



STATE BAR COURT OF CALIFORNIA
845 S. FIGUEROA ST., LOS ANGELES, CALIFORNIA 90017-2515

December 22, 2014

In Re: 96-O-04558 & 92-O-13192

In the Matter of Alan C. Basil

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

We acknowledge receipt of your check (No. 5456). Below is a complete itemization of the charges made to you for the requested copies.

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(State Bar Court Case No. 96-O-04558; 96-O-04585; 96-O-08422; 96-O-08444;
97-O-10525; 97-O-13493)

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IN THE SUPREME COURT OF CALIFORNIA

EN BANC

SUPREME COURT
FILED

AUG 30 2000

Frederick K. Ohlrich Clerk

DEPUTY

IN RE ALAN CRAIG BAIL ON DISCIPLINE

It is ordered that **ALAN CRAIG BAIL, State Bar No. 88955**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 11, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third thereof shall be added to and become part of the membership fees for calendar years 2002, 2003 and 2004, respectively. (Bus. & Prof. Code section 6086.10.)

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

day of AUG 30 2000 20

Clerk

By:

Deputy


Chief Justice

kwiktag *

018 035 385



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

Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL DAVID C. CARR, No. 124510 GERI VON FREYMAN, No. 97937 LARRY DeSHA, No. 117910 1149 South Hill Street Los Angeles, CA 90015-2299	Case number(s) 96-0-04558-MSW 96-0-04585 96-0-08422 96-0-08444 97-0-10525 97-0-13493	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">F I L E D</div> <div style="text-align: center; font-weight: bold;">MAY 11 2008</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
Counsel for Respondent Alan C. Bail 423 Campdell Street Playa Del Rey, CA 90293 (310) 823-2149 In Pro Per	<div style="font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	
In the Matter of Alan Craig Bail Bar # 88955 A Member of the State Bar of California (Respondent)	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted November 29, 1979

(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 under "Dismissals." The stipulation and order consist of 13 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) 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.
- (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
☒ costs to be paid in equal amounts prior to February 1 for the following membership years:
2002, 2003, 2004
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
☐ costs waived in part as set forth under "Partial Waiver of Costs"
☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances (for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

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

(a) ☒ State Bar Court case # of prior case 92-0-13192

(b) ☒ date prior discipline effective August 25, 1993

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

3-700(D)(1) - Failure to return file; 3-700(D)(2) - Failure to return unearned fee

4-100(B)(3) - Failure to account for client funds; B&PC 6104 - Appearance without authority.

(d) ☒ degree of prior discipline Privat Reproval, Public Disclosure

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(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 required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation 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) ☐ **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.
- (10) ☐ **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.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of two (2) years

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to _____ (payee(s)) (or the Client Security Fund, if appropriate), in the amount of _____ plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of three (3) years, and until completion of which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.) restitution.

E. Additional Conditions of Probation:

- (1) ☐ During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☐ 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..
- (3) ☒ 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.

- (4) ☐ 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 probation conditions.

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

☐ No Ethics School recommended.

(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) ☐ The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

(8) ☒ Other conditions negotiated by the parties:

a. Probation shall continue until the following restitution payments are completed:

(i) Monthly restitution payments of no less than \$100.00 per month shall be paid to Rosalie Glosman, M.D. until she has been paid the sum of \$4,000.00 principal, plus interest on the unpaid balance at the rate of 10.0% per annum. The accrual of interest shall commence on January 16, 2001. The monthly payments shall commence no later than January 15, 2001, and shall be due no later than the 15th of each month thereafter.

(ii) Monthly restitution payments of no less than \$400.00 per month shall be paid to the United States Postal Service until it has been paid the sum of \$23,000.00 principal, plus interest on the unpaid balance at the rate of 10.0% per annum. The accrual of interest shall commence on January 16, 2001. The monthly payments shall commence no later than January 15, 2001, and shall be due no later than the 15th of each month thereafter.

b. For three years, Respondent shall attend at least one meeting per week of a twelve-step program dealing with marijuana addiction.

c. During the period of probation, Respondent's quarterly probation reports will include the amounts and dates of the restitution payments, the unpaid principal balance for the two payees, and the dates and places for the twelve-step programs he attended.

☒ **Multistate Professional Responsibility Examination:** 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. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ALAN CRAIG BAIL

CASE NUMBERS: 96-O-04558; 96-O-04585; 96-O-08422;
 96-O-08444; 97-O-10525; 97-O-13493

FACTS AND CONCLUSIONS OF LAW:

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

Facts:

1. Case No. 96-O-04558

 a. On September 12, 1995, Respondent was retained by Manuel Juarez to represent him in a personal injury claim arising from a motor vehicle accident. Liability was admitted by the other driver.

 b. Respondent failed to file a lawsuit prior to the expiration of the statute of limitations on December 28, 1995. This failure resulted in a financial loss to Manuel Juarez of a significant but unknown amount.

 c. During the month of February of 1996, Manuel Juarez made several telephone calls to Respondent's office and left messages for Respondent to report on the status of the personal injury action. Respondent made no reply to these requests, and did not otherwise inform Manuel Juarez of the status or progress of the case.

 d. On May 28, 1996, Manuel Juarez sent Respondent a letter stating that his services were terminated and requesting that Respondent send the case file to another attorney. The new attorney also sent such a request to Respondent on May 28th and a second written request on June 10, 1996. Respondent did not reply to the requests for the file, and he did not return the file nor otherwise respond to the requests for the file.

2. Case No. 96-O-04585

 a. On May 11, 1994, Respondent filed a lawsuit on behalf of Keiko Morita and Neil Bjornsen for personal injuries resulting from the fall of a portable light pole. On April 3, 1996, judgment was entered against the two plaintiffs on a motion for summary judgment. On May 1, 1996, judgment was entered for the defendants for their costs in the amount of \$7,052.25 against Respondent's two clients.

b. Respondent never reported the loss of the lawsuit to his clients, and never informed them of the judgment against them for \$7,052.25.

3. Case No. 96-O-08422

a. On June 5, 1995, Respondent filed a lawsuit on behalf of Sanaa Fahmi for personal injuries arising from a motor vehicle accident. On August 22, 1996, Respondent notified Sanaa Fahmi that his health had deteriorated to such an extent that he was no longer able to practice law, and that he had delivered the file and evidence to another attorney for prosecution of the lawsuit.

b. The items Respondent delivered to the new attorney did not include several items which were last known to be in his possession. These undelivered items included two deposition transcripts, four photographs, and one automobile tire.

c. On October 30, 1996, Sanaa Fahmi sent a letter to Respondent requesting that he return the missing items.

d. Respondent has never returned the missing items to his client, he does not presently have the items in his possession, and he does not know how he came to lose the missing items nor when their loss occurred.

e. On March 3, 1997, in response to a complaint from Sanaa Fahmi, the State Bar mailed a formal inquiry letter to Respondent at his official membership address. The letter was returned by the United States Postal Service as undeliverable.

f. On May 28, 1998, Respondent provided the State Bar with a new membership address to replace the address which was outdated from at least March 3, 1997.

4. Case No. 96-O-08444

a. As of April of 1996, Respondent was employed by Wallace McMillian to represent him in two personal injury actions involving a slip-and-fall accident and a motor vehicle accident.

b. On September 24, 1996, Respondent notified Wallace McMillian that his health had deteriorated to such an extent that he was no longer able to practice law, and that McMillian should contact his office for the return of his two files. Respondent thereafter performed no legal services for client McMillian.

c. Wallace McMillian contacted Respondent's office several times and made requests for the return of his files, but Respondent made no reply to the requests and he never returned the files nor otherwise made any arrangement for their return.

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5. Case No. 97-O-10525

a. On November 23, 1993, Respondent deposited settlement funds of \$125,000.00 into his client trust account on behalf of client Diane Wade. On January 7, 1994, Respondent deposited an additional \$20,000.00 into his client trust account on behalf of client Diane Wade.

b. By virtue of the many liens on the \$145,000, the proper disbursement of the funds should have been approximately \$58,000 to Respondent for attorney fees, \$42,000 to his client's employer for statutory reimbursement of workers compensation benefits, \$31,000 to seven medical lienholders, and \$14,000 to client Diane Wade.

c. Respondent paid the lien of Syed Rezaian, M.D. on September 7, 1994, more than nine months after he received funds for that purpose.

d. Respondent paid the liens of Norwalk Medical Group and of Arthur Collins, M.D. on July 28, 1995, more than 20 months after he received funds for that purpose.

e. Respondent never paid anything on the lien of the United States Postal Service. This lien had first priority on the funds for the amount of \$42,000.00.

f. As of April 12, 1996, Respondent still owed at least \$14,263.74 to the United States Postal Service for its lien. On that date, the balance in Respondent's client trust account was only \$1,978.43. The shortfall was caused by Respondent's gross negligence in accounting for the disbursements from his client trust account.

6. Case No. 97-O-13493

a. On June 23, 1995, Respondent deposited settlement funds of \$13,500.00 into his client trust account on behalf of client Asiya Boronsteyn. The funds were subject to a medical lien for \$4,771.00 held by Rosalia Glosman, M.D.

b. On July 5, 1995, Respondent provided client Asiya Boronsteyn with an accounting and paid the client the balance of the settlement funds after deductions for attorney fees and the \$4,771.00 for the medical lien. Respondent assured client Boronsteyn that the medical lien had been paid in full.

c. Respondent has never paid any part of the medical lien for \$4,771.00

d. On April 12, 1996, Respondent's client trust account balance dropped to \$1,978.43, below the \$4,771.00 which was still owed from the client trust account for the medical lien of \$4,771.00.

Conclusions of Law:

1. Case No. 96-O-04558

a. By failing to file the personal injury lawsuit on behalf of client Manuel Juarez prior to December 28, 1995, or to otherwise obtain a settlement of his client's claim, Respondent intentionally or recklessly failed to perform legal services with competence, and he thereby wilfully violated Rule 3-110(A) of the California Rules of Professional Conduct.

b. By failing to reply to his client's telephone inquiries in February of 1996 or to otherwise report the status of the case to his client, Respondent failed to respond promptly to the client's reasonable status inquiries and failed to keep his client reasonably informed of significant developments in matters for which Respondent agreed to provide legal services, and he thereby wilfully violated section 6068(m) of the Business and Professions Code.

c. By failing to return his client's file after a request from the client and the client's new attorney after termination of Respondent's employment, Respondent wilfully failed to release to the client, at the request of the client, all of the client papers and property, and he thereby wilfully violated Rule 3-700(D)(1) of the California Rules of Professional Conduct.

2. Case No. 96-O-04585

a. By failing to report the loss of the lawsuit to his clients, and by failing to report that judgment had been entered against them for \$7,052.52, Respondent failed to keep his clients reasonably informed of significant developments in matters for which Respondent agreed to provide legal services, and he thereby wilfully violated section 6068(m) of the Business and Professions Code.

3. Case No. 96-O-08422

a. By failing to deliver his client's file, photographs, and automobile tire, after a request from the client after termination of Respondent's employment, Respondent wilfully failed to release to the client, at the request of the client, all of the client papers and property, and he thereby wilfully violated Rule 3-700(D)(1) of the California Rules of Professional Conduct.

b. By notifying the State Bar of his new address more than 14 months after leaving his last reported address, Respondent failed to notify the State Bar membership records office of any change in his address within 30 days after such change, and he thereby wilfully violated section 6002.1(a) of the Business and Professions Code, and thereby further wilfully violated section 6068(j) of the Business and Professions Code.

4. Case No. 96-O-08444

a. By stopping legal services in the two cases for client McMillian without thereafter turning over the client file to the client or another attorney, Respondent withdrew from employment prior to taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client, and he thereby wilfully violated Rule 3-700(A)(2) of the California Rules of Professional Conduct.

5. Case No. 97-O-10525

a. By paying the lien of Dr. Rezaian more than nine months after receiving funds for that purpose, by paying the liens of Dr. Collins and Norwalk Medical Group more than 20 months after receiving funds for those purposes, and by never paying anything to the United States Postal Service for its lien on funds deposited by Respondent on November 23, 1993 and on January 7, 1994, Respondent failed to pay promptly, as requested by the client, all funds in his possession which the client is entitled to receive; and he thereby wilfully violated Rule 4-100(B)(4) of the California Rules of Professional Conduct.

b. By causing or allowing the balance in his client trust account to drop to \$1,978.43 as of April 12, 1996, while at least \$14,263.74 was owed to the United States Postal Service from that account, Respondent failed to hold client funds in one or more bank accounts identifiable as a client trust account, and he thereby wilfully violated Rule 4-100(A) of the California Rules of Professional Conduct.

c. By causing or allowing the balance in his client trust account to drop to \$1,978.43 as of April 12, 1996, while at least \$14,263.74 was owed to the United States Postal Service from that account, Respondent intentionally or with gross negligence misappropriated \$12,285.31 of his client's funds, an act of moral turpitude; and he thereby wilfully violated section 6106 of the Business and Professions Code.

d. Respondent owes the United States Postal Service \$14,263.74, due since November 23, 1993, and retention of those funds would be an unjust enrichment of Respondent.

6. Case No. 97-O-13493

a. By never paying anything to Rosalia Glosman, M.D. for her lien on funds deposited by Respondent on June 23, 1995, Respondent failed to pay promptly, as requested by the client, all funds in his possession which the client is entitled to receive; and he thereby wilfully violated Rule 4-100(B)(4) of the California Rules of Professional Conduct.

b. By causing or allowing the balance in his client trust account to drop to \$1,978.43 as of April 12, 1996, while at least \$4,771.00 was owed to Dr. Glosman from that account,

Respondent failed to hold client funds in one or more bank accounts identifiable as a client trust account, and he thereby wilfully violated Rule 4-100(A) of the California Rules of Professional Conduct.

c. By causing or allowing the balance in his client trust account to drop to \$1,978.43 as of April 12, 1996, while at least \$4,771.00 was owed to Dr. Glosman from that account, Respondent intentionally or with gross negligence misappropriated \$2,792.57 of his client's funds, an act of moral turpitude; and he thereby wilfully violated section 6106 of the Business and Professions Code.

DISMISSALS:

a. Count Five of Case No. 96-O-04585 (Failure to Return Funds to Client) is dismissed due to insufficient evidence.

b. Count Six of Case No. 96-O-04585 (Failure to Withdraw Due to Mental or Physical Condition) is dismissed due to insufficient evidence.

c. Count Thirteen of Case No. 97-O-10525 (Moral Turpitude - Misrepresentation to Client) is dismissed due to insufficient evidence.

d. Count Two of Case No. 97-O-13493 (Moral Turpitude - Misrepresentation to Client) is dismissed due to insufficient evidence.

PENDING CASES:

a. The written advice of pending cases, referenced in paragraph A.(6), was sent on April 12, 2000. There are no pending cases unresolved by this stipulation.

MITIGATING CIRCUMSTANCES:

C.(4) Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of his wrongdoing, which steps were designed to timely atone for any consequences of his misconduct.

These timely steps include:

- (i) Notifying clients that his mental and physical condition prevented him from representing them effectively, as described in Counts Seven and Nine,

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- (ii) Voluntarily stopping the practice of law near the end of 1995,
- (iii) Remaining administratively inactive in the California State Bar from August 12, 1996, until the present, and
- (iv) Seeking psychiatric evaluation and treatment from three sources, including UCLA Medical Center.

C.(8) Emotional/Physical Difficulties: At the time of the stipulated acts of professional misconduct, Respondent suffered extreme emotional difficulties which expert testimony would establish were directly responsible for the misconduct. The emotional difficulties were not the product of any illegal conduct by Respondent, and Respondent no longer suffers from such difficulties.

On November 22, 1995, Respondent began a course of treatment by Arthur D. Sorosky, M.D., a noted psychiatrist and psychopharmacologist. Dr. Sorosky diagnosed acute paralyzing depression, Attention Deficit Hyperactivity Disorder (ADHD), and Tourette's Syndrome. There followed several months of experimentation with various medications and dosages to combat the ADHD and accompanying mental disorganization and great fear of public places. Side effects from medications, from time to time after 1996, included loss of motivation and short and long term memory loss.

Dr. Sorosky is available to testify that Respondent was psychiatrically disabled from any type of employment from the time he first examined Respondent on November 22, 1995 until July 1, 1999. His prognosis is that Respondent can now return to the pressures of practicing law, due to his current medications, quarterly psychiatric checkups, and increased experience in living with his condition.

Dr. Sorosky has signed an affidavit stating his foregoing history, diagnoses, and prognosis. The State Bar does not dispute this proffered testimony.

Date 4/25/00

Alan Craig Bail
Respondent's signature

ALAN CRAIG BAIL
print name

Date _____

Respondent's Counsel's signature

print name

Date 4/25/00

Larry DeSha
Deputy Trial Counsel's signature

LARRY DeSHA
print name

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

*See attached modification.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)**

Date 5/9/00

[Signature]
Judge of the State Bar Court

Modification

Page 3, par. C(3) - Insert an "X" in the box immediately following this number.

Page 4, par. E(2) - Delete "three (3) years, and until completion of restitution" and insert, instead, "five (5) years."

Page 4, par E(1), (2) and (4) - Insert an "X" in the boxes immediately following these numbers.

Page 5, par. E(8) - Delete "a. Probation shall continue until the following restitution payments are completed:"

Page 10, par 5.C. - Delete, in the fourth line, "intentionally or."

Page 11, par 6.C. - Delete, in the fourth line, "intentionally or."

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

I am a Case Administrator 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 May 11, 2000, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed May 11, 2000**

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

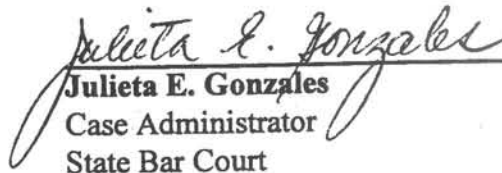
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ALAN CRAIG BAIL ESQ
423 CAMPDELL ST
PLAYA DEL REY CA 90293**

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

Larry DeSha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 11, 2000.


Julieta E. Gonzales
Case Administrator
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 December 22, 2014

State Bar Court, State Bar of California,
Los Angeles

By

Clerk



THE STATE BAR
OF CALIFORNIA

NOT FOR PUBLIC ~~ION~~

OFFICE OF THE STATE BAR COURT

Senior Executive, STUART A. FORSYTH

COURT CLERK'S OFFICE, 333 SOUTH BEAUDRY AVENUE, 24th FLOOR, LOS ANGELES, CALIFORNIA 90017-1466 (213) 580-5400

PERSONAL AND CONFIDENTIAL

NOTICE ACCOMPANYING SERVICE OF
STIPULATION AS TO FACTS AND DISPOSITION
AND ORDER APPROVING SAME IN

CASE NUMBER 92-O-13192-ERP IN THE MATTER OF ALAN CRAIG BAIL

Attached is a copy of the Stipulation As To Facts and Disposition entered into in the above-entitled matter pursuant to rules 405 and 406 of the Rules of Procedure of the State Bar, and a copy of the Order Approving Stipulation filed pursuant to rule 407 of said Rules.

Copies of rules 405-407, Rules of Procedure of the State Bar, rule 1400 of Provisional Rules of Practice of the State Bar, and rules 951-952, 954-955, California Rules of Court, are enclosed. Your attention is directed to these rules, which set forth post-stipulation time limitations and procedures, applicable to this proceeding before the State Bar Court.

DECLARATION OF SERVICE

I, the undersigned, over the age of 18 years, whose business and place of employment is 333 S. Beaudry Avenue, 24th Floor, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited true copies of this Notice, the Stipulation As To Facts and Disposition, the Order Approving Stipulation, and rules 405-407, Rules of Procedure of the State Bar, rule 1400 of Provisional Rules of Practice of the State Bar, and rules 951-952, 954-955, California Rules of Court, in a sealed envelope addressed as follows:

In a facility regularly maintained by the United States Postal Service with first class mail postage thereon fully pre-paid addressed to:

ALAN CRAIG BAIL
6300 Wilshire Blvd., #1600
L. A., CA 90048-5225

PAUL A. TENNER, Esq.
State Bar of California
333 S. Beaudry Ave., 24th Fl.
L. A., CA 90017-1466

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed in Los Angeles, California on June 8, 1993.

Within document forwarded to
Judge on 6-10-93
STATE BAR COURT CLERK'S OFFICE
By:

RODNEY C. FOOTON,
Deputy Court Clerk

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<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>JUN 08 1993</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p>ALAN CRAIG BAIL,</p> <p>No. 88955,</p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S). 92-O-13192-ERP</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 405-407, Transitional Rules of Procedure of the State Bar of California, consisting of 24 pages, approved by the parties, was submitted to the State Bar Court in the above-captioned case(s). All stipulations submitted previously are rejected. The Stipulation is attached to this order and is incorporated by reference herein. Unless a party withdraws or modifies the stipulation pursuant to rule 407(c), Transitional 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.

DATE: June 08, 1993

Alvin P. Rade
Judge of the State Bar Court

COUNSEL FOR STATE BAR:

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
ROBERT P. HEFLIN
ROBERTA M. YANG
TERESA J. SCHMID
PAUL A. TENNER, No. 136917
333 South Beaudry Avenue, 9th Flr.
Los Angeles, CA 90017-1466
Telephone: (213) 580-5495

COUNSEL FOR RESPONDENT:

ALAN CRAIG BAIL
6300 Wilshire Blvd., #1600
Los Angeles, CA 90048-5225
Telephone: (213) 655-4838

**THE STATE BAR COURT
OF THE
STATE BAR OF CALIFORNIA**

HEARING DEPARTMENT

☒ LOS ANGELES

☐ SAN FRANCISCO

FOR COURT USE ONLY

FILED

JUN 07 1993

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

IN THE MATTER OF

ALAN CRAIG BAIL

No. 88955

MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S). 92-O-13192

**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

Within document forwarded to
Judge on 6/8/93
STATE BAR COURT CLERK'S OFFICE
By: MT

Parties'

Initials

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- ☒ 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
- ☒ 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'

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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
IN THE MATTER OF <u>ALAN CRAIG BAIL</u> No. <u>88955</u> MEMBER OF THE STATE BAR OF CALIFORNIA.	CASE NO(S). 92-O-13192 STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA) <input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> 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 19, 1979 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.

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.

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

I. SPECIAL OR ADDITIONAL AGREEMENTS AS TO SECTION ONE.

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

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

Parties'

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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

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IN THE MATTER OF

CASE NO(S). 92-0-13192

ALAN CRAIG BAIL

A Member of the State Bar.

ATTACHMENT TO: [X] STIPULATION [] DECISION

**STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION**

CASE NO. 92-0-13192

COUNT ONE

In November, 1991, Respondent was hired by Jerry Katzen ("Katzen") to represent him in a civil matter relating to Katzen's termination from TRW. Katzen paid Respondent \$2,500.00 as advanced attorney's fees.

On February 28, 1992, Katzen delivered a letter to Respondent's office and informed Respondent that Katzen was terminating his services. In this letter, Katzen requested that Respondent return the file and the advanced attorney's fees to Katzen.

On March 9, 1992, Respondent filed a lawsuit on Katzen's behalf, entitled Jerry Katzen v. TRW, Inc., Los Angeles Superior Court, case no. YC 010699. This lawsuit was filed after Katzen terminated Respondent's services.

On April 15, 1992, Respondent returned Katzen's file to him and returned \$1,000 of the advanced attorney's fees to Katzen. Thereafter, Respondent failed to provide an accounting to Katzen until July 15, 1992.

Legal Conclusions

Respondent violated rules 3-700(D)(1), 3-700(D)(2) and 4-100(B)(3) of the Rules of Professional Conduct of the State Bar of California and section 6104 of the California Business and Professions Code.

IN THE MATTER OF

CASE NO(S). 92-O-13192

ALAN CRAIG BAIL

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**STATEMENT 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: _____

- ☐ 3. Respondent's misconduct evidences\demonstrates a pattern of misconduct. (Std. 1.2 (b)(ii).) Supporting facts: _____

- ☐ 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: _____

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

[illegible]

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 has been in practice since November, 1979 and has 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: Respondent fractured his leg in October, 1991 and was in a cast for four months. In addition, Respondent was bedridden or in a wheel chair for two months.
- ☐ 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: Respondent cooperated with the State Bar in this investigation.
- ☐ 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: _____

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IN THE MATTER OF

CASE NO(S). 92-O-13192

ALAN CRAIG BAIL

A Member of the State Bar.

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 reprovval 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 reprovval 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 reprovval, 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 reprovval.
- ☒ Pursuant to rule 956, paragraph (a), California Rules of Court, it is recommended that the following conditions be attached to the private reprovval, 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 reproof 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 (☐ days / ☒ 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.

IN THE MATTER OF

CASE NO(S). 92-O-13192

ALAN CRAIG BIAL

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION**

[Fill in the blanks as appropriate and check the 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.]

- [X] It is recommended that the State Bar Court order Respondent to take and pass the California Professional Responsibility Examination administered by the Committee of Bar Examiners of the State Bar of California within one (1) ~~days/months/year(s)~~ of the effective date of the administration of the private reproof and furnish satisfactory proof of such passage to the Probation Unit within said period.

IN THE MATTER OF

CASE NO(S). 92-O-13192

ALAN CRAIG BAIL

A Member of the State Bar.

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.

- [x] **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;

IN THE MATTER OF

CASE NO(S). 92-O-13192

ALAN CRAIG BAIL

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STANDARD CONDITIONS OF PROBATION:¹ EDUCATION AND LAW OFFICE MANAGEMENT

COND. 1000. LAW OFFICE MANAGEMENT PROBLEMS.

COND. 1010. PLAN TO BE SUBMITTED TO PROBATION MONITOR:

- ☐ That Respondent develop a law office management/organization plan that meets with the approval of Respondent's probation monitor within _____ [days/ months] from the date on which Respondent is notified of the assignment of Respondent's probation monitor. 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.

COND. 1050. COMPLETION OF COURSE ON LAW OFFICE MANAGEMENT:

- ☐ That Respondent provide satisfactory evidence of completion of a course on law office management which meets with the approval of Respondent's probation monitor within _____ [days/month(s)/year(s)] from the date on which the order of the Supreme Court² in this matter becomes effective.

COND. 1100. CONTINUING LEGAL EDUCATION

- ☒ COND. 1100. That within one year [or _____] of the effective date of the Supreme Court's order³ in this matter, Respondent must attend no less than six (6) hours of courses which are California Mandatory 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~~. Respondent must provide satisfactory proof of attendance to ~~the probation~~

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.

² If attached to forms DISP 220 or DISP 230, the "order of the Supreme Court," as used herein, shall mean the State Bar Court order approving the stipulation or decision.

³ If attached to forms DISP 220 or DISP 230, the "Supreme Court order" shall refer to the State Bar Court order approving the stipulation or decision.

Parties'

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ACB, P.J.

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monitor//and the Probation Unit, Los Angeles] within said one year (of
(period of time). The California State Bar's
"Ethics School" will be considered a satisfactory general legal ethics course as to six
hours of this requirement.

IN THE MATTER OF

CASE NO(S). 92-O-13192

ALAN CRAIG BAIL

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**COMMENCEMENT AND EXPIRATION
OF PROBATION¹****COMMENCEMENT OF PROBATION**☒ That the period of probation shall commence as of the date:☐ On which the order of the Supreme Court in this matter becomes effective.☒ The date of issuance of the letter of reproof or decision
imposing reproof.**COMMENCEMENT OF SUSPENSION**☐ That the period of actual suspension shall commence on _____.☐ That the period of suspension shall commence as of the date:☐ on which the order of the Supreme Court in this matter becomes effective.☐ _____☐ **EXPIRATION OF PROBATION**

That at the expiration of the period of this probation if Respondent has complied with the terms of probation, the order of the Supreme Court suspending Respondent from the practice of law for a period of _____ () days/month(s)/year(s) shall be satisfied and the suspension shall be terminated.

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.

IN THE MATTER OF

CASE NO(S). 92-0-13192

ALAN CRAIG BAIL

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**FURTHER CONDITIONS OF PROBATION:¹**

- ☒ FORM TRI 100: STATE BAR ETHICS SCHOOL
- ☐ FORM TRI 101: STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT
RECORD-KEEPING COURSE
- ☒ FORM TRI 121: ADDITIONAL AGREEMENTS AND WAIVERS FOR PUBLIC AND
PRIVATE REPROVALS
- ☐ FORM TRI 300: ADDITIONAL CONDITIONS OF PROBATION
- ☐ FORM TRI 350: MODIFICATION OF PROBATION, RULE 951(c) OF THE
CALIFORNIA RULES OF COURT

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 reproval" pursuant to rule 956, California Rules of Court.

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
ROBERT P. HEFLIN, Chief Trial Counsel
333 South Beaudry Avenue, 9th Floor
Los Angeles, California 90017-1466
Telephone: (213) 580-5000

Partie
Initial.

MB/PZ

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IN THE MATTER OF

Case No(s). 92-0-13192

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ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATE BAR ETHICS SCHOOL

☒ FOR REPROVAL CASES:

Within one (1) year of the date of the issuance of the letter of reproof in this matter, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 333 S. Beaudry Avenue, 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.

☐ FOR SUSPENSION CASES:

Within one (1) year of the effective date of the Supreme Court order in this matter, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 333 S. Beaudry Avenue, 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.

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
ROBERT P. HEFLIN, Chief Trial Counsel
333 South Beaudry Avenue, 9th Floor
Los Angeles, California 90017-1466
Telephone: (213) 580-5000

IN THE MATTER OF

Case No(s). 92-O-13192

ALAN CRAIG BAIL

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ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

ADDITIONAL AGREEMENTS AND WAIVERS FOR
PRIVATE REPROVALS (DISP 220) AND
PUBLIC REPROVALS (DISP 230)

- ☒ That the period of probation for this reproof shall commence as of the date of issuance of the letter of reproof or decision imposing reproof.
- ☒ At the expiration of the period of this probation for the reproof, a condition having been attached to the reproof, if Respondent has complied with such condition as ordered by the State Bar Court, the condition shall be terminated.

Parties'

Initials

JB.P.2.

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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: _____



Deputy Trial Counsel
PAUL A. TENNER

DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

DATE: 6/7/93



Respondent
ALAN CRAIG BAIL

DATE: _____

Respondent

DATE: _____

Respondent's Counsel

DATE: _____

Respondent's Counsel



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 December 22, 2014

State Bar Court, State Bar of California,
Los Angeles

By

Clerk

A handwritten signature in dark ink, appearing to be "Charles M. [unclear]", is written over a horizontal line.