one year of the effective date of the discipline, Respondent shall complete the Law Office Management Audit ("LOMA") administered by the Office of Chief Trial Counsel. Within 30 days of the effective date of the discipline, Respondent shall pay the LOMA fees in the amount of \$_____; and execute the LOMA agreement. To complete the LOMA, Respondent shall: 1) abide by all conditions of the LOMA agreement; 2) fully cooperate with the auditor; and 3) fully implement the auditor's recommendations with the time specified by the auditor and for the duration of the condition or probation period.
- ☐ Within 30 days of the effective date of the discipline, Respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for one year. Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

ATTACHMENT ONE

FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: DAVID K. JEFFERIES

CASE NUMBER(S): 96-O-00716-CEV
 97-H-13487-[CEV]

FACTS AND CONCLUSIONS OF LAW.

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

FACTS - COUNT ONE

A. General Allegation

1. Respondent's official State Bar of California (hereinafter "State Bar") Membership Records address was 3480 Torrance #101, Torrance, CA 90503 from March 13, 1990, until June 6, 1997.

2. Respondent's official Membership Records address had been inaccurate since at least before December 13, 1996.

3. From December 13, 1996, until June 6, 1997, Respondent has failed to submit documentation which supplied a current address to the Membership Records Department of the State Bar.

4. Although given previous notice that the correction should be made, Respondent failed to correct his official State Bar Membership Records address until after June 6, 1997. The Notice of Disciplinary Charges was filed in Case Number 96-O-00716-CEV on May 22, 1997.

*with
HRE*

CONCLUSIONS OF LAW - COUNT ONE

By failing to submit a current address and telephone number to the State Bar in compliance with Business and Professions Code, section 6002.1(1), Respondent has failed to comply with his professional duties.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code, section 6068(j).

FACTS - COUNT FOUR

Case No. 96-0-00716

1. On February 27, 1996, an Investigator from the State Bar wrote a letter to Respondent requesting a written response to the allegations that the Respondent had committed misconduct with respect to his representation of Ms. Romans, such case identified as State Bar Case number 96-0-00716.

2. On February 27, 1996, an Investigator from the State Bar deposited a letter with adequate postage for collection and mailing by first class mail at 1149 South Hill Street, Los Angeles, California 90015-2299. This letter was addressed to Respondent at his State Bar Membership Records address, 3480 Torrance #101, Torrance, CA 90503. The letter was not returned as undeliverable by the United States Postal Service.

4. Respondent failed to respond to the letter dated February 27, 1996, and otherwise failed to cooperate with the State Bar in the investigation of Case number 96-0-00716. Respondent began

98
Page # 825.
WHL
WHL

participation regarding this case after the Notice of Disciplinary Charges in 96-O-00716-CEV was filed with the State Bar court.

CONCLUSIONS OF LAW - COUNT FOUR

By his failure to respond to mail from the State Bar, Respondent failed to cooperate and participate in a disciplinary investigation regarding Case number 96-O-00716.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code, section 6068(i).

FACTS - COUNT SEVEN

Case No. 96-O-04481

1. On August 26, 1996, an Investigator from the State Bar wrote a letter to Respondent requesting a written response to the allegations that the Respondent had committed misconduct with respect to his representation of Mr. Melton, such case identified as State Bar Case number 96-O-04481.

2. On August 26, 1996, the Investigator from the State Bar deposited two original copies of a letter with adequate postage for collection and mailing by first class mail at 1149 South Hill Street, Los Angeles, California 90015-2299. These letters were addressed to Respondent at (1.) his State Bar membership records address, 3480 Torrance #101 [Blvd.], Torrance, CA 90503, and (2.) Cunningham & Lansden, 44404 16th St. West Suite 109, Lancaster, CA 93534-2839. This second address had been obtained from Deputy Trial Counsel Cydney G. Crickard, who had been given the address by Respondent.

409
Page # 815
will
W

3. Respondent failed to respond in writing to the August 26, 1996 letter. Nevertheless, Respondent and the State Bar Investigator did have telephonic contact regarding the investigation of Case number 96-O-04481. The requirement that Respondent respond to the State Bar in writing was at no time waived, and at no time was the verbal discussion between State Bar Investigator and Respondent so comprehensive that Respondent could reasonably conclude that a written response, although not explicitly waived, was de facto waived.

CONCLUSIONS OF LAW - COUNT SEVEN

By his failure to respond in writing, as requested, to the State Bar investigation of Case number 96-O-04481, Respondent failed to cooperate and participate in a disciplinary investigation.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code, section 6068(i).

FACTS - COUNT THIRTEEN

Case No. 96-O-06136

1. On November 5, 1996, an Investigator from the State Bar wrote a letter to Respondent requesting a written response to the allegations that the Respondent had committed misconduct with respect to his representation of Ms. Mancera, such case identified as State Bar Case number 96-O-06136.

2. On November 5, 1996, the Investigator from the State Bar deposited with adequate postage for collection and mailing by first class mail at 1149 South Hill Street, Los Angeles, California

Pl 10
Page # *DKJ*
will
W

90015-2299 an original copy of the November 5th letter. This letter was addressed to Respondent at Cunningham & Lansden, 44404 16th St. West Suite 109, Lancaster, CA 93534-2839. This address was obtained from Deputy Trial Counsel Cydney G. Crickard, who had been given the address by Respondent, who had also acknowledged to the State Bar Court Hearing Department prior to December 13, 1996 that his Torrance address was no longer valid and that this Lancaster address was valid.

3. Respondent failed to respond in writing to the letter dated November 5, 1996, or to otherwise participate in this investigation until after the Notice of Disciplinary Charges in Case number 96-O-00716-CEV (including Case number 96-O-06136) was filed with the State Bar court.

CONCLUSIONS OF LAW - COUNT THIRTEEN

By his failure to respond to the State Bar Investigator's letter, Respondent failed to cooperate and participate in the disciplinary investigation regarding Case number 96-O-04481.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code, section 6068(i).

PZ 11
Page # *DKT*
WHL
WHL

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations which were filed in the Notice of Disciplinary Charges in Case number 96-O-00716-CEV on May 22, 1997. This request is made in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
96-O-00716	Two	3-110(A)
96-O-00716	Three	3-700(D) (2)
96-O-04481	Five	6068(m)
96-O-04481	Six	4-100(B) (4)
96-O-04481	Eight	6106
96-O-06136	Nine	3-110(A)
96-O-06136	Ten	6068(m)
96-O-06136	Eleven	3-700(D) (1)
96-O-06136	Twelve	3-700(D) (2)

13 / 2
Page # DKF
WHL
HAC

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Coordinator of the State Bar Court. 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 December 13, 1996, I deposited a true copy of the following document(s)

ORDER REGARDING STIPULATION AS TO FACTS AND DISPOSITION FILED DECEMBER 13, 1996

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

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

DAVID KENNETH JEFFERIES
44404 16TH STREET WEST 109
LANCASTER CA 93534

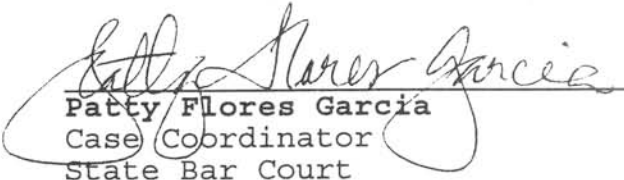
DAVID KENNETH JEFFERIES
3480 TORRANCE 101
TORRANCE CA 90503

- [] by certified mail, , with a return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

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

CYDNEY G. CRICKARD, OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on December 13, 1996.


Patty Flores Garcia
Case Coordinator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST April 8, 2013

State Bar Court, State Bar of California,
Los Angeles

By



Clerk

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>MAR 08 1995 <i>NO</i></p> <p>STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p>DAVID KENNETH JEFFERIES,</p> <p>No. 81996,</p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA</p>	<p>CASE NO: 89-O-12528-CEV 93-O-18324-CEV (CONSOLIDATED)</p> <p>ORDER REGARDING STIPULATION (<input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED) AS TO FACTS AND DISPOSITION</p>

A fully executed Stipulation as to Facts and Disposition pursuant to rule 133, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings consisting 33 pages, approved by the parties, was submitted in the above-captioned case(s). The stipulations submitted previously are rejected. The stipulation is attached to this order and incorporated as though fully stated here. Unless a party withdraws or modifies the stipulation pursuant to rule 135(c), Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings, this order shall be effective 15 days from the service of this order. After consideration of this stipulation, the Court hereby orders:

- ☐ The above mentioned case numbers are hereby consolidated for the purposes of ruling upon this Stipulation.
- ☐ Modifications to the stipulation are attached:
 - ☐ the parties having no objection.
 - ☐ the parties having agreed on the record on _____.
 - ☐ any party must object within 15 days of the service of this order to the Stipulation, as modified by the Court, or it shall become effective; if any party objects, the Stipulation shall be deemed rejected.
- ☒ It appearing that this stipulation and all attachments are fair to the parties and consistent with adequate protection of the public, the stipulation is approved and the disposition is:
 - ☒ ordered.
 - ☐ recommended to the California Supreme Court.
 - ☐ further discussion attached.
- ☐ After due consideration of this stipulation and all attachments, it is rejected:
 - ☐ for the reasons discussed with the parties in previous conference(s).
 - ☐ for the reasons attached to this order.
- ☐ It is further ☐ ordered ☐ recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

DATED: March 6, 1995

Within document forwarded to:
Judge on 3/9/95
STATE BAR COURT CLERK'S OFFICE
By: *NO*

Carlos E. Velarde

Carlos E. Velarde, Judge of the State Bar Court

ATTACHMENT TO ORDER 410
INCORPORATED BY REFERENCE

In the Matter of DAVID KENNETH JEFFERIES

CASE NOS: 89-O-12528-CEV
93-O-18324-CEV
(CONSOLIDATED)

Bar No. 81996

A Member of the State Bar.

☐ **PUBLIC REPROVAL**

Pursuant to General Order 93-10, service upon the parties of this "Order Approving Stipulation As To Facts And Disposition" constitutes a letter of **PUBLIC** Reproval in the name of the State Bar of California to the above named member of the State Bar pursuant to rule 270, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings.

- ☐ Conditions in the manner authorized by rule 956, California Rules of Court, are ordered to be attached to this reproval as set forth in the attached stipulation.
- ☐ No conditions are attached to this reproval.

This **PUBLIC** Reproval shall be effective upon expiration of the period provided by rule 135(c), Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings, unless a timely request for withdrawal or modification of the stipulation is filed.

☒ **PRIVATE REPROVAL**

Pursuant to General Order 93-10, service upon the parties of this "Order Approving Stipulation As To Facts And Disposition" constitutes a letter of **PRIVATE** Reproval in the name of the State Bar of California to the above named member of the State Bar pursuant to rule 270, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings.

- ☒ Conditions in the manner authorized by rule 956, California Rules of Court are ordered to be attached to this reproval as set forth in the attached stipulation.
- ☐ No conditions are attached to this reproval.

This **PRIVATE** Reproval shall be effective upon expiration of the period provided by rule 135(c), Rules of Procedure of the State Bar, Title II, State Bar Court Proceedings, unless a timely request for withdrawal or modification of the stipulation is filed. (See rule 270, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings.)

COUNSEL FOR STATE BAR:

OFFICE OF THE CHIEF TRIAL COUNSEL
 THE STATE BAR OF CALIFORNIA
 MICHAEL G. GERNER
 CYDNEY G. CRICKARD, NO. 113407
 1149 South Hill St.
 Los Angeles, CA 90015-2299
 Telephone: (213) 765-1397

COUNSEL FOR RESPONDENT:

DAVID K. JEFFERIES
 In Propria Persona
 3480 Torrance #101
 Torrance, CA 90503
 (310) 540-4494

THE STATE BAR COURT
 OF THE
 STATE BAR OF CALIFORNIA

HEARING DEPARTMENT

☒ LOS ANGELES

☐ SAN FRANCISCO

FOR COURT USE ONLY

FILED

MAR 02 1995

STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

IN THE MATTER OF

DAVID KENNETH JEFFERIES

No. 81996

MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S). 89-0-12528-CEV
 89-0-16028
 91-0-03615
 92-0-11987
 93-0-18324-CEV
 (CONSOLIDATED)

STIPULATION AS TO FACTS AND
 DISPOSITION (RULES 405-407,
 TRANSITIONAL RULES OF PROCEDURE
 OF THE STATE BAR OF CALIFORNIA)
☐ FIRST AMENDED ☐ SECOND AMENDED

SCHEDULE OF ATTACHMENTS

- ☒ SECTION ONE: ☒ FORM STIP 110: STIPULATION FORM, INCLUDING
 GENERAL AGREEMENTS AND
 WAIVERS
☒ FORM STIP 120: AGREEMENTS AND WAIVERS
☒ SECTION TWO: ☒ FORM STIP 130: STATEMENT OF ACTS OR OMISSIONS
 AND CONCLUSIONS OF LAW
 WARRANTING THE AGREED
 DISPOSITION

Parties'

Initials

1 DKT, [signature] PAGE 2

- ☒ SECTION THREE: ☒ FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION
- ☒ SECTION FOUR: ☐ FORM DISP 200: STATEMENT SUPPORTING DISMISSAL OF ALL CHARGES
- ☒ FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES
- ☐ FORM DISP 210: ADMONITION
- ☒ FORM DISP 220: PRIVATE REPROVAL
- ☐ FORM DISP 230: PUBLIC REPROVAL
- ☐ FORM DISP 240: SUSPENSION, INCLUDES NO ACTUAL SUSPENSION
- ☐ FORM DISP 250: ACTUAL SUSPENSION
- DFS.*
[signature] ☐ FORM DISP 260: PROFESSIONAL RESPONSIBILITY EXAMINATION
- ☒ FORM DISP 270: REGARDING FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL
- ☒ FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR
- ☐ FORM PROB 320: RESTITUTION
- ☐ FORM PROB 330: PROTECTION OF CLIENT FUNDS
- ☐ FORM PROB 340: MENTAL HEALTH TREATMENT
- ☐ FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT
- ☐ FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
- ☐ FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION
- ☐ FORM PROB 380: FURTHER CONDITIONS OF PROBATION
- ☒ SECTION FIVE: ☒ APPROVAL OF PARTIES

Parties'

Initials

1 DKJ / *RA* PAGE 3

THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA HEARING DEPARTMENT <input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO	FOR COURT USE ONLY FILED MAR 02 1995 <i>R</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
IN THE MATTER OF <u>DAVID KENNETH JEFFERIES</u> No. <u>81996</u> MEMBER OF THE STATE BAR OF CALIFORNIA.	CASE NO(S). <u>89-0-12528</u> <u>93-0-18324</u> <u>(CONSOLIDATED)</u> STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA) [] FIRST AMENDED [] SECOND AMENDED

SECTION ONE. GENERAL AGREEMENTS AND WAIVERS.

A. PARTIES.

1. The parties to this stipulation as to facts and disposition, entered into under rules 405-407, Transitional Rules of Procedure of the State Bar of California (herein "Rules of Procedure"), are the member of the State Bar of California, captioned above (hereinafter "Respondent"), who was admitted to practice law in the State of California on November 24, 1978 and the Office of the Chief Trial Counsel, represented by the Deputy Trial Counsel of record whose name appears below.

2. If Respondent is represented by counsel, Respondent and his or her counsel have reviewed this stipulation, have approved it as to form and substance, and has signed FORM STIP 400 below.

3. If Respondent is appearing in propria persona, Respondent has received this stipulation, has approved it as to form and substance, and has signed FORM STIP 400 below.

B. JURISDICTION, SERVICE AND NOTICE OF CHARGE(S), AND ANSWER. The parties agree that the State Bar Court has jurisdiction over Respondent to take the action agreed upon within this stipulation. This stipulation is entered into pursuant to the provisions of rules 405-407, Rules of Procedure. No issue is raised over notice or service of any charge(s). The parties waive any variance between the basis for the action agreed to in this stipulation and any charge(s). As to any charge(s) not yet filed in any matter covered by this stipulation, the parties waive the filing of formal charge(s), any answer thereto, and any other formal procedures.

C. AUTHORITY OF EXAMINER. Pursuant to rule 406, Rules of Procedure, the Chief Trial Counsel has delegated to this Deputy Trial Counsel the authority to enter into this stipulation.

Parties'

Initials

1 DET. 110 PAGE 4

D. PROCEDURES AND TRIAL.

In order to accomplish the objectives of this stipulation, the parties waive all State Bar Court procedures regarding formal discovery as well as hearing or trial. Instead, the parties agree to submit this stipulation to a judge of the State Bar Court.

E. PENDING PROCEEDINGS.

Except as specified in subsection I, all pending investigations and matters included in this stipulation are listed by case number in the caption above.

F. EFFECT OF THIS STIPULATION.

1. The parties agree that this stipulation includes this form and all attachments.
2. The parties agree that this stipulation is not binding unless and until approved by a judge of the State Bar Court. If approved, this stipulation shall bind the parties in all matters covered by this stipulation and the parties expressly waive review by the Review Department of the State Bar Court.
3. If the stipulation is not approved by a State Bar Court judge, the parties will be relieved of all effects of the stipulation and any proceedings covered by this stipulation will resume.
4. The parties agree that stipulations as to proposed discipline involving suspension, are not binding on the Supreme Court of California. Pursuant to Business and Professions Code sections 6078, 6083-6084, and 6100, the Supreme Court must enter an order effectuating the terms and conditions of this stipulation before any stipulation for suspension, actual or stayed, will be effective.

G. PREVIOUSLY REJECTED STIPULATIONS IN PROCEEDINGS OR INVESTIGATIONS COVERED BY THIS STIPULATION.

Unless disclosed by the parties in subsection I, there have been no previously rejected or withdrawn stipulations in matters or investigations covered by this stipulation.

H. COSTS OF DISCIPLINARY PROCEEDINGS. (Check appropriate paragraph(s).)

_____ 1. The agreed disposition is eligible for costs to be awarded the State Bar. (Bus. & Prof. Code, §§ 6086.10 and 6140.7.) Respondent has been notified of his or her duty to pay costs. The amount of costs assessed by the Office of Chief Trial Counsel will be disclosed in a separate cost certificate submitted following approval of this stipulation by a hearing judge. The amount of costs assessed by the State Bar Court will be disclosed in a separate cost certificate submitted upon finalization of this matter.

X 2. The agreed disposition is not eligible for costs to be awarded the State Bar.

I. SPECIAL OR ADDITIONAL AGREEMENTS AS TO SECTION ONE.

X Respondent has been advised of pending investigations, if any, which are not included in this stipulation.

X FORM STIP 120 is attached, stating further general agreements and waivers.

Parties'

Initials

DKJ. RW PAGE 5

SECTION TWO. STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW WARRANTING THE AGREED DISPOSITION.

- ☒ The parties have attached FORM STIP 130 and agree that the same warrants the disposition set forth in this stipulation.

SECTION THREE. STATEMENT OF FACTS, FACTORS OR CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION.

The parties agree that the following attachment(s) constitute the facts and circumstances considered mitigating, aggravating or otherwise bearing on the agreed disposition:

- ☒ FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

SECTION FOUR. AGREED DISPOSITION

Based on the foregoing and all attachments, the parties agree that the appropriate disposition of all matters covered by this stipulation is [Check appropriate disposition(s); attach schedule(s) if indicated]:

- ☒ DISMISSAL OF ALL CHARGES [FORM DISP 200]
- ☒ DISMISSAL OF CERTAIN CHARGES [Attach FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES]
- ☐ ADMONITION [Attach FORM DISP 210: ADMONITION]
- ☒ PRIVATE REPROVAL [Attach FORM DISP 220: PRIVATE REPROVAL]
- ☐ PUBLIC REPROVAL [Attach FORM DISP 230: PUBLIC REPROVAL]
- ☐ SUSPENSION ENTIRELY STAYED [Attach FORM DISP 240: RECOMMENDATIONS FOR STAYED SUSPENSION]
- ☐ ACTUAL SUSPENSION [Attach FORM DISP 250: RECOMMENDATIONS FOR ACTUAL SUSPENSION]
- ☐ ADDITIONAL PROVISIONS:
- ☐ FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION
- ☒ FORM DISP 270: FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

IN THE MATTER OF

DAVID KENNETH JEFFERIES,

A Member of the State Bar.

CASE NO(S). 89-0-12528

93-0-18324

(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION**CASE NO. See belowCOUNT See below**COUNT ONE of the NOTICE TO SHOW CAUSE FILED DECEMBER 15, 1993****Case No. 89-0-12528 (M. A. Hughes matter)**

In October 1988, Respondent was employed by Mary Ann Hughes (hereinafter "Hughes") to represent her in a dissolution of marriage.

Respondent failed to appear at a scheduled deposition of Hughes on May 23, 1989, after his client had been told by his office that this date would be continued and that she would be provided with further information, neither of which occurred. Hughes appeared at the deposition because Respondent's office could not, immediately prior to the scheduled deposition, confirm or deny whether the deposition was going to take place as scheduled or had been continued.

For two months, May and June of 1989, Hughes attempted to contact Respondent by leaving telephone messages on his office answering machine at least several times and by letter. Hughes

received no response from Respondent. Respondent thereby failed to inform Hughes of a significant development and failed to respond promptly to reasonable status inquiries.

After Respondent failed to attend the May 23, 1989 deposition, one of Hughes' telephone messages was that she would pick up her file on May 30, 1989. During this time period, Respondent's office normally remained closed during regular office hours with a sign on the door indicating that the office would be open by appointment only. Respondent did not return Hughes' call to make a different or more specific appointment than the May 30th date requested by Hughes.

Hughes went to Respondent's office as she had stated in her telephone message, on May 30, 1989, and found the office closed. Although Hughes received her file from Respondent in June 1989 when Respondent forwarded the file to her new attorney, his failure to communicate hindered the ease of transition.

LEGAL CONCLUSIONS regarding COUNT ONE (89-O-12528)

By his conduct, Respondent wilfully violated California Business and Professions Code section 6068(m).

COUNT TWO

Case No. 89-O-12528 (M. A. Hughes matter)

On August 16, 1989 and again on August 31, 1989, an investigator from the State Bar wrote Respondent at his official membership records address, requesting his response to the allegations in Case No. 89-O-12528. These letters were not returned as undeliverable. On September 15, 1989, Respondent telephoned the investigator and requested an extension of time to respond. Although he was granted an extension of time to respond to the letter, Respondent did not do so. Nor did Respondent otherwise cooperate with or participate in the State Bar's investigation in this matter.

LEGAL CONCLUSIONS regarding COUNT TWO

By his conduct, Respondent wilfully violated California Business and Professions Code section 6068(i).

COUNT FOUR

Case No. 89-O-16028 (Adams matter)

In April 1985, Respondent was hired by Teri A. Adams (hereinafter "Adams") to represent her in a dissolution of marriage.

On October 23, 1987, the Superior Court instructed Respondent to prepare a Judgment based on the court's ruling and

the stipulation entered into by Respondent's client and her husband. Respondent was instructed to submit a proposed Judgment to opposing counsel and then to present the proposed Judgment to the court.

In July 1988, Adams sought legal recourse against her ex-husband concerning his non-payment of child support. At that time, she discovered that Respondent had failed to file the written Judgment.

After July 1988, Adams called Respondent numerous times to request a copy of the final orders of her dissolution of marriage. Respondent did not return her telephone calls nor provide her with a copy of the Judgment in her case.

Between July 1989 and October 1989, Respondent and Adams had at least one chance meeting. Adams requested that Respondent send her a copy of the Judgment in her case. Respondent agreed, and asked her to call and remind him to do so.

Between July 1989 and November 1989, Adams called Respondent numerous times regarding her need for a copy of the Judgment in her dissolution of marriage. On two occasions, Respondent assured her that he would help her. Respondent did not return any of her other telephone calls. Respondent thereby failed to complete the services for which he had been employed by Adams

until approximately one year later, thereby delaying Adams' capacity to take action to enforce the court's judgment. These acts or failures to act resulted in harm to Adams and to the administration of justice.

LEGAL CONCLUSIONS regarding COUNT FOUR

By his conduct, Respondent wilfully violated California Business and Professions Code section 6068(m) and Rules of Professional Conduct rule 3-110(A) and its predecessor, 1975 Rules of Professional Conduct rule 6-101(A)(2).

COUNT FIVE

Case No. 93-O-18324 (McGuire matter)

In December 1986, Respondent was employed by Elizabeth McGuire (hereinafter "McGuire") to represent her in a dissolution of marriage. In January 1987, a judgment of dissolution of marriage was obtained. At that time the court made no order for support, but rather reserved jurisdiction over future requests for support because McGuire's former spouse was unemployed and had no assets.

As McGuire concurred with the court as to her former spouse's financial status at the time the judgment of dissolution, further legal action to obtain child support was

futile at that time. Respondent concluded that his and McGuire's attorney-client relationship terminated at judgment.

McGuire expected Respondent to get her an order for child support sometime thereafter. After the January 1987 Judgment of Dissolution of Marriage, the communication between Respondent and McGuire was not adequate for attorney and client to have a meeting of the minds with regards to any obligation that Respondent had or did not have to obtain a child support order for McGuire.

Between 1987 and 1991, McGuire made more than several telephone calls to Respondent's office. She left messages for Respondent to return her telephone calls, but Respondent failed to return those telephone calls. Respondent's failure to respond to McGuire's communications to ensure that McGuire had been definitively notified that their attorney-client relationship had terminated as of the Judgment of Dissolution of Marriage in January of 1987 delayed Respondent's and McGuire's meeting of the minds. Respondent thereby failed to keep McGuire reasonably informed of significant matters regarding her case.

In December 1991, more than three years after the Judgment of Dissolution of Marriage, McGuire had a newly employed attorney contact Respondent. McGuire's new attorney requested Respondent's case file. The new attorney was in the process of getting a child support order. Respondent provided the case file

in a timely manner to McGuire's new counsel. The file that Respondent forwarded did not include several pages of handwritten notes which had been destroyed as per Respondent's office practice of retaining such papers for only three years. The omission of these papers from the forwarded file caused McGuire no harm.

On February 22, 1993, Respondent and The State Bar, Office of The Chief Trial Counsel, executed a Stipulation As To Facts and Agreement In Lieu of Disciplinary Prosecution (hereinafter "Agreement in Lieu of Discipline"), pursuant to section 6068(1) of the California Business and Professions Code in relation to the McGuire case.

In the Agreement in Lieu of Discipline, Respondent agreed to be subject to and to perform certain conditions, including, but not limited to Section IV, paragraph 3, on page 5:

"Within six (6) months of the execution of this agreement, Respondent shall develop a procedure for the retention and the prompt return of his client files that complies with Rule 4-100 and Rule 3-700(D) of the Rules of Professional Conduct. The new procedure shall be in writing and shall be submitted to the Office of Trial Counsel for approval."

Respondent failed to comply with Section IV, paragraph 3 of the Agreement in Lieu of Discipline by not submitting the required documentation in a timely manner, on or before September 3, 1993.

It may be noted that from the time the Agreement in Lieu of Discipline was executed until The State Bar, Office of The Chief Trial Counsel, through its Deputy Trial Counsel, contacted Respondent regarding his probation violation(s) in or about April, 1994, the Probation Unit had, resultant from an oversight, not attempted to contact the Respondent. Respondent, as well, had not contacted the Probation Unit of the State Bar to ascertain to where he should send his compliance documentation. Respondent failed to follow through to ensure that he was able to comply with the agreements he made in the Agreement in Lieu of Discipline.

During April of 1994, Respondent submitted his written procedure for the retention and prompt return of his client files to the Probation Unit in compliance (except for timeliness) with the Agreement in Lieu of Discipline, section IV, paragraph 3.

LEGAL CONCLUSIONS regarding COUNT FIVE

By his conduct, Respondent wilfully violated California Business and Professions Code sections 6068(1) and 6068(m).

COUNT ONE of the NOTICE TO SHOW CAUSE FILED JULY 7, 1994

Case No. 93-O-18324

On March 29, 1993, Tim Atkins (hereinafter "Atkins") issued a check to Respondent in the amount of \$186.00 for advance costs in a legal matter in which Respondent was representing Atkins.

On or about April 9, 1993, said funds were deposited into Respondent's General Account, Account No. 0605-788165 (hereinafter "general account") located at Wells Fargo Bank, Torrance, California. This account is not a client trust account.

On April 11, 1993, Respondent was employed by Atkins to represent him in a dissolution of marriage. Atkins paid Respondent \$1,000.00. Said funds were deposited into Respondent's general account.

On April 15, 1993, Respondent issued General Account check no. 137 in the amount of \$182.00, made payable to the "Clerk of Superior Court". On April 16, 1993, this check accompanied the Response to the Request For Dissolution of Marriage filed on behalf of Atkins by Respondent.

In August, 1993, Atkins terminated Respondent's services.

On September 8, 1993, Atkins' new attorney, James Fisher (hereinafter "Attorney Fisher") sent a Substitution of Attorney form to Respondent. He also requested on behalf of Atkins an accounting of your services and a refund of any unearned fees.

Respondent promptly, on September 14, 1993, executed the Substitution of Attorney. Respondent failed to promptly provide an accounting to either Atkins or his attorney.

On September 28, 1993, Atkins sent a letter to Respondent, requesting an accounting of the services provided to him and a refund of any unearned fees. On November 10, 1993, Attorney Fisher sent an additional letter to Respondent reiterating the request for an accounting and a refund of unearned fees. Respondent failed to promptly respond to the requests until February 17, 1994, when Respondent provided Atkins with a Statement of Services Rendered.

Subsequently, Respondent offered to settle any attorney fee dispute by accepting Three Hundred Dollars (\$300.00) as full compensation for all legal services rendered by Respondent. Atkins accepted this offer, and on April 2, 1994, Atkins executed the agreement with Respondent. Promptly after this agreement was made, Respondent paid Atkins in full the monies owed him.

LEGAL CONCLUSIONS regarding COUNT ONE (93-O-18324)

By his conduct, Respondent wilfully violated Rules of Professional Conduct rules 4-100(A), 4-100(B)(4).

IN THE MATTER OF

DAVID KENNETH JEFFERIES

A Member of the State Bar.

CASE NO(S). 89-0-12528
93-0-18324
(CONSOLIDATED)ATTACHMENT TO: ☒ STIPULATION ☐ DECISIONSTATEMENT OF FACTS AND CIRCUMSTANCES
BEARING ON THE AGREED DISPOSITION

A. AGGRAVATING CIRCUMSTANCES:

☐ 1. Respondent has a record of prior discipline. (Std. 1.2 (b)(i).)¹ Supporting facts:

☒ 2. Respondent's misconduct evidences multiple acts of wrongdoing. (Std. 1.2 (b)(ii).) Supporting facts: Respondent's misconduct herein involves separate acts or lack thereof as to four clients

☒ 3. Respondent's misconduct evidences\demonstrates a pattern of misconduct. (Std. 1.2 (b)(iii).) Supporting facts: Respondent's misconduct involves delay in communication and/or performance of legal services in the cases.

☐ 4. Respondent's misconduct was surrounded or followed by bad faith, dishonesty, concealment, overreaching or other circumstances defined by Standard 1.2 (b)(iii). Supporting facts: _____

¹ References to "Standards" are to the "Standards for Attorney Sanctions for Professional Misconduct: (See Transitional Rules of Procedure of the State Bar of California, Division V.)

- ☐ 5. Respondent's misconduct harmed significantly client(s), the public or the administration of justice. (Std. 1.2 (b)(iv).) Supporting facts: _____

- ☐ 6. Respondent demonstrated indifference to rectifying the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: _____

- ☐ 7. Respondent demonstrated indifference to atoning for the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: _____

- ☐ 8. Respondent displayed a lack of candor and cooperation to any victim(s) of misconduct. (Std. 1.2 (b)(vi).) Supporting facts: _____

- ☒ 9. Respondent displayed a lack of candor and cooperation to the State Bar during disciplinary investigation or proceedings. (Std. 1.2 (b)(vi).) Supporting facts:
Respondent did not participate in the investigation of case
number 89-C-12528. (See Counts One and Two herein.)

Initials

PAGE 18

- Additional circumstance(s) in aggravation or additional facts regarding the above paragraphs are stated as follows: _____

B. MITIGATING CIRCUMSTANCES:

- ☒ 1. Respondent has no record of prior discipline over many years of practice, coupled with present misconduct not deemed serious. (Std. 1.2 (e)(i).) Supporting facts: Respondent had been practising law for eleven years at the time of the first misconduct. He has now been practising for over sixteen years. Respondent has had no prior discipline.
- ☐ 2. Respondent acted in good faith. (Std. 1.2 (e)(ii).) Supporting facts: _____
- ☐ 3. Respondent's misconduct did not result in harm to the client(s) or person(s) who were the objects of misconduct. (Std. 1.2 (e)(iii).) Supporting facts: _____
- ☐ 4. Respondent suffered extreme emotional difficulties at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts: _____
- ☐ 5. Respondent suffered extreme physical disabilities at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts: _____
- ☐ 6. Respondent displayed spontaneous candor and cooperation to the victim(s) of misconduct. (Std. 1.2 (e)(v).) Supporting facts: _____

- ☒ 7. Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. (Std. 1.2 (e)(v).) Supporting facts: Beginning with the filing of the Notice To Show Cause, Respondent cooperated with The Office of the Chief Trial Counsel.
- ☐ 8. Respondent presented an extraordinary demonstration of good character as set forth in Standard 1.2 (e)(vi). Supporting facts: _____
- ☐ 9. Respondent promptly took objective steps to spontaneously demonstrate remorse which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: _____
- ☐ 10. Respondent promptly took objective steps to spontaneously demonstrate recognition of the wrongdoing acknowledged, which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: _____
- ☐ 11. Considerable time has passed since Respondent's misconduct, followed by convincing proof of subsequent rehabilitation (Std. 1.2 (e)(viii)). Supporting facts: _____
- ☐ 12. Excessive delay occurred in conducting this disciplinary proceeding, which delay is not attributable to Respondent and which delay was prejudicial to Respondent. (Std. 1.2 (e)(ix).) Supporting facts: _____

- ☒ 13. Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows: _____

Regarding case number 93-0-18324, Count One of the Notice To Show Cause filed July 7, 1994: Some delay was caused by Atkins's failure to provide Respondent with his new address when Atkins moved after terminating Respondent's services.

Parties'

Initials

1 DJS / 160 PAGE 22

IN THE MATTER OF

DAVID KENNETH JEFFERIES

A Member of the State Bar.

CASE NO(S). 89-0-12528
93-0-18324
(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES

CASE NO.: 91-0-03615 COUNT NO.: See below

In the interests of justice, the parties respectfully request that the Court dismiss case number 91-0-03615 in its totality.

Case number 91-0-03615 is found in part in Count One and in part in Count Three of the Notice To Show Cause filed December 15, 1993. The request for dismissal of case number 91-0-03615 would not result in a dismissal of Count One in its entirety and would result in a dismissal of Count Three in its entirety.

OFFICE OF TRIAL COUNSEL

OFFICE OF TRIALS

THE STATE BAR OF CALIFORNIA

☒ 1149 South Hill Street

Los Angeles, California 90015-2299

Telephone: (213) 765-1000

[] 555 Franklin Street

San Francisco, California 94102-4498

Telephone: (415) 561-8200

IN THE MATTER OF

DAVID KENNETH JEFFERIES,

A Member of the State Bar.

Case No. 89-O-12528

93-O-18324

(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION [] DECISION

DISMISSAL OF CERTAIN ALLEGED VIOLATIONS

Based on further investigation, the parties respectfully request the Court to dismiss the following alleged violations in the interests of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
REGARDING NOTICE TO SHOW CAUSE FILED DECEMBER 15, 1993:		
89-O-12528	One	1989 Rules of Professional Conduct, rules 3-110(A), 3-110(B), 3-700(A), and 3-700(D)(1), and 1975 Rules of Professional Conduct, rules 6-101(A)(2) and 6-101(B)(2), Business & Professions Code sections 6068(o)(3), 6103, 6106
89-O-16028	Four	1989 Rules of Professional Conduct, rules 3-110(B) and 3-700(A), and 1975 Rules of Professional Conduct, rules 6-101(B)(2) & 6-101(C)(2), Business & Professions Code sections 6103, 6106
92-O-11987	Five	Rules of Professional Conduct, rules 3-110(A), 3-700(A)(2), 3-700(D)(1), & 1975 Rules of Professional Conduct rules 2-111(A)(2) & 6-101(A)(2)

Parties

Initials

1 DKJ / 160 PAGE 24

IN THE MATTER OF

DAVID KENNETH JEFFERIES

A Member of the State Bar.

CASE NO(S). 89-0-12528

93-0-18324

(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

PRIVATE REPROVAL

[Fill in the blanks as appropriate and check boxes at left for all language that is intended to be included in the stipulation, deleting words or phrases that are not appropriate. When designating numbers for the amount of suspension or probation, please spell out the number and include the arabic numeral in parenthesis provided.]

☒ It is recommended that Respondent be privately reprovved by the State Bar Court.

☒ The parties understand that although this reprovral is termed "private," it arises in a public proceeding. Although the State Bar of California will not affirmatively provide any publicity to the disposition, the file, including the stipulation, any order approving it, in this case will remain public and will be available on any specific inquiry by a member of the public.

☐ The parties understand that this private reprovral is a result of a stipulation, entered into prior to the filing of a Notice to Show Cause. The file, the stipulation, the order thereon, and the record of a private reprovral, shall remain confidential unless it is used hereafter as a record of prior discipline within the meaning of standard 1.7, Standards for Attorney Sanctions for Professional Misconduct.

☐ There are no conditions to be attached to this private reprovral.

☒ Pursuant to rule 956, paragraph (a), California Rules of Court, it is recommended that the following conditions be attached to the private reprovral, based upon a finding that protection of the public and the interests of respondent will be served thereby:

☐ FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION

☐ FORM DISP 270: FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

☒ FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR

☐ FORM PROB 320: RESTITUTION

☐ FORM PROB 330: PROTECTION OF CLIENT FUNDS

- ☐ FORM PROB 340: MENTAL HEALTH TREATMENT
- ☐ FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT
- ☐ FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
- ☐ FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION

☒ That the conditions attached to the private reprobation shall commence to be effective upon the effective date of the order approving stipulation or decision and shall remain in effect for a period of one (1) (~~1~~ days / ~~1~~ months / ☒ years) unless otherwise specifically designated herein;

NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH CONDITIONS ATTACHED TO PRIVATE REPROVAL

☒ RESPONDENT ACKNOWLEDGES THAT THIS STIPULATION CONSTITUTES NOTICE THAT, PURSUANT TO RULE 956, CALIFORNIA RULES OF COURT, RESPONDENT'S FAILURE TO COMPLY WITH THE CONDITIONS ATTACHED TO ANY PRIVATE REPROVAL ADMINISTERED BY THE STATE BAR COURT MAY CONSTITUTE CAUSE FOR A SEPARATE ATTORNEY DISCIPLINARY PROCEEDING FOR WILFUL BREACH OF RULE 1-110, RULES OF PROFESSIONAL CONDUCT.

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
☒ 1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000
[] 555 Franklin Street
San Francisco, California 94102-4498
Telephone: (415) 561-8200

Parties'
Initials

/ DKJ / HP PAGE 26

IN THE MATTER OF

DAVID KENNETH JEFFERIES,

A Member of the State Bar.

Case No. 89-O-12528
93-O-18324
(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION [] DECISION

CALIFORNIA PROFESSIONAL RESPONSIBILITY
EXAMINATION EXCLUSION

- ☒ It is recommended that Respondent not be required to take the California Professional Responsibility Examination since he/~~she~~ took and passed the examination on November 9, 1994 [date] in connection with case number 92-O-11987.
- [] It is recommended that Respondent not be required to take the California Professional Responsibility Examination since he/she has been ordered to do so by _____ [date] in connection with case number _____.

IN THE MATTER OF

DAVID KENNETH JEFFERIES

A Member of the State Bar.

CASE NO(S). 89-0-12528

93-0-18324

(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL**

Respondent shall establish a client trust account and shall provide proof of same to the Probation Unit no later than the due date of his second quarterly report. From the opening of such client trust account, Respondent shall maintain a client trust account throughout the balance of the period of probation in this case. ← DKS/b/

IN THE MATTER OF

DAVID KENNETH JEFFERIES

A Member of the State Bar.

CASE NO(S). 89-0-12528

93-0-18324

(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**STANDARD CONDITIONS OF PROBATION¹ - GENERAL**

☒ COND. 310. That during the period of probation, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California;

☒ COND. 410. That during the period of probation, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, in writing, to the Probation Unit, Office of Trials, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, Respondent shall file said report on the due date next following the due date after said effective date):

(a) in Respondent's first report, that Respondent has complied with all provisions of the State Bar Act, and Rules of Professional Conduct since the effective date of said probation;

(b) in each subsequent report, that Respondent has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

(c) provided, however, that a final report shall be filed covering the remaining portion of the period of probation following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof;

¹ If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

COND. 600. MAINTENANCE OF OFFICIAL MEMBERSHIP ADDRESS.

- ☒ COND. 610. That Respondent shall promptly report, and in no event in more than ten days, to the membership records office of the State Bar and to the Probation Unit, Office of Trials, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code;

**STANDARD CONDITIONS OF PROBATION:
ASSIGNMENT OF PROBATION MONITOR**

COND. 510. ASSIGNMENT OF PROBATION MONITOR:

- [] That Respondent shall be referred to the Probation Unit, Office of Trials, for assignment of a probation monitor. Respondent shall promptly review the terms and conditions of Respondent's probation with the probation monitor to establish a manner and schedule of compliance consistent with these terms of probation. During the period of probation, Respondent shall furnish such reports concerning Respondent's compliance as may be requested by the probation monitor. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge Respondent's duties pursuant to rule 611, Rules of Procedure of the State Bar;

COND. 550. AUTHORITY OF PROBATION MONITOR TO QUESTION RESPONDENT:

- [] That subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit, Office of Trials, and any probation monitor assigned under these conditions of probation which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with these terms of probation;

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
☒ 1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000
☐ 555 Franklin Street
San Francisco, California 94102-4498
Telephone: (415) 561-8200

Parties'

Initials

/ DKJ / *BE* PAGE 30

IN THE MATTER OF

Case No. 89-O-12528

DAVID KENNETH JEFFERIES,

93-O-18324

A Member of the State Bar.

(CONSOLIDATED)

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

PROBATION FINAL REPORT

Respondent shall file his/~~her~~ final report no earlier than twenty (20) days before the date on which the term of probation expires and no later than the date on which probation expires.

Parties'
Initials

DKJ / BE PAGE 31

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
☒ 1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000
[] 555 Franklin Street
San Francisco, California 94102-4498
Telephone: (415) 561-8200

IN THE MATTER OF

Case No(s). 89-0-12528

DAVID KENNETH JEFFERIES,

93-0-18324

(CONSOLIDATED)

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION [] DECISION

STATE BAR ETHICS SCHOOL

Within one (1) year from the date on which the disciplinary order in this matter becomes effective, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 1149 South Hill Street, Los Angeles) and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

[] EXCLUSION:

[] It is not recommended that Respondent attend Ethics School since he/she attended Ethics School on _____ [date] in connection with case number _____.

[] It is not recommended that Respondent attend Ethics School since he/she is required to do so by _____ [date] in connection with case number _____.

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
☒ 1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000
☐ 555 Franklin Street
San Francisco, California 94102-4498
Telephone: (415) 561-8200

Parties' Initials DKJ / HAW PAGE 32

IN THE MATTER OF

Case No(s). 89-0-12528
93-0-18324
(CONSOLIDATED)

DAVID KENNETH JEFFERIES,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATE BAR ETHICS SCHOOL CLIENT TRUST
ACCOUNT RECORD-KEEPING COURSE

Within one (1) year from the date on which the disciplinary order in this matter becomes effective, Respondent shall attend the State Bar Ethics School Client Trust Account Record-Keeping Course, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 1149 South Hill Street, Los Angeles) and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

☐ EXCLUSION:

- ☐ It is not recommended that Respondent attend Ethics School Client Trust Account Record-Keeping Course since he/she attended Ethics School on _____ [date] in connection with case number _____.
- ☐ It is not recommended that Respondent attend Ethics School Client Trust Account Record-Keeping Course since he/she is required to do so by _____ [date] in connection with case number _____.

Parties'

Initials

DKJ, AC PAGE 33

SECTION FIVE. APPROVAL OF PARTIES.

The parties and all counsel of record hereby approve the foregoing stipulation and all attachments, and the parties agree to be bound by all terms and conditions stated and the agreed disposition.

DATE: March 2, 1995

Crickard
Deputy Trial Counsel
CYDNEY G. CRICKARD

DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

DATE: March 2, 1995

David K. Jefferies
Respondent
DAVID K. JEFFERIES

DATE: _____

Respondent

DATE: _____

Respondent's Counsel

DATE: _____

Respondent's Counsel

DECLARATION OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Deputy Court Clerk of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. In the City and County of Los Angeles, on **March 8, 1995**, I deposited a true copy of the following document(s)

STIPULATION AS TO FACTS AND DISPOSITION FILED MARCH 2, 1995 and ORDER REGARDING STIPULATION AS TO FACTS AND DISPOSITION FILED MARCH 8, 1995.

in a sealed envelope as follows:

[X] with first-class postage thereon fully prepaid in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID KENNETH JEFFERIES, ESQ.
3480 TORRANCE, #101
TORRANCE, CA 90503**

[] by certified mail, , with a return receipt requested, in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

[X] in an interoffice mail facility regularly maintained by the State Bar of California addressed as follows:

CYDNEY G. CRICKARD, ESQ., OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on **March 8, 1995**.



ANGELA R. OWENS
Deputy Court Clerk
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST April 8, 2013

State Bar Court, State Bar of California,
Los Angeles

By

Clerk