

IN THE SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED

EN BANC

JUL 27 2000

S088328

Frederick K. Ohlrich Clerk
Frederick K. Ohlrich
DEPUTY

IN RE ALLAN LEE DOLLISON ON DISCIPLINE

It is ordered that **ALLAN LEE DOLLISON**, State Bar No. 177299, be suspended from the practice of law for one year and until he makes restitution to Lynda Maisterra (or the Client Security Fund, if appropriate) in the amount of \$837.00, plus 10% interest per annum from September 1, 1997; to Francisco and Flor Cruz (or the Client Security Fund, if appropriate) in the amount of \$625.00, plus 10% interest per annum from September 24, 1997, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel; and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he makes the restitution described above and provides satisfactory proof thereof to the Probation Unit. If he is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. **Allan Lee Dollison** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 31, 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 or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that if he is actually suspended for 90 days or more, he shall comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2001 and 2002. (Bus. & Prof. Code section 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

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 JUL 27 2000 20

Clerk

By: *Stephanetta Miner*
Deputy

George

Chief Justice

lwktag® 048 620 366



ORIGINAL

<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT RUSSELL G. WEINER, NO. 94504 DJINNA GOCHIS, NO. 108360 DIANE J. MEYERS, NO. 146643 1149 South Hill Street Los Angeles, California 90015-2299 Telephone: (213) 765-1000</p>	<p>Case number(s) 97-0-18138 197-0-18526 98-0-00763 98-0-035961</p>	<p>(for Court's use) FILED MAR 31 2000 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent Michael G. Gerner, No. 65906 Attorney at Law 2049 Century Park East, #1200 Los Angeles, CA 90067 Telephone: (310) 203-3384</p>	<p>PUBLIC MATTER</p> <p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of ALLAN L. DOLLISON #177299 Bar # A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 15, 1995 (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 26 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):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: 2001, 2002
 (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 _____
- (b) date prior discipline effective _____
- (c) Rules of Professional Conduct/ State Bar Act violations: _____

- (d) degree of prior discipline _____
- (e) If Respondent has two or more incidents of prior discipline, use space provided below or 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.
SEE ATTACHMENT TO STIPULATION AT PP. 20-21.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

SEE ATTACHMENT TO STIPULATION AT PP. 21-22.

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) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances are involved.**

Additional mitigating circumstances:

SEE ATTACHMENT TO STIPULATION AT PP. 22-23.

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of ONE YEAR

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(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: COMPLETES RESTITUTION AS PROVIDED AT P. 25 OF THIS STIPULATION.

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of TWO YEARS which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of 60 DAYS

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(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: COMPLETES RESTITUTION AS PROVIDED AT P. 25 OF THIS STIPULATION.

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Respondent shall promptly report, and in no event in more than 10 days, to the Membership Records Office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code.

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

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

- (5) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (6) 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.

SEE OTHER CONDITIONS NEGOTIATED BY THE PARTIES AT PP. 23-24.

- No Ethics School recommended.

- (7) The following conditions are attached hereto and incorporated:

Substance Abuse Conditions Law Office Management Conditions

Medical Conditions Financial Conditions

- (8) 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.

- (9) Other conditions negotiated by the parties:
SEE ATTACHMENT TO STIPULATION AT PP 23-24.

- 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

- No MPRE recommended.

- Rule 955, California Rules of Court:** Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.

- Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

- Credit for Interim Suspension (conviction referral cases only):** Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ALLAN L. DOLLISON

CASE NUMBER(S): 97-O-18138, ET SEQ.

FACTS AND CONCLUSIONS OF LAW.

COUNT ONE

Case No. 97-O-18138

Business and Professions Code, section 6106
[Moral Turpitude-Misrepresentation]

1. Respondent wilfully violated Business and Professions Code, section 6106 by committing acts of dishonesty as follows:

2. On or about August 5, 1997, Lynda Maisterra employed Respondent to represent her in an action entitled, Transworld Systems Credit, Inc. v. Lynda Maisterra, Los Angeles County Municipal Court, Pomona Judicial District, case no. 97C00873 ("the TRW action"). As part of the employment, Respondent agreed to file a motion to set aside a default that had been entered against Maisterra on June 23, 1997 in the TRW action. Maisterra paid Respondent an \$837.00 advanced fee.

3. In or about September 1997, Maisterra called Respondent's office on several occasions and left messages requesting that Respondent provide her with the status of her matter. Respondent did not respond to Maisterra's messages.

4. On or about October 1, 1997, Respondent sent a letter to Maisterra in which he advised her that he had filed a motion to set aside the default and that the court had denied the motion at a September 22, 1997 hearing. Respondent enclosed with his letter a copy of the motion. The motion showed that it had been served on the plaintiff's attorney, Anthony Head.

5. Respondent also enclosed with his October 1, 1997 letter a copy of a notice of ruling on the motion. The notice of ruling showed that it had been prepared, signed, and served by Head on Respondent on September 24, 1997. The notice of ruling stated that attorney David Seal had made a special appearance on behalf of Maisterra at the September 22, 1997 hearing.

6. There was no September 22, 1997 hearing on the motion.

7. Respondent had not filed the motion with the court and had not served the motion on Head.

8. Respondent had prepared the notice of ruling and forged Head's signature on the notice as well as on the proof of service attached to the notice.

9. On or about October 4, 1997 Maisterra received Respondent's October 1, 1997 letter. After receiving the letter from Respondent, Maisterra contacted the court's clerk. Maisterra was told by the clerk that there had not been a hearing on the motion.

10. In or about October 1997, Maisterra telephoned Respondent and told him what she had learned from the court's clerk. Maisterra requested that Respondent provide an explanation within one week. At no time did Respondent provide an explanation to Maisterra.

11. By committing the following acts of dishonesty, Respondent wilfully violated Business and Professions Code, section 6106:

a. By misrepresenting to Maisterra that there was a hearing on the motion;

b. By misrepresenting to Maisterra that he had filed the motion with the court;

c. By misrepresenting to Maisterra that he had served the motion on Head;

d. By fabricating the notice of ruling;

e. By forging Head's signature on the notice of ruling and proof of service attached to the notice; and,

f. By misrepresenting to Maisterra that the court had denied the motion.

COUNT FOUR

Case No. 97-O-18138

Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Return Unearned Fee]

12. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2) by failing to promptly refund a fee paid in advance that had not been earned as follows:

13. Paragraphs 2 through 10 are incorporated by reference.

14. Respondent's employment was effectively terminated when he represented to Maisterra that the motion was denied.

15. Respondent did not earn the \$837.00 advance fee paid by Maisterra as he did not file the motion.

16. At no time did Respondent return any portion of the \$837.00 to Maisterra.

17. By failing to refund any portion of the \$837.00 to Maisterra, Respondent failed to promptly refund a fee paid in advance that had not been earned in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FIVE

Case No. 97-O-18138

Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

18. Respondent wilfully violated Business and Professions Code, section 6068(i) by failing to cooperate in a disciplinary investigation as follows:

19. On or about April 1, 1998, State Bar Investigator Christopher Doukakis sent a letter by first class mail to Respondent at 917 S. Village Oaks Drive, Second Floor, Covina, CA 91724. The Village Oaks address was Respondent's State Bar of California membership records address effective February 29, 1996 to December 30, 1997. However, the United States Postal Service did not return the State Bar's letter as undeliverable or for any other reason.

20. In the April 1, 1998 letter, Doukakis requested that Respondent provide by April 14, 1998 a written explanation regarding and documentation pertinent to allegations of misconduct being investigated by the State Bar in case no. 97-O-18138 ("the Maisterra matter"). Respondent did not respond by April 14, 1998.

21. On or about April 12, 1999, State Bar Investigator Otto Ottomanyi sent Respondent a letter by first class mail to Respondent at the Office of Public Defender, 210 W. Temple St., 19th Fl., Los Angeles, CA 90012. The Public Defender address was Respondent's State Bar of California membership records address effective December 30, 1997 to September 30, 1998. However, the United States Postal Service did not return the State Bar's letter as undeliverable or for any other reason.

22. With the April 12, 1999 letter, Ottomanyi enclosed a copy of the April 1, 1998 letter and requested that Respondent provide

a response to the April 1, 1998 letter by April 24, 1999. Respondent did not respond by April 24, 1999.

23. On or about May 10, 1999, Respondent advised State Bar Investigator Susan Seiler by fax to mail all State Bar letters to him at 834-1/4 Laguna Avenue, Los Angeles, CA 90026. On or about May 13, 1999, Seiler sent a letter by first class mail to Respondent at the Laguna Avenue address. The Laguna Avenue address was Respondent's State Bar of California membership records address effective June 29, 1999. The United States Postal Service did not return the State Bar's letter as undeliverable or for any other reason.

24. With the May 13, 1999 letter, Seiler enclosed copies of the April 1, 1998 and April 12, 1999 letters, and requested that Respondent provide by May 27, 1999 a written explanation regarding and documentation pertinent to allegations of misconduct being investigated by the State Bar in the Maisterra matter.

25. On or about May 21, 1999, Respondent contacted Seiler. Seiler advised Respondent that she was still waiting for his response regarding the Maisterra matter. Seiler provided Respondent with the State Bar's fax number. Respondent did not respond by May 27, 1999.

26. On or about June 3, 1999, Seiler telephone Respondent and left a message requesting a return call by June 3, 1999. On or about June 4, 1999, Respondent called Seiler and advised her that he would fax his response to the Maisterra matter by June 4 or June 5, 1999. Respondent did not fax his response.

27. On or about July 13, 1999, State Bar Investigator Holly Creamer called Respondent at his State Bar membership records telephone number of (818) 710-9993. Creamer was advised by Respondent's employer to contact Respondent at his home telephone number of (323) 654-1679.

28. On or about July 13, 1999, Creamer called Respondent's home number and left a message for Respondent on his answering machine requesting his response to the investigation of the Maisterra matter. Respondent did not respond to Creamer's message.

29. To date, Respondent has not responded to the letters regarding the investigation of the Maisterra matter.

30. By not providing any response to the State Bar's letters concerning the Maisterra matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code, section 6068(i).

COUNT SIX

Case No. 98-O-00763
Rules of Professional Conduct, rule 3-700(A)(2)
[Failure to Withdraw from Employment]

31. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2) by withdrawing from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to his clients as follows:

32. On or about August 22, 1997, Francisco and Flor Cruz employed Respondent to prepare and file a bankruptcy petition on their behalf. On or about August 22, 1997, Respondent requested \$225.00 to begin work on the petition. The Cruzes provided a \$225.00 check (#1956) to Respondent. On or about August 28, 1997, Respondent requested another \$225.00 to complete the petition and a \$175.00 money order for filing fees for the petition. The Cruzes provided a \$225.00 check (#1958) and a \$175.00 money order to Respondent.

33. On or about September 4, 1997, Respondent cashed check #1956. On or about September 23, 1997, Respondent cashed check #1958.

34. Between September 1997 and January 1998, the Cruzes telephoned Respondent and left numerous messages on his answering machine requesting the status of their matter. Respondent did not respond to any of the messages.

35. In or about October 1997, Respondent vacated his law office and did not advise the Cruzes of his whereabouts.

36. In or about December 1997, Respondent began working for the Public Defenders's office. Respondent did not advise the Cruzes that he had begun new employment.

37. At no time did Respondent file the petition with the court.

38. At no time did Respondent return the Cruzes' file in their matter.

39. Respondent effectively withdrew from his representation of the Cruzes when he left his law practice without notifying them of his whereabouts or of his employment with the Public Defenders's office.

40. By vacating his law office without advising the Cruzes of his whereabouts, Respondent withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the

Cruzes in wilful violation of Rules of Professional Conduct, rule 3-700(A) (2).

COUNT SEVEN

Case No. 98-O-00763
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform]

41. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A) by failing to perform legal services with competence as follows:

42. Paragraphs 32 through 37 are incorporated by reference.

43. By failing to file the petition, Respondent failed to competently perform the legal services for which he was employed in wilful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT EIGHT

Case No. 98-O-00763
Business and Professions Code, section 6068(m)
[Failure to Communicate]

44. Respondent wilfully violated Business and Professions Code, section 6068(m) by failing to promptly respond to the reasonable status inquiries of a client as follows:

45. Paragraphs 32 through 37 are incorporated by reference.

46. By failing to respond to the Cruzes' messages between September 1997 and January 1998, Respondent failed to promptly respond to the reasonable status inquiries of a client in wilful violation of Business and Professions Code, section 6068(m).

COUNT NINE

Case No. 98-O-00763
Rules of Professional Conduct, rule 3-700(D) (2)
[Failure to Return Unearned Fee]

47. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D) (2) by failing to promptly refund a fee paid in advance that had not been earned as follows:

48. Paragraphs 32 through 37 are incorporated by reference.

49. Respondent did not earn the \$450.00 fee paid by the Cruzes as he did not file a bankruptcy petition on their behalf.

50. At no time did Respondent return any portion of the \$450.00 to the Cruzes.

51. By failing to refund any portion of the \$450.00 to the Cruzes, Respondent failed to promptly refund a fee paid in advance that had not been earned in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT TEN

Case No. 98-O-00763

Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Return File and Property]

52. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1) by failing to promptly release to his clients all the clients' papers and property as follows:

53. Paragraphs 32 through 37 are incorporated by reference.

54. At no time did Respondent return the \$175.00 money order paid for costs.

55. By failing to forward the \$175.00 money order to the Cruzes, Respondent failed to promptly release to his clients all the clients' papers and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT ELEVEN

Case No. 98-O-03596

Rules of Professional Conduct, rule 3-700(A)(2)
[Failure to Withdraw from Employment]

56. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2) by withdrawing from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to his clients as follows:

57. In or about February 1997, Michael Stockett employed Respondent to prosecute an action for conversion of his automobile. On or about February 21, 1997, Stockett paid to Respondent a \$1,000.00 advanced fee.

58. On or about March 25, 1997, Respondent filed a complaint on Stockett's behalf initiating an action entitled, Michael Stockett v. Debra Ann Davis, et al., Los Angeles Municipal Court, Citrus Judicial District, case no. 97C00910 ("the Stockett action"). On or about April 7, 1997, Stockett paid to Respondent \$139.50 for costs in the Stockett action.

59. On July 29, 1997, a court clerk served by a mail a notice of a October 28, 1997 status conference and order directing the parties to appear to Respondent at his address of record.

60. In or about October 1997, Respondent vacated his law office and did not advise Stockett of his whereabouts.

61. On October 23, 1997, Stockett telephoned Respondent at his office. Stockett was advised that Respondent no longer worked in the office. Stockett was given a telephone number, (714)769-5819, for Respondent. On October 23, 1997, Stockett telephoned Respondent at (714)769-5819. Stockett left a message on Respondent's answering machine requesting the status of his matter. Respondent did not respond to Stockett's message.

62. On October 28, 1997, a status conference was held in the Stockett action. Respondent failed to appear at the conference. The court ordered the conference continued to November 25, 1997 and also set the matter for an order to show cause why sanctions should not be imposed, including dismissal of the action, for Respondent's failure to appear at the conference. On October 29, 1997, a court clerk served by mail notice of the court's October 28, 1997 orders on Respondent at his address of record.

63. On October 30 and November 21, 1997, Stockett left messages on Respondent's answering machine requesting the status of his matter. Respondent did not respond to Stockett's messages.

64. Respondent appeared at the November 25, 1997 status conference. The court ordered the conference continued to December 16, 1997. On November 25, 1997, a court clerk served by mail notice of the court's continuance order on Respondent at his address of record.

65. On December 9, 1997, Stockett telephoned Respondent and left a message on his answering machine requesting the status of his matter. Respondent did not respond to Stockett's message.

66. On December 16, 1997, the status conference was held. Respondent did not appear at the conference. The court ordered that the case be dismissed without prejudice for lack of prosecution. On December 16, 1997, a court clerk served by mail notice of the court's dismissal order on Respondent at his address of record. The notice of dismissal was returned to the court as undeliverable on June 29, 1998 because Respondent had moved without notifying the court of his new address.

67. At no time did Respondent advise Stockett of the dismissal of his case.

68. On December 18, 1997 and on January 15, 1998, Stockett left messages on Respondent's answering machine requesting the status of his matter. Respondent did not respond to Stockett's messages.

69. On February 2, 1998, Stockett called the court clerk to determine the status of his matter. Stockett learned that his case had been dismissed. On February 2, 1998, Stockett called the State Bar of California and was advised that Respondent's membership records showed that he was working for the Public Defenders's office.

70. On February 20, 1998, Stockett left a message on Respondent's answering machine requesting that he contact Stockett to discuss his matter. Respondent did not respond to Stockett's message.

71. At no time was Stockett advised by Respondent that he was working for the Public Defenders's office.

72. On or about March 10, 1998, Stockett sent a letter to Respondent at his address with the Public Defenders's office requesting his file and all documents Stockett had provided to him relating to his matter. Respondent did not return the file or documents.

73. On or about October 27, 1998, Stockett sent a letter to Respondent at his State Bar of California membership records address of 19935 Ventura Blvd., Third Floor, Woodland Hills, CA 91364. The letter was sent by certified mail, return receipt requested. On October 28, 1998, the letter was delivered to Respondent and Respondent signed the return receipt. In the October 27, 1998 letter, Stockett requested that Respondent forward his file and documents. Respondent did not return the file or documents.

74. Respondent effectively withdrew from his representation of Stockett when Respondent left his law practice without notifying Stockett of his whereabouts or of his employment with the Public Defenders's office.

75. By vacating his law office without advising Stockett of his whereabouts, Respondent withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to Stockett in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT THIRTEEN

Case No. 98-O-03596
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform]

76. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A) by failing to perform legal services with competence as follows:

77. Paragraphs 57 through 65 are incorporated by reference.

78. By failing to appear at the December 16, 1997 conference and by allowing the Stockett action to be dismissed for failure to prosecute, Respondent failed to competently perform the legal services for which he was employed in wilful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT FOURTEEN

Case No. 98-O-03596
Business and Professions Code, section 6068(m)
[Failure to Communicate]

79. Respondent wilfully violated Business and Professions Code, section 6068(m) by failing to promptly respond to the reasonable status inquiries of a client as follows:

80. Paragraphs 57 through 71 are incorporated by reference.

81. By failing to respond to Stockett's October 3, October 30, November 21, December 9 and December 18, 1997, and January 15, 1998 messages, Respondent failed to promptly respond to the reasonable status inquiries of a client in wilful violation of Business and Professions Code, section 6068(m).

COUNT FIFTEEN

Case No. 98-O-03596
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Return File]

82. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1) by failing to promptly release to his clients all the clients' property as follows:

83. Paragraphs 57 through 73 are incorporated by reference.

84. By failing to return Stockett's file and documents, Respondent failed to promptly release to a client all the client's

papers and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT SIXTEEN

Case No. 98-O-03596
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

85. Respondent wilfully violated Business and Professions Code, section 6068(i) by failing to cooperate in a disciplinary investigation as follows:

86. On or about May 7, 1999, State Bar Investigator Susan Seiler sent a letter by first class mail to Respondent at his State Bar of California membership records address of 19935 Ventura Blvd., Third Fl., Woodland Hills, CA 91364. The United States Postal Service did not return the State Bar's letter as undeliverable or for any other reason.

87. In the May 7, 1999 letter, Seiler requested that Respondent provide by May 21, 1999 a written explanation regarding and documentation pertinent to allegations of misconduct being investigated by the State Bar in case no. 98-O-03596 ("the Stockett matter"). Respondent did not respond by May 7, 1999.

88. On or about May 10, 1999, Respondent advised Seiler by fax to mail all State Bar letters to him at 834-1/4 Laguna Avenue, Los Angeles, CA 90026. On or about May 13, 1999, Seiler sent Respondent a letter by first class mail to Respondent at 834-1/4 Laguna Avenue, Los Angeles, CA 90026. The Laguna Avenue address was Respondent's State Bar of California membership records address effective June 29, 1999. The United States Postal Service did not return the State Bar's letter as undeliverable or for any other reason.

89. In the May 13, 1999 letter, Seiler requested that Respondent provide by May 27, 1999 a written explanation regarding and documentation pertinent to allegations of misconduct being investigated by the State Bar in the Stockett matter.

90. On or about May 21, 1999, Respondent contacted Seiler. Seiler advised Respondent that she was still waiting for his response regarding the Stockett matter. Seiler provided Respondent with the State Bar's fax number. Respondent did not respond by May 27, 1999.

91. On or about June 4, 1999, Respondent advised Seiler that he would fax his response to the Stockett matter on June 4 or June 5, 1999. Respondent did not fax his response.

92. On or about July 13, 1999, State Bar Investigator Holly Creamer called Respondent at his State Bar membership records telephone number of (818) 710-9993. Creamer was advised by Respondent's employer to contact Respondent at his home telephone number of (323) 654-1679.

93. On or about July 15, 1999, Creamer called Respondent's home number and left a message for Respondent on his answering machine requesting his response to the investigation of the Stockett matter. Respondent did not respond to Creamer's message.

94. To date, Respondent has not responded to the State Bar's letters regarding the investigation of the Stockett matter.

95. By not providing any response to the State Bar's letters concerning the Stockett matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code, section 6068(i).

* * *

COUNT ONE

Case No. 97-O-18526
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform]

96. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A) by failing to perform legal services with competence as follows:

97. On or about May 7, 1996, Howard Barr employed Respondent to represent Barr's interests in a dispute against his tenants. At the time of employment, Respondent represented to Barr that the dispute would be heard by a court within four to six months.

98. On or about May 7, 1996, Barr provided Respondent a \$580.00 check for advance fees. On or about May 8, 1996, the check was cashed by Respondent.

99. On May 10, 1996, Respondent filed a complaint on behalf of Barr and his wife, Patricia Barr, entitled, Howard Barr, et al. v. Murray Goldman, et al., Los Angeles County Municipal Court, Case No. 96K10081 ("the Barr action"). At the time the complaint was filed, Respondent was given the court's delay reduction rules and was advised that the rules would be strictly enforced.

100. On June 26, 1996, an answer to the complaint was filed by one of five named defendants, Murray Goldman.

101. On June 26, 1996, a cross-complaint was filed by Goldman against the Barrs.

102. On July 31, 1996, Respondent filed an answer to the cross-complaint on behalf of the Barrs.

103. On November 5, 1996, the court set a hearing on a order to show cause why the complaint had not been served as to all named defendants and why Respondent had not filed a memorandum to set the case for trial ("the OSC"). The OSC was set for December 2, 1996.

104. On December 2, 1996, Respondent appeared at the OSC. Respondent represented to the court that he had served Goldman with interrogatories requesting addresses for the other defendants who had not been served, M. M. Feigenbaum, Todd Glass, Clay Shivers, and Don Hutcheson. The court continued the OSC to January 23, 1997 and ordered that Respondent file proofs of service on the other defendants or file an application for service by publication. Respondent did not serve the other defendants, file the proofs of service, or file an application for service by publication.

105. On January 23, 1997, Respondent did not appear at the OSC. The court ordered the case dismissed as to Feigenbaum, Glass, Shivers, and Hutcheson due to Respondent's failure to comply with the court's delay reduction rules. On January 23, 1997, Respondent was served with notice of the dismissal at his address of record.

106. Respondent wilfully failed to competently perform the legal services for which he was employed as follows:

a. By not serving Feigenbaum, Glass, Shivers, and Hutcheson and not applying to the court for an order for service by publication; and,

b. By not filing a memorandum to set the Barr action for trial and not appearing at the OSC on January 23, 1997.

COUNT THREE

Case No. 97-0-18526
Business and Professions Code, section 6068(m)
[Failure to Communicate]

107. Respondent wilfully violated Business and Professions Code, section 6068(m) by failing to promptly respond to the reasonable status inquiries of a client and by failing to keep his clients reasonably informed of a significant development in a matter with regard to which he had agreed to provide legal services as follows:

108. Paragraphs 97 through 105 are incorporated by reference.

109. At no time did Respondent advise the Barrs of the dismissal.

110. On or about May 6, 13, and 17, 1997 and August 22, 1997, Mr. Barr left several telephone messages at Respondent's home requesting the status of his matter. Respondent did not respond to Mr. Barr's status requests, except that on or about August 24, 1997, Mr. Barr telephoned and spoke with Respondent regarding his matter.

111. In or about November 1997, Mr. Barr left several telephone messages for Respondent requesting information on the status of his matter. Respondent did not respond to Mr. Barr's status requests.

112. On or about December 31, 1997, Mr. Barr went to the court to determine the status of his matter and learned of the court's January 23, 1997 dismissal.

113. By not responding to Mr. Barr's messages in May and November of 1997, Respondent wilfully failed to promptly respond to the reasonable status inquiries of a client.

114. By not advising the Barrs of the court's dismissal of January 23, 1997, Respondent wilfully failed to keep his clients reasonably informed of a significant development in a matter with regard to which he had agreed to provide legal services.

COUNT FOUR

Case No. 97-0-18526
Rules of Professional Conduct, rule 3-700(A)(2)
[Failure to Withdraw from Employment]

115. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2) by withdrawing from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of his clients, including giving due notice to the clients, allowing time for employment of other counsel, and complying with rule 3-700(D) as follows:

116. Paragraphs 97 through 105 are incorporated by reference.

117. In or before October 1997, Respondent vacated his law office and did not advise the Barrs of his whereabouts.

118. In or about October 1997, Mr. Barr learned from Walter Mann, who had referred Mr. Barr to Respondent, that Respondent had gone to work for the Public Defenders's office.

119. By vacating his office without advising the Barrs of his whereabouts, Respondent wilfully withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to his clients.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was March 9, 2000.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
97-0-18138	Two	Business and Professions Code, section 6068(m).
97-0-18138	Three	Rules of Professional Conduct, rule 3-110(A).
98-0-03596	Twelve	Business and Professions Code, section 6103.
97-0-18526	Two	Business and Professions Code, section

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 4, 2000, the estimated prosecution costs in this matter are approximately \$3,507.45. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Multiple Acts

Respondent's misconduct constitutes multiple acts of misconduct as the misconduct includes one violation of Business and Professions Code §6106; two violations of Business and Professions Code §6068(i); three violations of Business and Professions Code §6068(m); three violations of Rules of Professional Conduct, rule

3-110(A); three violations of Rules of Professional Conduct, rule 3-700(A)(2); two violations of Rules of Professional Conduct, rule 3-700(D)(1); and two violations of Rules of Professional Conduct, rule 3-700(D)(2).

ADDITIONAL AGGRAVATING CIRCUMSTANCES

Harm to Clients

The Maisterra matter

Respondent's failure to file a motion requesting that Maisterra's default be set aside precluded Maisterra from having any chance of having the default judgment set aside. [See e.g., In the Matter of Bach (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646--aggravating factor of significant harm found where the attorney's conduct deprived the client of the ability to receive any damages at all, even though the client could not reasonably have expected to receive a substantial award of damages had the client's case settled or gone to trial] Approximately \$1,400.00 of Maisterra's wages were garnished to pay the default judgment. Respondent did not refund the \$837.00 Maisterra advanced to Respondent which could have been used by Maisterra toward paying the judgment.

The Cruz matter

The Cruzes' bankruptcy was delayed due to Respondent's inaction and the Cruzes paid Respondent \$625.00 for services that were never rendered. [See Bernstein v. State Bar (1990) 50 Cal.3d 221, 233.] The Cruzes had to spend additional money to obtain other counsel to complete the bankruptcy petition for them, which money could have been used to pay the Cruzes' creditors.

The Stockett matter

In or about August 1997, Stockett spoke with Respondent regarding the status of his case. Mr. Dollison advised Stockett that he had reached an agreement with Davis whereby Stockett's vehicle would be returned to him. Respondent told Stockett that he would be sending him a written agreement to sign after the agreement was returned to him executed by Davis. Stockett never heard from Mr. Dollison again after this conversation in August 1997.

In or about February 1998, Stockett received notice from the State of California that his vehicle was going to be sold due to an unpaid lien against his vehicle. The lien was for mechanic services which Davis had authorized in 1998, while the vehicle was in her possession. Stockett had not authorized the services.

The mechanic who had performed the services on Stockett's vehicle sued Stockett in small claims court for the value of his services

and storage fees. The sum of the mechanic's claim exceeded the value of Stockett's vehicle. Therefore, Stockett reached an agreement with the mechanic whereby ownership of the vehicle was transferred to him.

Had Respondent finalized the agreement with Davis in August 1997, Stockett's vehicle would have been returned to me and the small claims matter would have never occurred.

MITIGATING CIRCUMSTANCES.

ADDITIONAL MITIGATING CIRCUMSTANCES.

While Respondent did not cooperate with the State Bar concerning its investigation of the Maisterra matter, in May 1999, Respondent did respond to the investigation in the Cruz and the Barr matters. Respondent expressed remorse for his misconduct and a willingness to accept discipline for his misconduct in the Cruz matter. Respondent admitted he committed errors in the Barr matter and expressed a willingness to accept discipline for his misconduct in the Barr matter.

The misconduct in the Maisterra, Cruz, Stockett and Barr matters occurred within two years of his admission to the practice of law. While the parties recognize that Respondent's lack of experience is not a mitigating factor, the parties offer the following to support the recommendation for discipline:

After being admitted, Respondent started a solo practice in which he had no office support staff due to lack of resources. Due to his lack of experience, Respondent had not acquired the business acumen to reject marginal cases. It was because of his lack of business acumen and financial difficulties that Respondent would accept difficult cases for relatively low fees. Respondent recognized that he should practice law in a structured environment, such as that would be provided in the government sector. Respondent then began working for the Public Defenders office. Respondent's abandonment of the Maisterra, Cruz, Stockett and Barr matters occurred during the time that he was making the transition from private practice to the Public Defenders office.

From 1988 to 1996, Respondent suffered a series of events, including but not limited to the death of his mother and father, which culminated into a severe depression that went undiagnosed, and untreated except for a limited period of time in 1993. Respondent was suffering from this depression at the time of his misconduct in the Maisterra, Cruz, Stockett, and Barr matters.

In December 1999, and in an effort to rehabilitate himself, Respondent initiated treatment with psychiatrist, Laura L. Post, M.D., in the Commonwealth of the Northern Mariana Islands. To date, Respondent remains under Dr. Post's care which includes therapy and medications.

Respondent provided the State Bar with four letters attesting to Respondent's good character including from a friend who has known Respondent for more than 15 years; a present and former colleague; a former client; and an attorney who has become acquainted with Respondent and Respondent's work over the last five months.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES

Stipulation to Set Aside Default.

On October 22, 1999, Respondent's default was entered in case nos. 97-O-18138, et seq. for failure to respond to the Notice of Disciplinary Charges. Additionally, effective October 25, 1999, Respondent was ordered inactive under Business and Professions Code, section 6007(e).

On November 12, 1999, Respondent's default was entered in case no. 97-O-18526 for failure to respond to the Notice of Disciplinary Charges. Additionally, effective November 15, 1999, Respondent was ordered inactive under Business and Professions Code, section 6007(e).

The parties stipulate that upon the filing of this Stipulation with the State Bar Court, that Respondent's default may be vacated.

State Bar Ethics School

Respondent represents that he currently resides in the Commonwealth of the Northern Mariana Islands, and that it is financially difficult for him to attend State Bar Ethics School in California.

Therefore, the parties stipulate that if Respondent continues to reside outside of California during the first year of his probation, Respondent shall complete eight (8) hours of California Minimum Continuing Legal Education-approved courses in attorney-client relations, law office management, and/or legal ethics, approved for participatory credit, within one year of the effective date of discipline.

Respondent shall furnish satisfactory evidence of completion of the courses to the Probation Unit in the next quarterly report that is due following completion of each course or prior to the expiration of the probation period if no such report will become due prior to the expiration of the probation period.

If Respondent returns to reside in California within the first six months of his probation, Respondent, within one year of the effective date of discipline, shall attend State Bar Ethics School, and shall pass the test given at the end of such session in lieu of the eight (8) hours of California Minimum Continuing Legal Education-approved courses in attorney-client relations, law office management, and/or legal ethics as set forth above.

Accounting to Michael Stockett

Within 30 days of the effective date of discipline, Respondent shall provide to Michael Stockett an accounting of the \$1,000.00 fee paid by Stockett in the Stockett matter, including an itemization of the services performed by Respondent in the Stockett matter.

MENTAL HEALTH CONDITION

1. Respondent shall obtain psychiatric or psychological treatment from a duly licensed psychiatrist, clinical psychologist or clinical social worker, no less than two times per month, or as recommended by his treatment provider, and at Respondent's expense.
2. Respondent represents that he is currently under treatment with a psychiatrist. However, if Respondent is not under such treatment on the effective date of discipline in this matter, Respondent shall begin treatment within forty-five days after commencement of the probation period.
3. Respondent shall furnish to the Probation Unit, at the time quarterly reports or the final report are required to be filed by Respondent with the Probation Unit, Office of the Chief Trial Counsel a written statement from the treating psychiatrist, clinical psychologist or clinical social worker, that Respondent is complying with this condition of probation.
4. Upon a determination by the treating psychiatrist, clinical psychologist or clinical social worker that Respondent is no longer in need of treatment, Respondent shall provide to the Probation Unit a written statement from the treating psychiatrist, clinical psychologist or clinical social worker verifying the conclusion of treatment. Upon acceptance by the Probation Unit, no further reports under this condition will be required.
5. Respondent shall execute and provide the Probation Unit, upon its request, a medical waiver which shall provide access to Respondent's medical records relevant to this referral. Failure to provide and/or revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Probation Unit under this paragraph shall be confidential and shall not be disclosed except to personnel of the Probation Unit, the Office of

the Chief Trial Counsel, and the State Bar Court, who are involved in maintaining and/or enforcing the terms and conditions of Respondent's probation.

FINANCIAL CONDITIONS, RESTITUTION.

Respondent shall remain on actual suspension until he completes restitution to Lynda Maisterra, or the Client Security Fund if it has paid, in the principal amount of \$837.00 plus interest at the rate of 10% per annum from September 1, 1997 and furnish satisfactory evidence of restitution to the Probation Unit. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period.

Respondent shall remain on actual suspension until he completes restitution to Francisco and Flor Cruz, or the Client Security Fund if it has paid, in the principal amount of \$625.00 plus interest at the rate of 10% per annum from September 24, 1997 and furnish satisfactory evidence of restitution to the Probation Unit. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period.

March 21, 2000
Date

Allan L. Dollison
Respondent's signature

Allan L. Dollison
print name

3-24-00
Date

Michael G. Gerner
Respondent's Counsel's signature

Michael G. Gerner
print name

3/28/00
Date

Diane J. Meyers
Deputy Trial Counsel's signature

Diane J. Meyers
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.

On page 20, DISMISSALS:

Dismissal is ordered, in the interest of justice, as follows:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
97-O-18138	Two	Bus. & Prof. Code, sec. 6068(m)
97-O-18138	Three	Rules of Prof. Conduct, rule 3-110(A)
98-O-03596	Twelve	Bus. & Prof. Code, sec. 6103
97-O-18526	Two	Bus. & Prof. Code, sec. 6106

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.)**

3/30/00
Date

Mudge J. [Signature]
Judge of the State Bar Court

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 March 31, 2000, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING , filed March 31, 2000**

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

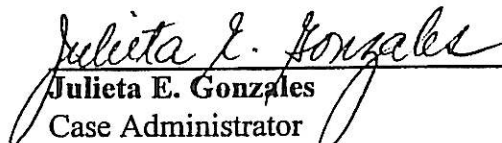
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL E GERNER ESQ
2049 CENTURY PARK E SUITE 1200
LOS ANGELES CA 90067**

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

Diane J. Meyers, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **March 31, 2000**.



Julieta E. Gonzales
Case Administrator
State Bar Court

F I L E D

NOV 12 1999

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

THE STATE BAR COURT

OF THE STATE BAR OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

1
2
3
4
5
6
7
8 In the Matter of) CASE NO. 97-O-18526-MSW
9 ALLAN LEE DOLLISON,)
10 Bar No. 177299,) ORDER OF ENTRY OF DEFAULT
11 A Member of the State Bar.) (RULE 200 - FAILURE TO FILE
12) TIMELY RESPONSE) AND ORDER OF
13) INVOLUNTARY INACTIVE ENROLLMENT
14)
15)

16
17
18
19
20
21
22
23
24
25
26
27
28
Upon motion by the State Bar and no written response having been filed within 10 days after service of said motion, Respondent is hereby notified that:

"YOUR DEFAULT HAS BEEN ENTERED BECAUSE OF YOUR FAILURE TO TIMELY FILE A RESPONSE TO THE NOTICE OF DISCIPLINARY CHARGES FILED IN THIS PROCEEDING. THE FACTUAL ALLEGATIONS SET FORTH IN THE NOTICE OF DISCIPLINARY CHARGES HAVE BEEN DEEMED ADMITTED. YOU MAY NOT PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS AND UNTIL YOUR DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE PRESCRIBED GROUNDS. SEE RULES 200 ET SEQ., RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."

"IN LIGHT OF THE ENTRY OF YOUR DEFAULT, IF THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."

"PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(e), UPON ENTRY OF THE RESPONDENT'S DEFAULT, THE COURT SHALL ORDER THE INVOLUNTARY INACTIVE ENROLLMENT OF A RESPONDENT IN A DISCIPLINARY PROCEEDING IF THE COURT DETERMINES THAT THE CONDITIONS IN SECTION 6007(e)(1) HAVE BEEN MET. SEE RULES 500 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA."

The parties are hereby notified that any and all previously scheduled conferences, except status conferences, are vacated. Any previously set trial date shall proceed as a default hearing. No further notices or pleadings shall be served upon Respondent except for any request for review filed by the State Bar and a copy of the decision(s) of the State Bar Court.

The entry of default is effective upon the filing of this notice.


ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

The conditions of Business and Professions Code section 6007(c)(1) having been met,

IT IS ORDERED that Allan Lee Dollison be involuntarily enrolled as an inactive member of the State Bar of California pursuant to section 6007(e) of the Business and Professions Code. The inactive enrollment is effective three (3) days after service of this order by mail pursuant to rule 500 of the Rules of Procedure of the State Bar of California.

IT IS SO ORDERED.

Dated: November 12, 1999


MADGE S. WATAI
Judge of the State Bar Court

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 November 12, 1999, I deposited a true copy of the following document(s)

**ORDER OF ENTRY OF DEFAULT (RULE 200 - FAILURE TO FILE
TIMELY RESPONSE) AND ORDER OF INVOLUNTARY INACTIVE
ENROLLMENT filed November 12, 1999**

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

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

ALLAN L DOLLISON ESQ (courtesy copy)
8514 LOOKOUT MOUNTAIN
LOS ANGELES CA 90046

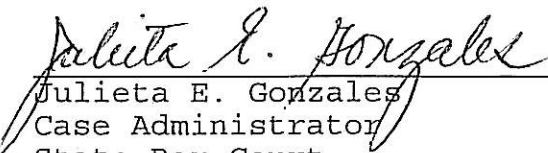
- [X] by certified mail, Article No. P 978 044 157, with a return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

ALLAN L DOLLISON ESQ
834 1/4 LAGUNA AVE
LOS ANGELES CA 90026

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

Diane J. Meyers, Attorney at Law, OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on November 12, 1999.



Julieta E. Gonzalez
Case Administrator
State Bar Court

F I L E D

OCT 22 1999

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE STATE BAR COURT
OF THE STATE BAR OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	CASE NO. 97-0-18138-MSW
)	
ALLAN LEE DOLLISON,)	ORDER OF ENTRY OF DEFAULT
)	(RULE 200 - FAILURE TO FILE
Bar No. 177299,)	TIMELY RESPONSE) AND ORDER OF
)	INVOLUNTARY INACTIVE ENROLLMENT
A Member of the State Bar.)	
)	

Upon motion by the State Bar and no written response having been filed within 10 days after service of said motion, Respondent is hereby notified that:

"YOUR DEFAULT HAS BEEN ENTERED BECAUSE OF YOUR FAILURE TO TIMELY FILE A RESPONSE TO THE NOTICE OF DISCIPLINARY CHARGES FILED IN THIS PROCEEDING. THE FACTUAL ALLEGATIONS SET FORTH IN THE NOTICE OF DISCIPLINARY CHARGES HAVE BEEN DEEMED ADMITTED. YOU MAY NOT PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS AND UNTIL YOUR DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE PRESCRIBED GROUNDS. SEE RULES 200 ET SEQ., RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS."

"IN LIGHT OF THE ENTRY OF YOUR DEFAULT, IF THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF

1 PROBATION AS THE STATE BAR COURT DEEMS
2 APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE
FOR STATE BAR COURT PROCEEDINGS."

3 "PURSUANT TO BUSINESS AND PROFESSIONS CODE
4 SECTION 6007(e), UPON ENTRY OF THE
5 RESPONDENT'S DEFAULT, THE COURT SHALL ORDER
6 THE INVOLUNTARY INACTIVE ENROLLMENT OF A
7 RESPONDENT IN A DISCIPLINARY PROCEEDING IF THE
COURT DETERMINES THAT THE CONDITIONS IN
SECTION 6007(e)(1) HAVE BEEN MET. SEE RULES
500 ET SEQ., RULES OF PROCEDURE OF THE STATE
BAR OF CALIFORNIA."

8 The parties are hereby notified that any and all previously
9 scheduled conferences, except status conferences, are vacated. Any
10 previously set trial date shall proceed as a default hearing. No
11 further notices or pleadings shall be served upon Respondent except
12 for any request for review filed by the State Bar and a copy of the
13 decision(s) of the State Bar Court.

14 The entry of default is effective upon the filing of this
15 notice.


16 ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

17 The conditions of Business and Professions Code section
18 6007(c)(1) having been met,

19 IT IS ORDERED that Allan Lee Dollison be involuntarily
20 enrolled as an inactive member of the State Bar of California
21 pursuant to section 6007(e) of the Business and Professions Code.
22 The inactive enrollment is effective three (3) days after service
23 of this order by mail pursuant to rule 500 of the Rules of
24 Procedure of the State Bar of California.

25 IT IS SO ORDERED.

26
27 Dated: October 22, 1999


MADGE S. WATAI
Judge of the State Bar Court

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 October 22, 1999, I deposited a true copy of the following document(s)

**ORDER OF ENTRY OF DEFAULT (RULE 200 - FAILURE TO FILE
TIMELY RESPONSE) AND ORDER OF INVOLUNTARY INACTIVE
ENROLLMENT filed October 22, 1999**

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

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

ALLAN LEE DOLLISON ESQ (courtesy copy)
8514 LOOKOUT MOUNTAIN
LOS ANGELES CA 90046

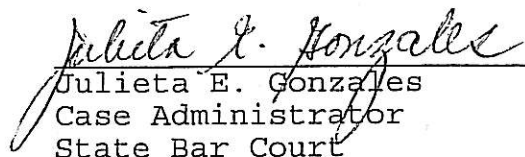
- [X] by certified mail, Article No. P 978 044 161, with a return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

ALLAN LEE DOLLISON ESQ
834 1/4 LAGUNA AVE
LOS ANGELES CA 90026

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

Diane J. Meyers, Attorney at Law, OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on October 22, 1999.



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 February 10, 2014

State Bar Court, State Bar of California,
Los Angeles

By 
Clerk

Orange Co. LWV