

SUPREME COURT
FILED

JUL 23 1997

(State Bar Court Case No. 94-O-17952)

Robert Wandruff Clerk
DEPUTY

16061381

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

IN RE IRWIN FRIEDMAN ON DISCIPLINE

It is ordered that **Irwin Friedman** be suspended from the practice of law for 30 days, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed March 27, 1997. 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 pursuant to Business and Professions Code section 6068.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

I, Robert F. Wandruff, 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 JUL 23 1997 A. D. 19
Clerk

By Henrietta A. Cruz
Deputy Clerk

George
Chief Justice



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>FILED</p> <p>MAR 27 1997</p> <p>STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p>IRWIN MONROE P.P. FRIEDMAN,</p> <p>Bar No. 35753,</p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO: 94-O-17952-MSW</p> <p>ORDER REGARDING STIPULATION (<input checked="" 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, consisting of 33 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 and that those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

DATED: March 26, 1997


MADGE S. WATAI, Judge of the State Bar Court

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

In The Matter of **IRWIN MONROE P.P. FRIEDMAN**

Case No: **94-O-17952-MSW**

Bar No. **35753**

A Member of the State Bar.

MODIFICATION OF STIPULATION

On page 1 of the Stipulation insert an "X" in the box indicating First Amended Stipulation:

On page 22 of the Stipulation the following counts are dismissed in the interest of justice:

Count three, violation of Business and Professions Code section 6068(m);

Count five, violation of Rules of Professional Conduct, 3-700(D)(2);

In the Matter of **IRWIN MONROE P.P. FRIEDMAN**

CASE NO: **94-O-17952-MSW**

Bar No. **35753**

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 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**

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.)

Parties'
Initials

agm/plh sy 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
☐ 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

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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>MAR 27 1997</p> <p>STATE BAR COURT CLERKS OFFICE LOS ANGELES</p> <p><i>[Handwritten signature]</i></p>
<p>IN THE MATTER OF</p> <p><u>IRWIN MONROE P. P. FRIEDMAN</u></p> <p>No. <u>35753</u></p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S). 94-0-17952 94-0-19328</p> <p>STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA)</p> <p><input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED</p>

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 June 9, 1964 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

[Handwritten signatures]

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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 J, 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).)

X

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.

X

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'

Initials

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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

Parties'
Initials

TRV

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THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 94-O-17952
94-O-19328

IRWIN MONROE P. P. FRIEDMAN, Bar No. 35753

A Member of the State Bar.

DISCLOSURE OF PENDING INVESTIGATIONS

X Respondent has been advised in writing of any pending investigations or proceedings not resolved by this Stipulation, identified by investigation case number and complaining witness name, if any.¹ All such information has been provided to the Respondent in a separate document as of ~~Jan. 29, 1997~~ *March 14, 1997*. This date is no more than thirty (30) days prior to the date the Stipulation is filed. *TRV*

¹ Pursuant to rules 132(b)(8), 133(k), and 134(c)(8), Rules of Procedure of the State Bar, the State Bar shall not disclose investigations, if any, related to investigations by criminal law enforcement agencies.

Parties'

Initials

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IN THE MATTER OF

CASE NO(S). 94-0-17952

94-0-19328

IRWIN MONROE P. P. FRIEDMAN

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

ADDITIONAL AGREEMENTS AND WAIVERS

- ☒ FORM TRI 121: WAIVER OF RIGHT TO PETITION FOR RELIEF FROM ASSESSED COSTS
- ☐ FORM TRI 122: WAIVER OF ISSUANCE OF NOTICE OF DISCIPLINARY CHARGES
- ☐ FORM TRI 123: STATEMENT OF AUTHORITIES SUPPORTING DISCIPLINE
- ☐ FORM TRI 124: PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING
- ☐ FORM TRI 125: ADDITIONAL AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1
- ☐ FORM TRI 126: RESOLUTION OF PROCEEDING
- ☐ FORM TRI 127: ESTIMATION OF COSTS
- ☐ FORM TRI 128: WAIVER OF REVIEW

Parties'
Initials

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OFFICE OF THE CHIEF TRIAL COUNSEL
THE STATE BAR OF CALIFORNIA
1149 South Hill Street
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Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s) . 94-O-17952
94-O-19328

IRWIN MONROE P. P. FRIEDMAN, Bar No. 35753

A Member of the State Bar.

WAIVER OF RIGHT TO PETITION FOR RELIEF FROM ASSESSED COSTS

X 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, nor the degree of discipline agreed upon by the parties hereto.

Parties:
Initials

[Handwritten initials] PAGE 9

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 94-O-17952
94-O-19328

IRWIN MONROE P. P. FRIEDMAN, Bar No. 35753

A Member of the State Bar.

APPLICABILITY OF RULES OF PROCEDURE

The Rules of Procedure of the State Bar of California became effective on January 1, 1995 and amendments to the Rules of Procedure of the State Bar of California were adopted on January 1, 1996. The parties request the Court to substitute the applicable Rules of Procedure of the State Bar of California in place of any references to the former Transitional Rules of Procedure within this Stipulation as to Facts and Disposition.

Parties'
Initials

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IN THE MATTER OF

CASE NO(S). 94-0-17952
94-0-19328

IRWIN MONROE P. P. FRIEDMAN

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

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

CASE NO. See Attachment

COUNT See Attachment

SEE ATTACHED

Parties'
Initials

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IN THE MATTER OF

Case No(s). 94-O-17952
94-O-19328

IRWIN MONROE P.P. FRIEDMAN, No. 35753

A Member of the State Bar.

STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION

CASE NO.: 94-O-17942

COUNT ONE

1. In or about April 1987, Robert Kaplan (hereinafter "Kaplan") employed Respondent to handle a personal injury matter arising out of an auto accident. The parties entered into a contingency fee arrangement.
2. Prior to settlement of Kaplan's case, Kaplan's insurer, Mercury Insurance Company, paid all of Kaplan's medical expenses, which totaled \$4,773.
3. In or about 1991, Respondent settled Kaplan's case for \$10,000. Respondent recovered his fee of \$3,300 and gave the balance of the \$10,000 settlement to Kaplan.
4. In or about September 1991 (after Kaplan had received payment of the settlement funds), Kaplan became aware of Mercury's demand for payment of \$4,377. Kaplan was eventually sued by Mercury for breach of contract. Respondent represented Kaplan in the case.
5. In May 1994, Respondent negotiated a settlement with Mercury on Kaplan's behalf of repayment pursuant to the Stipulation for Judgment. Kaplan agreed to the terms of the Stipulation on the condition that Respondent would pay to him a portion of the payments due to Mercury. Respondent agreed to pay a portion of the payments due to Mercury.

6. Respondent failed to disclose in writing to Kaplan the terms of his agreement to repay a portion of the judgment due to Mercury.

7. Respondent further failed to advise Kaplan in writing that he may seek the advice of an independent lawyer regarding the transaction.

8. Respondent also failed to obtain Kaplan's written consent to the terms of the transaction.

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

IN THE MATTER OF

Case No(s) . 94-O-17952
94-O-19328

IRWIN MONROE P.P. FRIEDMAN, No. 35753

A Member of the State Bar.

STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION

CASE NO.: 94-O-17942

COUNT TWO

1. In May 1993, Respondent was employed to represent California Limited Partnership and its general partners (hereinafter "The Partnership") in a civil lawsuit concerning lender liability (Steven Dersh, Jennifer Dersh and the Flores Street Partnership. Ltd., et al v. Pacific Heritage Bank, et al, LASC No. BC 071921.

2. On or about May 3, 1993, B & H Investment Co., on behalf of the partnership, paid Respondent \$10,000: \$5,000 as advanced attorney's fees for prosecution of the lawsuit in general and \$5,000 as advanced fees and costs for seven depositions which Respondent agreed to take.

3. Between May 1993 and October 1993, Respondent failed to take any depositions on behalf of the Partnership.

4. On or about October 19, 1993, Respondent told the Partnership that he could no longer represent them due to a serious medical condition from which he was suffering.

5. In failing to take any depositions on behalf of the Partnership, Respondent failed to competently perform the legal services for which he was hired.

By the foregoing conduct, Respondent wilfully violated California Rules of Professional Conduct, rule 3-110(A).

Parties'
Initials

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IN THE MATTER OF

Case No(s) . 94-O-17952
94-O-19328

IRWIN MONROE P.P. FRIEDMAN, No. 35753

A Member of the State Bar.

STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION

CASE NO.: 94-O-17942

COUNT THREE

1. Paragraphs one through four of Count Two are incorporated by reference as if set forth herein.

2. In or about October 1993, the Partnership sought from Respondent an accounting of fees earned and costs expended as well as a return of unearned fees and unused costs.

3. Respondent did not respond to the Partnership's inquiry for several months.

4. Ultimately, Respondent provided to the Partnership an accounting which established that Respondent had earned the \$5,000 advanced fees, but that Respondent had only used \$893 of the \$5,000 advanced for costs.

5. In failing to timely account to the Partnership, Respondent wilfully violated Rules of Professional Conduct 4-100(B)(3).

Parties'
Initials

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IN THE MATTER OF

Case No(s) . 94-O-17952
94-O-19328

IRWIN MONROE P.P. FRIEDMAN, No. 35753

A Member of the State Bar.

STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION

CASE NO.: 94-O-17942

COUNT FOUR

1. Paragraphs one through four of Count Two are incorporated by reference as if set forth herein.

2. During the course of his representation of B & H Investment, Respondent incurred costs in the amount of \$893, which he paid from the \$5,000 advanced by B & H Investment.

3. To date, Respondent has failed to return any portion of the remaining \$4,107 advanced to him for costs by the Partnership.

By the foregoing conduct, Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(4).

Parties'
Initials

[Handwritten Signature] PAGE 16

IN THE MATTER OF

CASE NO(S). 94-0-17952
94-0-19328

IRWIN MONROE P. P. FRIEDMAN,

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: _____

Initials

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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: _____
- ☐ 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: During most of the period in question,
Respondent was significantly distracted from his practice because of
severe family and emotional problems. Respondent suffered from chronic
depression. He did not begin to recover until 1993, when he was pre-
scribed anti-depressants.
- ☐ 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: _____

Parties'

Initials

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- ☒ 7. Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. (Std. 1.2 (e)(v).) Supporting facts: Respondent has promptly responded to all State Bar inquiries.
- ☐ 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: _____

Parties'

Initials

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- [X] 13. Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows: Respondent has practiced law since 1964

with no prior record of discipline.

Parties' Initials

[Handwritten signatures and initials]

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IN THE MATTER OF

CASE NO(S). 94-0-17952
94-0-19328

IRWIN MONROE P. P. FRIEDMAN,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES

CASE NO.: 94-0-17952 COUNT NO.: _____

In the interests of justice, the following Counts contained in the
Notice of Disciplinary Charges are dismissed:

Count Three, violation of Business and Professions Code section 6068(m);

Count Five, violation of Rules of Professional Conduct, 3-700(D)(2).

Parties'
Initials

[Handwritten signatures]

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IN THE MATTER OF

CASE NO(S).

IRWIN MONROE P. P. FRIEDMAN

94-0-17952

94-0-19328

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

SUSPENSION, INCLUDES NO ACTUAL SUSPENSION

[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 numerals in parenthesis provided.]

☒ It is recommended that Respondent be suspended from the practice of law for a period of thirty (30) days ~~/ months / years~~, that the execution of such suspension be stayed, that Respondent be placed upon probation for a period of one (1) ~~days / months / years~~, and that Respondent be ordered to comply with the attached conditions of probation.

Parties'
Initials

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CONDITIONS OF PROBATION:

- ☒ 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

FURTHER RECOMMENDATIONS:

- ☒ It is further recommended that the California Supreme 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) year/ XXXXX (xxx) months, xxxxxxxxxxxx years of the effective date of the order of the Supreme Court (Segretti v. State Bar (1976) 15 Cal.3d 878, 890-891) and furnish satisfactory proof of such passage to the Probation Unit, Office of Trials, within said time.

Parties' 
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IN THE MATTER OF

CASE NO(S). 94-0-17952
94-0-19328

IRWIN MONROE P. P. FRIEDMAN

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.

Parties'

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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;

Parties'
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OFFICE OF THE CHIEF TRIAL COUNSEL
THE STATE BAR OF CALIFORNIA
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 94-O-17952
94-O-19328

IRWIN MONROE P. P. FRIEDMAN, Bar No. 35753

A Member of the State Bar.

PROBATION FINAL REPORT

Respondent shall file his 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

[Handwritten signatures]

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IN THE MATTER OF

CASE NO(S). 94-0-17952
94-0-19328

IRWIN MONROE P. P. FRIEDMAN

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

RESTITUTION

[Please use a separate form for each person or entity to which restitution will be made.]

☒ COND. 210. That within one (1) ~~days/months~~ years from the effective date of:

☒ The Supreme Court's order in this matter,

☐ The administration of a reproof by the State Bar Court in this matter,

☐

☒ As set forth in FORM DISP 250:

☒ Respondent must make restitution to B & H Investment Co.
or the Client Security Fund if it has paid, in the amount of \$4,107.00,
plus interest at the rate of 10% per annum from May 3, 1993,
until paid in full and furnish satisfactory evidence of restitution to the Probation Unit,
Office of Trials, Los Angeles;

☐ 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 _____ monthly / quarterly / yearly installments _____

until paid in full and furnish satisfactory evidence of such restitution to the Probation Unit, Office of Trials, Los Angeles;

☐ Other: _____

Parties:
Initials

[Handwritten initials] PAGE *29*

OFFICE OF THE CHIEF TRIAL COUNSEL
THE STATE BAR OF CALIFORNIA
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 94-O-17952
94-O-19328

IRWIN MONROE P. P. FRIEDMAN, Bar No. 35753

A Member of the State Bar.

EVIDENCE OF RESTITUTION

Respondent shall include in each quarterly report required by COND 410 of PROB 310 satisfactory evidence of all restitution payments made by him during that reporting period.

Parties'
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IN THE MATTER OF

CASE NO(S). 94-0-17952
94-0-19328

IRWIN MONROE P. P. FRIEDMAN

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.

☐

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 one (1) ~~days/months~~ years 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.

Parties'

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IN THE MATTER OF

IRWIN MONROE P. P. FRIEDMAN

A Member of the State Bar.

CASE NO(S). 94-0-17952

94-0-19328

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

FURTHER CONDITIONS OF PROBATION:¹

- ☐ FORM TRI 381: REVOCATION OF PROBATION AND IMPOSITION OF NEW TERMS OF PROBATION
- ☐ FORM TRI 382: ALCOHOL/DRUG ABUSE CONDITIONS OF PROBATION
- ☐ FORM TRI 383: MENTAL HEALTH CONDITIONS OF PROBATION
- ☐ FORM TRI 384: ADDITIONAL CONDITIONS OF PROBATION
- ☒ FORM TRI 385: STATE BAR ETHICS SCHOOL
- ☐ FORM TRI 386: STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE
- ☐ FORM TRI 387: COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER
- ☐ FORM TRI 388: EARLY INACTIVE ENROLLMENT

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

Parties'
Initials

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THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 94-O-17952
94-O-19328

IRWIN MONROE P. P. FRIEDMAN, Bar No. 35753

A Member of the State Bar.

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, 1149 South Hill Street, Los Angeles 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.

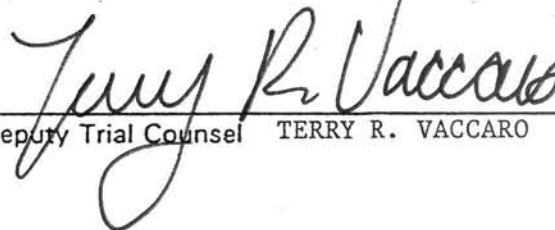
Parties' Initials

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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: 3/20/1997


Deputy Trial Counsel TERRY R. VACCARO

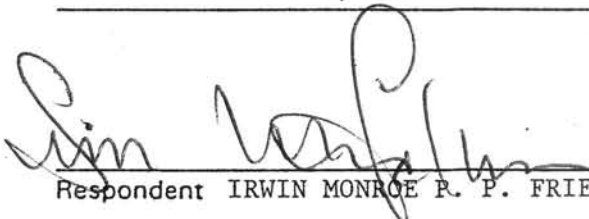
DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

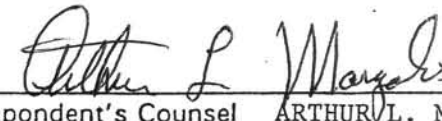
DATE: 3/13/97


Respondent IRWIN MONROE R. P. FRIEDMAN

DATE: _____

Respondent

DATE: 3/13/97


Respondent's Counsel ARTHUR L. MARGOLIS

DATE: _____

Respondent's Counsel

CERTIFICATE OF SERVICE

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

I am a Deputy 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 **March 27, 1997**, I deposited a true copy of the following document(s)

**ORDER REGARDING STIPULATION AS TO FACTS AND DISPOSITION
FILED MARCH 27, 1997
STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407,
TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF
CALIFORNIA) FILED MARCH 27, 1997**

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

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

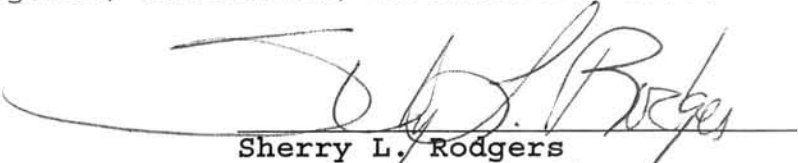
**ARTHUR MARGOLIS ESQ
MARGOLIS & MARGOLIS
2000 RIVERSIDE DR
LOS ANGELES, CA 90039-3707**

[] 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:

TERRY VACCARO, OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on **March 27, 1997**.


Sherry L. Rodgers
Deputy 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 January 10, 2014

State Bar Court, State Bar of California,
Los Angeles

By

Clerk



STATE BAR COURT OF CALIFORNIA

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

January 10, 2014

In Re: 94-00-17952

In the Matter of Irwin Friedman

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

We acknowledge receipt of your check (No. 5189). Below is a complete itemization of the charges made to you for the requested copies.

<u>1</u> Files retrieved @ \$3.00 per file	\$ <u>3.00</u>
<u>38</u> Pages photocopied @ \$0.50 per page	\$ <u>19.00</u>
Mandatory certification fee	\$ <u>1.00</u>
Total Amount Charged	\$ <u>23.00</u>
Amount Received	\$ <u>23.00</u>
Amount Due	\$ _____
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.