



Office of Disciplinary Counsel
201 Merchant Street, Suite 1600
Honolulu, Hawai'i 96813
Telephone (808) 521-4591

OFFICE OF DISCIPLINARY COUNSEL
COMPLAINT FORM

Please carefully read the instructions before filling in this form.

If you need more space to answer fully any of the questions on this form, please attach additional pages. Please also provide copies of any documents which you believe may be helpful.

Date January 7, 2019

(1) Your Name LEONARD G. HOROWITZ

Address 5348 Vegas Drive, Suite 353

Las Vegas, NV

City, State, Zip 89108

(2) Telephone number () _____ Home

() _____ Work

(310) 877-3002 Cell

(3) Name, address, and telephone number(s) of the attorney(s) you are complaining about (See note immediately below.)

Judge Clifford L. Nakea
Chairperson,
Disciplinary Board of the
Hawai'i Supreme Court
201 Merchant Street, Suite 1600
Honolulu, HI 96813

For Violations of Hawaii Rules of Professional Conduct,
Rule 1.7(a)(2); Rule 1.10(a); Rule 1.11(a); Rule 1.12;
Rule 1.13(b); Rule 3.3(a)(2); Rule 3.4(a); Rule 3.5(c);
Rule 3.9; Rule 4.1(b); Rules 5.1(a)(b)(c) et. seq.; Rule
8.3(a); and Rule 8.4(a)(b)(c)(f) and (g)

[NOTE: If you are complaining about two or more attorneys, and one or more are not associated in the same firm as the others, please submit separate complaints as regarding such attorneys. Example: If you are complaining against three attorneys - A, B, and C - , and two - A and B - work in one firm and the third - C - is not in the same firm as the other two, please submit at least two complaints - one for the two attorneys (A and B) in the same firm, and the other for the attorney (C) who is not associated in the same firm as the other two.]

- (4) Have you or a member of your family complained about this (or these) attorney(s) previously.

Yes _____ No X If yes, please state to whom the previous complaint was made, and its approximate date and disposition.

This is a new complaint against Chairman Nakea

- (5) Did you employ the attorney(s) about whom you are complaining? Answer Yes or No and, if "Yes," give the approximate date you employed the attorney(s) and the amount, if any, paid to the attorney(s). (See Paragraph (7).)

No.

- (6) If your answer to #5 above is "No," what is your connection with the attorney(s)? Explain briefly. I am a victim and witness to Mr. Nakea's Rules violations as explained in the attached Notice of Complaint.

- (7) Include with this form (on a separate piece of paper) a statement of what the attorney(s) did or did not do which is the basis of your complaint. Please state the facts as you understand them. Do not include opinions or arguments. If you employed the attorney(s) about whom you complain in this form, state what you employed the attorney(s) to do. Sign and date each separate piece of paper. Additional information may be requested. (Attach copies (not originals) of pertinent documents such as (for example) a copy of the attorney-client fee agreement (if the attorney about whom you are complaining is the attorney whom you employed), cancelled checks or receipts showing payment to the attorney (if the attorney about whom you are complaining is the attorney whom you employed), relevant correspondence, and relevant court documents.)

(8) If your complaint is about a lawsuit, criminal matter, or administrative proceeding, answer the following, if known:

a. Name of court or administrative agency (*For example, Circuit Court and name of county, State District Court and name of county and division, U.S. District Court and district, Department of Labor and Industrial Relations (for Workmen's Compensation cases), etc.*)

(1) Complaint against Bradley Tamm, ODC action no. 18-0356.

b. Title of the suit or administrative proceeding (*For example, Smith v. Jones or State v. Smith*)

Related to:

c. Case number of the suit

(1) Civ. No. 3RC11-1-662 (Ejectment action) and Civ. No. 14-01-0304 (Quiet Title action); original foreclosure case Civ. No. 05--1-0196; and ICA CAAP 16-0000163 and 162; (2) Civ. No. 15 00186JMS-BMK;

d. Approximate date the suit was filed
12-13-18

e. If you are not a party to this suit, what is your connection with it? Explain briefly.

I am a witness and victim of the wrongdoing.

(9) Please identify any person(s) who you believe is a witness or might corroborate the allegations in your complaint. Please also provide the contact information for such person(s).

My partner, Sherri Kane. Contact: Telephone: 310-877-3002; or

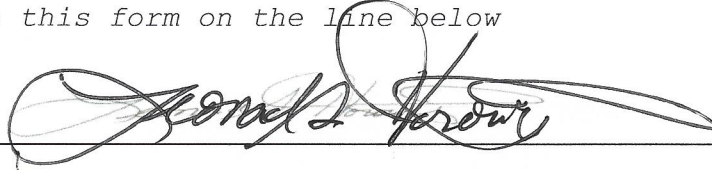
E-mail: SherriKane@gmail.com

(10) (Optional) Size of the law firm complained about:

_____	1 Attorney
<u> X </u>	2-10 Attorneys
_____	11+ Attorneys
_____	Government Attorney
_____	Unknown

Please sign this form on the line below

Signature



Date January 7, 2019

Mail to:

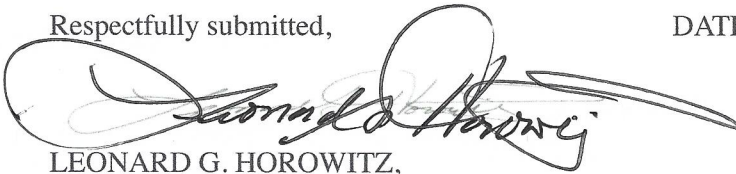
Office of Disciplinary Counsel
201 Merchant Street, Suite 1600
Honolulu, Hawai'i 96813

DECLARATION OF COMPLAINANT LEONARD G. HOROWITZ

I, Leonard G. Horowitz, the Complainant, do declare under pains and penalties of perjury that the attached Notice of Complaint detailing my grievances contains true and correct statements to the best of my knowledge and belief, and that I would be willing and able to competently testify to these matters if called upon to do so at a hearing or trial.

Respectfully submitted,

DATED: Honolulu, HI; Jan. 7, 2019



LEONARD G. HOROWITZ,
Complainant



January 7, 2019

RE: New Complaint Pursuant to Wrongful Administration of ODC 18-0356

Hon. Clifford L. Nakea (Ret.)
Chairperson, Disciplinary Board of the Hawai'i Supreme Court
201 Merchant Street, Suite 1600
Honolulu, HI 96813

Dear Chairman Nakea:

I am in receipt of your Notice of December 24, 2018, that wrongfully justifies your prejudicial dismissal of this case, ODC 18-0356, without 'inquiry reasonable' or 'due process' pursuant to Rule 11(a)(i) and Rule 11 (a)(iii), and the following opposition. (**Exhibit 1**)

This new complaint against you, Judge Nakea, alleges that your reported action under Rule 11(a)(i) neglects your duties as Chairman under Disciplinary Board Rules (DBR), beginning with Rule 4, that requires you to perform "all duties imposed by the [Rules of the Supreme Court of Hawaii] RSCH", plus certain DBR that you have not performed. Alternatively, your Notice of Dismissal (hereafter, "Notice") records that you acted in violation of the rules set forth below.

I. Violations of Rules, Tampering Law and Conflicting Interests Compel this Responsive Complaint

As a threshold matter, we must presume that you assumed jurisdiction over the original "0356" complaint filed by Ms. Kane and myself against ODC Director Bradley Tamm (hereafter, the "Complaint") under RSCH Rule 2.1 that covers Jurisdiction. Your jurisdiction must be *presumed* since you acted officially to dismiss the Complaint, and that dismissal would be *void* without jurisdiction.¹

¹ The State's 1978 Code of Ethics, that is the existing balance of powers provision codified by the legislative branch of government, states in relevant part:

"It was the decision of your Committee that the judiciary should not be given specific exemption in the Constitution. However, this does not preclude the legislature from recognizing the sufficiency of the judicial canons of ethics." The committee believes that the legislature's residual powers in the area of ethics provisions for judges should be maintained as a precautionary measure while at the same time concurring with the current statutory exemption of judges and justices. Members of your Committee expressed concern that the present judicial canons of ethics do not include [financial] disclosure requirements [revealing conflicting interests]."

Furthermore, it is certain that the Complaint provided “sufficient information” to avoid disqualification under DRB Rule 11(a)(iii)(B).

Therefore, the only *reasonable presumption* is that you expressly acted to dismiss the Complaint under Rule 11(a)(iii)(C). That is, you acted by reason that, “imposition of discipline [against Tamm] is not likely to occur.”

That “not likely to occur” determination by your sole discretion, Judge Nakea, indemnifies Tamm from due process for alleged malpractices and crimes. Your action smacks of corruption and obstruction of justice for the reasons set forth below. These matters are of widespread social concern, especially in this “Democratic State” opposing President Trump’s allegations of corruption and misconduct in the Justice Department.

Given that you personally appointed Respondent Tamm according to knowledge and belief, your dismissal of the Complaint rather than recusal violates your duty to abide by RSCH Rule 5 pursuant to the Hawai’i Revised Code of Judicial Conduct (“HRCJC”) Rule 2.11(a)(1) and Rule RSCH 2.4 (c). Rule 2.11(a)(1) requires your disqualification or recusal in this “proceeding in which the judge’s impartiality might reasonably be questioned.” Your partiality must be presumed because you expressed partiality when you appointed Tamm.

Chairman Nakea, you would certainly be highly embarrassed by disciplinary actions against your personal appointee. Tamm’s alleged criminal actions in my bankruptcy case coming to light would not look good for the ODC or Supreme Court of Hawaii. The subject Complaint meticulously details and evidences wrongdoings that you have acted to conceal by your wrongful dismissal—a misdemeanor under Hawaii Revised Statutes (HRS) “**§710-1076 Tampering with physical evidence**.” This law states: “(1) A person commits the offense of tampering with physical evidence if, believing that an official proceeding is pending or about to be instituted, the person: (a) . . . conceals . . . physical evidence with intent to impair its verity in the pending or prospective official proceeding.” This is precisely what you have done, Judge Nakea.

Your dismissal is a transparent attempt to conceal not only Tamm’s malpractices in my case(s), but also your knowledge and embarrassment that Tamm was *disciplined harshly* in California for embezzling clients’ money and for committing an assortment of malpractices while addicted to mind-altering substances. (**Exhibit 2**) The public has no way of knowing whether Tamm’s consumption of mood-altering substances ever ended. These facts, including Tamm’s personal testimonies, are detailed in the attached California Bar Association file made public here by reason of the public’s widespread interest in justice and your indiscretion. There is need for governmental transparency as the legislature has mandated by codifying HRS §92-1.

II. Bias, Prejudice and Breach of Duty Compels the Chairman’s Recusal or Disqualification

Judge Nakea, this responsive complaint charges you with neglecting the following rules, thus violating your duty as the State’s chief disciplinary officer:

Rule 2.11(a)(2)(C) required your recusal or disqualification as “a person who has more than a de minimis interest that could be substantially affected by the proceeding.” Your appointment of your subordinate Tamm, despite having knowledge of his previous disbarment for abusing substances and committing crimes for unjust enrichment, exceeds the bar of “more than a de minimis interest” that could be substantially affected by the ODC’s investigation of Tamm. This fact shames you and your advocates.

Tamm’s actions in this case, and now yours too, have aided-and-abetted County of Hawaii-determined forger, land thief, and Publicly Censured lawyer Paul J. Sulla, Jr. As you know, or should know, Tamm and Sulla acted complicit with Respondent Gary Dubin to steal my Property “under color of law.” Their corrupt judicial enterprise influenced State and federal courts. Tamm, like Dubin, aided-and-abetted Sulla’s criminal conversion of my property. Tamm acted willfully-blind to the fact that Sulla is a self-admitted Class I narcotic dealer. His money laundering operation has been extensively recorded funneling tax free income from the sale of the hallucinogenic drug dimethyltryptamine (DMT) to the mainland. Your “more than de minimis interest” could be affected by ongoing criminal proceedings pursuant to Sulla’s alleged forgeries and racketeering enterprise aided by Tamm. Consequently, this alleged racket and indictment now reaches into your office, and demands your recusal under Rule 2.11(a)(2)(C).

III. The Dismissal is Void, but for Violations of HRCJC Rule 2.3 and RSCH 2.4(c)

Judge Nakea, HRCJC Rule 2.3 prohibits your action dismissing this matter by reason of having bias and prejudice in favor of your subordinate.

HRCJC Rule 2.3 states, “(a) A judge shall perform the duties of judicial office without bias or prejudice.” And “(b) A judge shall not, in the performance of the duties of judicial office, by words or conduct manifest bias or prejudice.” *Id.*

Accordingly, your dismissal is a manifestly-biased action that this Complaint asserts is *void* but for violating HRCJC Rule 2.3 and RSCH 2.4(c). Violations that aid-and-abet by willful blindness Tamm’s and Sulla’s alleged crimes. You knowingly neglected and impeded performing an “inquiry reasonable” that is required under the circumstances that show probable cause for criminal investigations and grand jury indictments.

“[W]here judicial misconduct or bias deprives a party of the impartiality to which he or she is entitled, a new trial may be required. However, reversal on the grounds of judicial bias or misconduct is warranted only upon a showing that the trial was unfair.” *State v. Hauge*, 79 P. 3d 131 - Haw: Supreme Court 2003. In this instance, Judge Nakea, you acted to avert a trial. So that was not only ‘unfair,’ under the circumstances, it was *unconscionable* as a Constitutional violation.

You, in effect, have aided-and-abetted by willful blindness the taking of my property by those you protect, without substantive due process. You acted willfully blind to the facts to aid injustice. “A willfully blind defendant is one who took *deliberate* actions to avoid confirming suspicions of criminality.” *US v. Heredia*, 483 F. 3d 913 – Court of Appeals, 9th Circuit 2007. “Aiding and abetting the breach of . . . duty occurs when the defendant knows that the other’s conduct constitutes a breach of duty and gives substantial assistance or encouragement to the other’s nonetheless.” *Combs v. CASE BIGELOW & LOMBARDI*, Haw: Intermediate Court of Appeals 2010.

The act of dismissing our Complaint aids and abets Tamm's breach of duties too; and "gives substantial assistance [and] encouragement to" your appointee.

IV. Prejudicial Dismissal Violates HRCJC Rule 1.2 and Overstep's the Chairman's Authority

"A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety," states HRCJC Rule 1.2.

Your neglect to recuse yourself, Ret. Judge Nakea, was and is required by this HRCJC Rule 1.2. Otherwise, your action to block the ODC's investigation of Tamm, Dubin, Sulla and Whittaker oversteps your authority and does the opposite of "PROMOTING CONFIDENCE IN THE JUDICIARY."

In other words, the ODC requested Kane to file complaints against other attorneys complicit with Dubin for their investigation which Tamm suppressed and/or covered-up by dismissing the evidence in Kane's complaints.

The ODC was investigating and prosecuting Gary Dubin at the time of your dismissal. ODC had sought and gained from Kane material evidence requested. Tamm's and your equally scandalous dismissals stifles Kane's submissions and the ODC's Dubin investigation and prosecution. Dubin's disbarment was already suspiciously denied by Mark Recktenwald's earlier decision that opposed ODC investigators' efforts to discipline Dubin. Chief Justice Recktenwald directed the ODC to gather more convincing evidence, evidence that you, Chairman Nakea, have suppressed.

Tamm's and your dismissals of Kane's and my complaints obstruct justice and tampers with evidence of public corruption most revealing and important to securing public health and safety of citizens and society damaged by such corruption in the justice system. Your *nunc pro tunc* dismissal compounds Tamm's earlier obstruction of the ODC's responsible inquiry. Obstructing evidence and due process into Dubin, Sulla, Whittaker, and Tamm's involvements in thievery undermines the confidence ODC attorneys and your fellow Disciplinary Board members have in you as well as the ODC as a disciplinary agency to act legitimately as the ethical enforcement arm of the Bar and Supreme Court of Hawaii.

Your subversion of the ODC's investigation process and Board members' confidence by dismissing the Complaint against Tamm oversteps your decision-making-authority. Your dismissal undermines the balance of powers in government. It subverts the governing principals of administrative law by imposing your bias, prejudice, and covert special interest upon the public's confidence and several ongoing judicial processes in State and federal cases, in addition to delaying and deterring the ODC's competent functions.

"A judge ceases to set as a judicial officer because the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency." *AISI v US*, 568 F2d 284. By your dismissal, Judge Nakea, you have substituted your will for the arm of justice. You have substituted your evidence tampering and wholesale striking of these complaints derailing due process. "Courts are prohibited from their substituting their judgments for that of the agency." *Id.*

You have substituted silence for ODC investigative due process; and you have substituted your personal prejudicial testimony and record of exoneration for Tamm's alleged criminal activity and liability.

In effect, Judge Nakea, you issued an incriminating ‘no contest’ ruling on behalf of your ODC agency by striking Kane’s and my separate testimonies and records of criminal activity to safe-harbor your appointee. “Conduct which forms a basis for inference is evidence. Silence is often

evidence of the most persuasive character.” United States ex rel. Bilokumsky v. Tod, 263 US 149, 154 – Supreme Court 1923. Chairman Nakea, by your agency’s action to silence public records and uncontested facts you have formed “a basis for inference,” incriminating yourself by binding and gagging the ODC and justice in Hawaii. Your silence in this matter, and silencing of this matter, is “evidence of the most persuasive character.” *Id.* You are required by law to answer for your action(s) as a respondent in conspiring with Respondent Tamm to charges of obstructing justice and more.

V. The Prejudicial Dismissal Violates HRCJC Rule 2.2 and DBR Rule 9(b) and is Void

Judge Nakea, your malpractices as stated above give a clear-and-convincing “appearance of impropriety” in violation of HRCJC Rule 1.2, but at the same time, you overlooked HRCJC Rule 2.2. This rule states: “A judge shall uphold and apply the law and shall perform all the duties of judicial office fairly and impartially.”

By this Notice you should recuse yourself, because impartiality on your part is an impossibility given your personal involvement in appointing your subordinate, the Respondent.

Tamm is alleged to have broken a number of laws, including aiding-and-abetting by willful blindness and/or direct complicity attorney Sulla’s thievery that caused my and my families ejection from our home and land with no trial.

According to DBR Rule 9(b) procedure, you were to have abstained as one of eighteen (18) “Board Members,” six of whom are supposed to be “non-lawyers.” Under your chairmanship, public disclosures now only reflect five non-lawyers on the Board. This compounds a documented pattern and practice of neglecting rules and laws, Mr. Chairman.

You were to have imposed upon yourself recusal by reason of Rule 9(b). But you neglected your duty to do so.

Rule 9(b) instructs Board Members to abstain or recuse themselves when such conflicts arise. This rule states: “If a Board member determines that he or she should abstain from a particular matter, the Board member shall inform the Board Chairman.” Thus, your inner conscience as a Board Member was required to inform your ego to abstain or recuse yourself. You must have considered your options and duties. Therefore, by your neglect and dismissal you acted with *scienter*, knowing you were breaking rules and laws.

Your dismissal is, therefore, void according to law. “When a judge does not follow the law, i.e., they are a trespasser of the law, the judge loses subject-matter jurisdiction and the judges’ orders are void, of no legal force or effect.” Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974). Under the Hawaii Rules of Civil Procedure, Rule 60(b)(3), your aforementioned misconduct voids your dismissal.

VI. Further Action on the Complaint and the Chairman's Void Dismissal is Required to Comply with DBR Rule 10(b)(ii) and RSC 2.4(c).

The aforementioned facts and circumstances requires further action to be taken by ODC investigators, as well as an investigation of wrongdoing pursuant to your void dismissal, Chairman Nakea. ODC investigators and Board counsel must be supplemented by special counsel pursuant to DBR Rule 10(b)(ii) and RSCH 2.4(c), as quoted below.

In this pending inquiry, the Chairman's actions cannot be reasonably dismissed or justified by arguing lack of precedence. Judge Nakea, this was not a simple error in your decision-making. You knew, having been a judge, administering ODC affairs for many years, that RSCH 2.4(c) required your abstention. RSCH 2.4(c) states:

(c) Board members shall refrain from taking part in any proceeding in which a judge, similarly situated, would be required to abstain. If, in any given case, it shall become necessary for the continuation of a case, or the orderly operation of the Board, the supreme court may appoint, for that case only, one or more ad hoc members as it deems necessary. Each ad hoc member shall fulfill all the responsibilities of a Board member.

Similarly, DBR Rule 10(b)(ii) states that "Ad hoc members may be appointed to the Board pursuant to RSCH 2.4 (c)."

VII. The Chairman's Failure to Disqualify Himself from Acting as Tamm's Representative Violated of DBR Rule 10, Requiring the Chairman's Investigation for Wrongdoing.

The Board's disqualification rule, "DBR Rule 10. Disqualification", states: "A Board member shall not accept representation of a Respondent in any matter that was pending with the ODC while said member was serving." Judge Nakea, you broke this rule by representing Director Tamm by your dismissal.

Black's Law Dictionary (Eight Edition, 2004) defines your action for the ODC and for Tamm as *concurrent representation* and *virtual representation*, respectively. "Representation" is defined as "One who stands for or acts on behalf of another," as you have done for Tamm, Sulla, Whittaker, and the ODC.

Consequently, you have broken DBR Rule 10 in these ongoing cases.


Having broken the aforementioned rules, and being accused of being an accessory to the aforementioned crimes, you are hereby Noticed of this grievance. This indictment also alleges obstruction of justice, misprision of felony, tampering with the Complaint and evidence tampering by dismissing the affidavit(s) without inquiry reasonable or good cause, and failing to follow each of the aforementioned rules.

Being a retired judge, "having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer," you also knew that you were under duty to "inform the appropriate authority." That is, you knew of your ethical duty to notify senior law enforcers, both State and federal, pursuant to Tamm's actions with Mr. Hu in favor of Sulla and Whittaker. You neglected to do so, compounding your pattern of ethics violations.

Accordingly, this responsive Notice of complaint against you supplements the wrongfully-dismissed Complaint against Tamm, Sulla and Whittaker, intertwined with the ODC's case against Dubin. And pending further actions in these matters by the State's Commission on Judicial Conduct, the

State Ethics Commission, the Judicial Selection Commission, and Chief Justice Recktenwald, you and your subordinate, Mr. Tamm, must step down to restore integrity to the ODC and vindicate the Supreme Court of Hawaii.

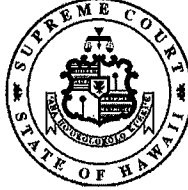
In service to justice, I remain sincerely yours,



Leonard G. Horowitz,
Witness/Complainant and Victim Advocate

Cc: aforementioned agencies.

Disciplinary Board of the Hawai'i Supreme Court
201 Merchant Street, Suite 1600
Honolulu, Hawai'i 96813
Telephone (808) 599-1909
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December 24, 2018

CONFIDENTIAL

Mr. Leonard G. Horowitz
Ms. Sherri Kane
5348 Vegas Drive, Suite 353
Las Vegas, NV 89108

Re: ODC 18-0356
Bradley R. Tamm, Respondent

Dear Mr. Horowitz and Ms. Kane:

Pursuant to Rule 11 (a)(i), Disciplinary Board Rules, your complaint and accompanying materials were forwarded to me for review and analysis because Mr. Tamm is the Chief Disciplinary Counsel of the Office of Disciplinary Counsel, and I am the Chairperson of the Disciplinary Board of the Hawai'i Supreme Court.

Rule 11. GRIEVANCES. (a) Against Counsel... grievances alleging a violation of the Hawai'i Rules of Professional Conduct against Attorney members of the Board or Counsel shall be handled as follows:

(i) The original Grievance shall be immediately forwarded to the Board Chairperson for initial review and analysis.

*The Disciplinary Board's mission is to maintain the integrity of the legal profession
and protect the public from professional misconduct by attorneys.*

Nakea complaint exhibit pg. 1

Exhibit 1

Mr. Leonard Horowitz
Ms. Sherri Kane
December 24, 2018
Page 2

Pursuant to Rule 11 (a)(iii), Disciplinary Board Rules, I have determined that no investigation will be undertaken and notice to you is hereby given.

(iii) If the reviewer determines that: (A) a Grievance falls outside the jurisdiction of the Board pursuant to RSCH 2; (B) sufficient information is not contained in a Grievance to allow a meaningful investigation; or (C) a finding of an ethical violation and the imposition of discipline is not likely to occur, the reviewer shall notify the Complainant that no investigation will be undertaken.

Sincerely,



HON. CLIFFORD L. NAKEA (Ret.)
CHAIRPERSON, DISCIPLINARY BOARD
OF THE HAWAI'I SUPREME COURT

CLN:fh

cc: Bradley R. Tamm, Esq.
Rebecca Salwin, Esq.

CONFIDENTIAL

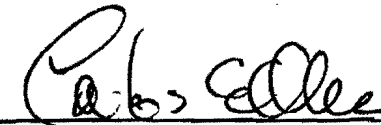
THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA HEARING DEPARTMENT <input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO	FOR COURT USE ONLY FILED AUG 13 1996 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
IN THE MATTER OF BRADLEY R. TAMM, Bar No. 159805, MEMBER OF THE STATE BAR OF CALIFORNIA	CASE NO: 93-O-20169-CEV ORDER REGARDING STIPULATION (<input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED) AS TO FACTS AND DISPOSITION

A fully executed Stipulation as to Facts and Disposition pursuant to rule 133, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings consisting of 31 pages, approved by the parties, was submitted in the above-captioned case(s). The stipulations submitted previously are rejected. The stipulation is attached to this order and incorporated as though fully stated here. Unless a party withdraws or modifies the stipulation pursuant to rule 135(c), Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings, this order shall be effective 15 days from the service of this order. After consideration of this stipulation, the Court hereby orders:

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

DATED: August 13, 1996

Exhibit 2


Carlos E. Velarde, Judge of the State Bar Court

Nakea complaint exhibit pg. 3



In the Matter of BRADLEY R. TAMM

CASE NO: 93-O-20169-CEV

Bar No. 159805

A Member of the State Bar.

☐ **PUBLIC REPROVAL**

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

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

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

☒ **PRIVATE REPROVAL**

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

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

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

COUNSEL FOR STATE BAR:

ALYSE M. LAZAR, #92796
 ASSISTANT CHIEF TRIAL COUNSEL
 THE STATE BAR OF CALIFORNIA
 ENFORCEMENT UNIT
 1149 SO. HILL STREET
 LOS ANGELES, CA 90015
 (213) 765-1000

COUNSEL FOR RESPONDENT:

PAMELA E. HAVIRD
 GASLAMP PLAZA SUITES BUILDING
 P.O. BOX 370342
 SAN DIEGO, CA 92186

RECEIVED

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STATE BAR COURT
 CLERKS OFFICE
 LOS ANGELES

THE STATE BAR COURT
 OF THE
 STATE BAR OF CALIFORNIA

HEARING DEPARTMENT

☒ LOS ANGELES

☐ SAN FRANCISCO

FOR COURT USE ONLY

FILED

STATE BAR COURT
 LOS ANGELES

IN THE MATTER OF

BRADLEY R. TAMM

No. 159805

MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S).

93-O-20169

93-O-20173

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

SCHEDULE OF ATTACHMENTS

☒ [x] SECTION ONE: ☒ [x] FORM STIP 110: STIPULATION FORM, INCLUDING
 GENERAL AGREEMENTS AND
 WAIVERS

☐ [] FORM STIP 120: AGREEMENTS AND WAIVERS

☒ [x] SECTION TWO: ☒ [x] FORM STIP 130: STATEMENT OF ACTS OR OMISSIONS
 AND CONCLUSIONS OF LAW
 WARRANTING THE AGREED
 DISPOSITION

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☒ [X] SECTION THREE: ☒ [X] FORM STIP 140:

STATEMENT OF FACTS AND
CIRCUMSTANCES BEARING ON THE
AGREED DISPOSITION

☒ [X] SECTION FOUR: [] FORM DISP 200:

STATEMENT SUPPORTING DISMISSAL
OF ALL CHARGES

[] FORM DISP 205:

STATEMENT SUPPORTING DISMISSAL
OF CERTAIN CHARGES

[] FORM DISP 210

ADMONITION

☒ [X] 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

☒ [X] SECTION FIVE: ☒ [X] APPROVAL OF PARTIES

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Parties'

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THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA HEARING DEPARTMENT <input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO	FOR COURT USE ONLY D STATE BAR COURT LOS ANGELES
IN THE MATTER OF <u>Bradley R. Tamm</u> No. <u>159805</u> MEMBER OF THE STATE BAR OF CALIFORNIA.	CASE NO(S). <u>93-0-20169</u> <u>93-0-20173</u> STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA) <input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED

SECTION ONE. GENERAL AGREEMENTS AND WAIVERS.

A. PARTIES.

1. The parties to this stipulation as to facts and disposition, entered into under rules 405-407, Transitional Rules of Procedure of the State Bar of California (herein "Rules of Procedure"), are the member of the State Bar of California, captioned above (hereinafter "Respondent"), who was admitted to practice law in the State of California on September 21, 1992 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.

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[Handwritten initials]

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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).)

- _____ 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.

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

I. SPECIAL OR ADDITIONAL AGREEMENTS AS TO SECTION ONE.

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

B X FORM STIP 120 is attached, stating further general agreements and waivers. Noted on page exhibit pg. 8

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

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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). 93-O-20169
93-O-20173

BRADLEY R. TAMM, Bar No. 159805

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 June 18, 1996. This date is no more than thirty (30) days prior to the date the Stipulation is filed.

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.

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

IN THE MATTER OF

Case No(s). 93-O-20169
93-O-20173

BRADLEY R. TAMM, Bar No. 159805

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.

IN THE MATTER OF

CASE NO(S).

Bradley R. Tamm, No 159805.93-0-2016993-0-20173

A Member of the State Bar.

ATTACHMENT TO: [X] STIPULATION [] DECISION

**STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION**CASE NO. 93-0-20169; 93-0-20173COUNTS One & Seven

1. On April 13, 1995, Respondent entered into an Agreement in lieu of disciplinary prosecution pursuant to Business and Professions Code Sections 6092.5(i) and 6068(1) ("the agreement") in connection with State Bar Court Case Numbers 93-0-20169 and 93-0-20173, wherein, Respondent stipulated to facts supporting the allegations of misconduct and to wilful violation of various Rules of Professional Conduct and certain sections of the Business and Professions Code.
2. Respondent agreed to comply with the agreement's terms and conditions which included written quarterly reports to be submitted to the Probation Unit, Office of Trials ("Probation Unit"), by January 10, July 10 and October 10 of each year during which the Agreement is in effect, maintaining a current office address and telephone number with the Membership Records office of the State Bar and quarterly restitution payments to Anne Bleier of Keco, Inc. ("Bleier") and to Frank Burton of Sparky's Cafe ("Burton"), the first payment to be made in June 1995.
3. Respondent failed to submit the quarterly reports due to the

Nakea complaint exhibit pg. 12

Probation Unit by July 10, 1995 and October 10, 1995.

4. Respondent failed to maintain a current address and telephone number with the membership records department of the State Bar.
5. Respondent failed to make the quarterly restitution payments to Bleier and Burton in June 1995 and September, 1995.
6. Also, prior to entering into the Agreement, in the fall of 1993, Respondent vacated his law office and failed to notify the State Bar of California of his current membership address.

CONCLUSIONS OF LAW

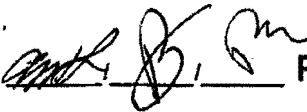
By failing to comply with the terms and conditions of the agreement in lieu of disciplinary prosecution, Respondent wilfully violated Business and Professions Code Section 6068(1).

By failing to notify the State Bar of a current membership records address, Respondent wilfully violated Business and Professions Code, sections 6068(j) and 6002.1.

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Parties'

Initials



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IN THE MATTER OF

CASE NO(S).

Bendley R. Tamm, No. 159805.93-0-2016993-0-20173

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATEMENT OF ACTS OR OMISSIONS WARRANTING THE AGREED DISPOSITION

CASE NO. 93-0-20169COUNTS 2 through 6

In addition to the facts stipulated in the Agreement, which is attached hereto and incorporated herein as Attachment A to this stipulation, the following additional facts occurred regarding Respondent's representation of Anne Bleier and Keco, Inc.:

1. On June 10, 1993, Bleier had issued to Respondent a check in the amount of \$80.00 which she understood would be used for filing costs. On June 22, 1993, the check was endorsed to Respondent's general business account and was never deposited or maintained in a client trust account.
2. In September, 1993, Respondent prepared and filed an appeal on behalf of Keco, Inc. regarding San Diego County Municipal Court Case Number 556004 entitled Baskerville v. Keco, Inc.
3. The \$14 check which Respondent submitted to the court in payment of filing fees on the case was dishonored by the bank due to insufficient funds in his account.
4. In October, 1993, when the Court attempted to notify Respondent that the appeal had been voided, Respondent did not

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receive the notice due to his eviction from his law office. Nonetheless, Respondent did not take any steps to pursue the appeal and therefore was unaware of the status of the case.

5. Respondent also failed to notify his client about the status of the case and of a new address where he could be contacted after his eviction.

6. Since the legal services performed by the Respondent were ineffective due to his failure to properly file the appeal, he did not earn any of the \$820.00 in advanced costs and fees.

CONCLUSIONS OF LAW

In the Agreement, Respondent stipulated that his conduct in this matter violated Rules of Professional Conduct 3-110 (A), 3-700(A)(2), 3-700(D)(1) and 3-700(D)(2) as well as Business and Professions Code Section 6068(m). The facts stipulated to in the agreement that support these violation are that Respondent "failed to take any further action on the case"; "by his inaction, Respondent in effect withdrew from representation and failed to refund the unearned legal fees and to account for them"; and he "failed to communicate with his client regarding the status of her case".

It is further stipulated based on the above additional factual statements, that Respondent wilfully violated Rule of Professional Conduct 4-100(a) for failing to maintain advanced costs in a client trust account.

Parties'
Initials

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IN THE MATTER OF

CASE NO(S).

Bradley R. Tamm, No. 159805.

93-0-20169

93-0-20173

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

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

CASE NO. 93-0-20173

COUNTS 8 Through 11

In addition to the facts stipulated in the Agreement, (See Attachment A), the following additional facts occurred regarding Respondent's representation of Frank Burton:

1. From July 1993 to August 1993, Burton paid to Respondent the total sum of \$900.00 in advanced attorney's fees. Respondent also credited Burton with an additional \$240 in advanced fees to compensate Burton for monies Respondent owed Burton on his bar tab at Burton's cafe.
2. Respondent did not perform any services to earn these fees and has not refunded any portion of the \$1,140.00 to Burton.
3. On September 28, 1993, Burton substituted attorney Chris Popov ("Popov") in place of Respondent as his attorney of record. Between September 28, 1993 and November 18, 1993, Popov sent several letters to Respondent's office on Burton's behalf requesting Respondent to refund the unearned fees which Burton had paid to Respondent. Due to Respondent eviction from his law office and his failure to notify Burton of a new address, he did not receive these correspondence.

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MLB *JB* *for* Page 1

CONCLUSIONS OF LAW

In the Agreement, Respondent stipulated that his conduct in this matter violated Rules of Professional Conduct 3-110 (A), 3-700(A)(2), 3-700(D)(1) and 3-700(D)(2) as well as Business and Professions Code Section 6068(m). The facts stipulated to in the agreement that support these violation are that Respondent "failed to perform any of the legal services for which he had been employed"; "by his inactivity, [he] in effect withdrew from representation and failed to refund the unearned legal fees and to locate and return the client's papers and files" ; and he "failed to engage in any further communication with his client regarding the status of his legal matters".

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IN THE MATTER OF

CASE NO(S).

Bradley R. Tamm, No. 159805

93-0-20169

93-0-20173

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.)

Parties'

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- [] 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: _____
-  [X] 8. Respondent displayed a lack of candor and cooperation to any victim(s) of misconduct. (Std. 1.2 (b)(vi).) Supporting facts: Respondent failed to notify his clients that due to his personal problems, he was not handling their legal matters in a professional manner.
- [] 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: _____

Parties'

Initials

ms. B. M.

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

None stated

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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: _____

- ☒ 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: This misconduct was in part a result of Respondent's suffering from health problems which detrimentally impacted the time and attention given to client matters as well as his financial situation, resulting in eviction from his office and home. (See Respondent's statement, Attachment B)

- ☐ 6. Respondent displayed spontaneous candor and cooperation to the victim(s) of misconduct. (Std. 1.2 (e)(v).) Supporting facts: _____

 ☒ 7.

Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. (Std. 1.2 (e)(v).) Supporting facts: Respondent cooperated with the State Bar in initially entering into an agreement in lieu of discipline and continuing to make an effort to resolve the matters without the necessity for trial.

☐ 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'

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cmr B. Jr

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B [x] 13.

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

Respondent has ceased practicing law since this misconduct
occurred. Respondent has lacked the funds to make
restitution to the complainants. He is currently seeking
employment in a non-attorney capacity in the State of Hawaii
and has provided his counsel with \$500 from his last
employment to be used to initiate restitution to Ms. Bleier
and Mr. Burton.

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Parties
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IN THE MATTER OF

CASE NO(S).

Bradley R. Tamm, No. 159805

93-0-20169

93-0-20173

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

PRIVATE REPROVAL

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

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

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

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

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

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

☐ FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION

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

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

☒ TRI 311

☒ FORM PROB 320: RESTITUTION
and TRI 321

☐ FORM PROB 330: PROTECTION OF CLIENT FUNDS

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☐ FORM PROB 340: MENTAL HEALTH TREATMENT

☐ FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT

☐ FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT

☒ TRI 382

☐ FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION

☒ TRI 385

☒ That the conditions attached to the private reproval shall commence to be effective upon the effective date of the order approving stipulation or decision and shall remain in effect for a period of three (3) ([] days / [] months / [X] years) unless otherwise specifically designated herein;

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

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

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Parties'

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IN THE MATTER OF

CASE NO(S).

Bradley E. Tamm, No. 159805

93-0-20169

93-0-20173

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

B [X]

It is recommended that the State Bar Court order Respondent to take and pass the National Professional Responsibility Examination within thirty (30) months of the effective date of the administration of the private reprobation and furnish satisfactory proof of such passage to the Probation Unit within said period.

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Parties'

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IN THE MATTER OF

CASE NO(S).

Bradley R. Tamm, No. 159805

93-0-20169

93-0-20173

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
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Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 93-O-20169
93-O-20173

BRADLEY R. TAMM, Bar No. 159805

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.

Nakea complaint exhibit pg. 29

Parties'

Initials

PAGE 26

IN THE MATTER OF

CASE NO(S).

Bradley R. Tamm, No. 159805

93-0-20169

93-0-20173

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 three (3) days/months years from the effective date of:

☐ The Supreme Court's order in this matter,

☒ The administration of a reproval by the State Bar Court in this matter,

☐

☒ As set forth in FORM DISP 250:

☐ Respondent must make restitution to _____
or the Client Security Fund if it has paid, in the amount of _____,
plus interest at the rate of 10% per annum from _____,
until paid in full and furnish satisfactory evidence of restitution to the Probation Unit,
Office of Trials, Los Angeles;

☒ Respondent must make restitution to Anne Bleier of Keco, Inc.
or the Client Security Fund if it has paid, in the amount of \$820.00
plus interest at the rate of 10% per annum from November 1, 1993
in 12 monthly / quarterly / yearly installments with a minimum of \$100 per
installment with all remaining funds payable prior to the due date
for the 10th quarterly report required by these probationary conditions.
until paid in full and furnish satisfactory evidence of such restitution to the Probation
Unit, Office of Trials, Los Angeles;

☐ Other: _____

Nakea complaint exhibit pg. 30

Parties'

Initials

PAGE 27

IN THE MATTER OF

CASE NO(S):

Bradley R. Tamm, No. 159805

93-0-20169

93-0-20173

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.]

☒ [X] COND. 210. That within three (3) days/months/years from the effective date of:

☐ [] The Supreme Court's order in this matter,

☒ [X] The administration of a reprobation by the State Bar Court in this matter,

☐ []

☒ [X] As set forth in FORM DISP 250:

☐ [] Respondent must make restitution to _____
or the Client Security Fund if it has paid, in the amount of _____,
plus interest at the rate of 10% per annum from _____,
until paid in full and furnish satisfactory evidence of restitution to the Probation Unit,
Office of Trials, Los Angeles;

☒ [X] Respondent must make restitution to Frank Burton,
or the Client Security Fund if it has paid, in the amount of \$1,140,
plus interest at the rate of 10% per annum from September 1, 1993,
in 12 monthly /quarterly/ yearly installments with a minimum of \$100 per
installment with all remaining funds payable prior to the expiration
of the three year probation period.
until paid in full and furnish satisfactory evidence of such restitution to the Probation
Unit, Office of Trials, Los Angeles;

☐ [] Other: _____

Nakea complaint exhibit pg. 31

Parties' Initials

PAGE 28

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Telephone: (213) 765-1000

IN THE MATTER OF

Case No(s). 93-O-20169
93-O-20173

BRADLEY R. TAMM, Bar No. 159805

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.

Nakea complaint exhibit pg. 32

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IN THE MATTER OF

Case No(s). 93-O-20169
93-O-20173

BRADLEY R. TAMM, Bar No. 159805

A Member of the State Bar.

ALCOHOL/DRUG ABUSE CONDITIONS OF PROBATION¹

ABSTINENCE

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

SUBSTANCE ABUSE TREATMENT PROGRAM

Within thirty (30) days of the effective date of the discipline ordered herein, the Respondent shall provide evidence to the Probation Unit, Office of the Chief Trial Counsel, of his continued participation in the State of Hawaii's Attorney and Judges Assistance Program (See Attachment C) or his enrollment in a different program of substance abuse recovery which meets with the approval of the Probation Unit, Office of the Chief Trial Counsel. The Respondent must provide satisfactory evidence of his compliance with such program with each report required under these conditions.

OTHER

Failure by Respondent to submit a report when due or failure to submit a report that is consistent with the requirement of this condition of probation shall be considered a violation of the abstinence provision of this condition of probation and a violation of probation.

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

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IN THE MATTER OF

Case No(s). 93-O-20169
93-O-20173

BRADLEY R. TAMM, Bar No. 159805

A Member of the State Bar.

STATE BAR ETHICS SCHOOL

Respondent resides outside California and he is unable to attend State Bar Ethics School. As an alternative to State Bar Ethics School, the parties agree that Respondent will complete eight (8) hours of continuing legal education approved courses in attorney ethics law, four (4) hours each year, for the first two years of probation.

Parties'
Initials

MB, B, Jm

PAGE 31

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: 8/5/96

[Signature]
Deputy Trial Counsel

DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

DATE: 7/16/96

[Signature]
Respondent

DATE: _____

Respondent

DATE: 7/29/96

[Signature]
Respondent's Counsel

DATE: _____

Respondent's Counsel

CONFIDENTIAL DOCUMENT - NOT TO BE FILED WITH THE COURT

THE STATE BAR OF CALIFORNIA
[] Los Angeles [] San Francisco

Parties' Initials

[Handwritten signatures] PAGE 1

<p>IN THE MATTER OF</p> <p><u>BRADLEY R. TAMM</u>,</p> <p>No: <u>159805</u>,</p> <p>A MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>Case No(s).</p> <p>93-O-20169 93-O-20173</p> <p>STIPULATION AS TO FACTS AND AGREEMENT IN LIEU OF DISCIPLINE PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTIONS 6068(1) AND 6092.5(1) [] Amended</p>
--	---

SECTION ONE. THE PROCEEDINGS: [X] PRE-NOTICE ALD
[] POST-NOTICE ALD
[] CONVICTION REFERRAL ALD

A. PRE-NOTICE ALD

- 11/10/93 &
- [X] On or about 12/29/93, a complaint was filed with the State Bar against Respondent alleging violations of:
Rules of Professional Conduct 3-110 & 3-700 and Business and Professions Code Section 6008(m)
- [X] On February 8, 1994 an investigator from the Office of Investigations of the State Bar contacted Respondent:
[X] by letter dated February 8, 1994 [] by telephone on _____ and advised Respondent of the aforementioned allegations.
- [] Respondent addressed the allegations:
[] by letter dated _____
[] in a meeting with the investigator on _____
[] by telephone conference with the investigator on _____
- [X] A letter of intent to issue a Notice of Disciplinary Charges regarding the aforementioned allegations was sent to Respondent on Dec. 8, 1994. Thereafter, on Dec. 29, 1994 Respondent and/or Respondent's counsel met to discuss the allegations.
- [X] It is the intention of the State Bar and the Respondent to dispose of the aforementioned matter(s) without the necessity of filing a Notice of Disciplinary Charges. Respondent, therefore, by executing this agreement, specifically waives the issuance of a Notice of Disciplinary Charges, the right to a formal hearing on the aforementioned matter(s) and any other procedures necessary to accomplish the objectives of this agreement.

B. POST-NOTICE ALD

1. A Notice of Disciplinary Charges to initiate proceedings was filed with the State Bar Court on _____ and served upon Respondent by certified mail, return receipt requested, on _____.

Nakea complaint exhibit pg. 36

Attachment A

2. It is now the intention of the State Bar and the Respondent to dispose of the aforementioned matter(s) by Stipulation as to Facts and Agreement in Lieu of Discipline pursuant to Business and Professions Code sections 6068(1) and 6092.5(i).

C. CONVICTION REFERRAL ALD

This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court.

Respondent, a member of the State Bar of California, was convicted on _____, of violating _____

On _____, the Review Department of the State Bar Court issued an order referring this matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of _____

of which Respondent herein was convicted, involved moral turpitude or other misconduct warranting discipline.

It is now the intention of the State Bar and the Respondent to dispose of the aforementioned matter(s) by Stipulation as to Facts and Agreement in Lieu of Discipline pursuant to Business and Professions Code sections 6068(1) and 6092.5(i).

SECTION TWO. GENERAL AGREEMENTS AND WAIVERS.

A. PARTIES

1. The parties to this Stipulation as to Facts and Agreement in Lieu of Discipline (ALD), entered into under Business and Professions Code sections 6068(1) and 6092.5(i), 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 September 21, 1992 and the State Bar of California, by and through the Office of Trials, represented by the Deputy Trial Counsel of record whose name appears below.

2. If Respondent is represented by counsel, Respondent and his/her counsel have received and reviewed this agreement, have approved it as to form and substance, and have signed FORM ALD 400 below.

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

Nakea complaint exhibit pg. 37

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 as to Facts and Agreement in Lieu of Discipline. This agreement is entered into pursuant to provisions of Business and Professions Code sections 6068(1) and 6092.5(1). 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 agreement and any charge(s). As to any charge(s) not yet filed in any matter covered by this agreement, the parties waive the filing of formal charge(s), any answer thereto, and any other formal procedures.

C. PROCEDURES AND TRIAL.

In order to accomplish the objectives of this agreement, the parties waive all State Bar Court procedures regarding formal discovery as well as hearing and trial.

- [] The parties agree to submit this agreement to the Court for an in camera inspection if requested.

D. PENDING PROCEEDINGS.

All pending investigations and matters included in this agreement are listed by case number in the caption above.

E. EFFECT OF THIS AGREEMENT.

1. The parties agree that this Stipulation as to Facts and Agreement in Lieu of Discipline includes this form and all attachments.

2. Business and Professions Code section 6068(1) provides that it is the duty of any attorney "to keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline." Any conduct by the Respondent within the effective period of this agreement which violates this agreement may give rise to prosecution for violation of Business and Professions Code section 6068(1) in addition to prosecution for the underlying allegations.

3. The facts stipulated to as to the underlying misconduct are binding upon the Respondent, and the Stipulation as to Facts and Agreement in Lieu of Discipline, while confidential, may be admitted as evidence without further foundation at any disciplinary hearing held in conjunction with Respondent's failure to comply with the conditions of this agreement.

4. Should Respondent comply fully with the terms and conditions of this agreement as specified herein, the matter(s) referenced herein will thereafter be closed by the State Bar and the State Bar agrees that it will be precluded from reopening the referenced matters for any reason other than as stated in this agreement.

F. FURTHER ACKNOWLEDGMENTS/CONSENTS.

By executing this agreement, Respondent consents that although this agreement is confidential, the agreement will be disclosed to the individual(s) whose complaints are resolved hereby.

If this agreement is being executed prior to the initiation of disciplinary action in State Bar Court, Respondent has been advised that pursuant to Business and Professions Code section 6086.11, this agreement may be subject to review by the State Bar Complainants' Grievance Panel either in their annual audit or if the individual(s) who complained against Respondent disagrees with this disposition. In either case, the Panel may order further investigation or recommend that the Chief Trial Counsel file a Notice to Show Cause, take other formal disciplinary action or other action not involving formal disciplinary charges. Upon request for review from a complaining witness, Respondent understands that he/she will be notified.

The parties agree that upon the execution of this agreement by all parties, the State Bar will move the Court to dismiss, in the interest of justice and without prejudice to refile should Respondent fail to comply with the terms and conditions of this agreement, any formal charges filed with the Court which form the basis for this agreement.

G. COSTS OF DISCIPLINARY PROCEEDINGS.

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

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

[X] The parties have attached FORM ALD 130 and agree that the same warrants the disposition set forth in this agreement.

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

The parties agree that the following attachment sets forth facts and circumstances considered mitigating, aggravating or otherwise bearing on the agreed disposition:

[X] FORM ALD 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

Parties
Initials

[Signature] PAGE 5

SECTION FIVE. AGREED DISPOSITION.

Based on the foregoing and all attachments, the parties agree that this Agreement in Lieu of Discipline, together with the following conditions, constitutes the appropriate disposition of all matters covered herein.

- ☐ CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION [FORM ALD 260]
- ☒ STANDARD CONDITIONS [FORM ALD 310]
- ☒ RESTITUTION [FORM ALD 320]
- ☐ ALCOHOL/DRUG ABUSE CONDITIONS [FORM ALD 382]
- ☐ MENTAL HEALTH CONDITIONS [FORM ALD 383]
- ☐ ADDITIONAL CONDITIONS [FORM ALD 384]
- ☒ STATE BAR ETHICS SCHOOL/CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE [FORM ALD 385]
- ☐ COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER [FORM ALD 387]

Parties
Initials

[Signature] PAGE 6

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Telephone: (415) 561-8200

IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, No. 159805

93-O-20169

93-O-20173

A Member of the state Bar.

WAIVER OF ISSUANCE OF NOTICE TO SHOW CAUSE

It is agreed by the parties that investigative matters designated as case number(s) 93-O-20169 and 93-O-20173 shall be incorporated into the within agreement. The parties waive the issuance of a Notice to Show Cause and the right to a formal hearing and any other procedures necessary with respect to these investigative matters in order to accomplish the objectives of this agreement.

Parties' Initials

PAGE 7

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IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, No. 159805,

93-O-20169

93-O-20173

A Member of the State Bar.

STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW
CONSTITUTING A BASIS FOR THIS AGREEMENT

(PLEASE USE A SEPARATE FORM FOR EACH COUNT.)

COUNT _____

FACTS

See Attachment 1.

LEGAL CONCLUSIONS

The Respondent acknowledges that by the conduct described above, he/she wilfully violated Business and Professions Code section(s) 6068(m)&(j), 6002. (D) (1)&(D) (2) and/or Rules of Professional Conduct 3-110(A) & 3-700(A) (2). The parties stipulate that the protection of the public and the interests of the Respondent would be best served by this Agreement in Lieu of Discipline pursuant to Business and Professions Code sections 6068(1) and 6092.5(i), including the provisions outlined in ALD 110.

Nakea complaint exhibit pg. 42

Parties' Initials

B. R. [Signature] PAGE 8

IN THE MATTER OF

CASE NO(S).

BRADLEY R. TAMM, NO. 159805

93-O-20169

93-O-20173

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

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

CASE NO. 93-O-20169

COUNT

In May, 1993, Respondent was employed by Anne Bleier, President of Keco Inc., to represent her company in San Diego County Municipal Court Case Number 556004 entitled Baskerville v. Keco, Inc. for which Respondent was advanced legal fees in the amount of \$820.00.

In mid-August, 1993, Ms. Bleier informed Respondent that she had received notice that judgment had been entered against Keco, Inc. in the action. Respondent agreed to file an appeal and stay enforcement of the judgment. On September 24, 1993, Respondent obtained an Order from the Municipal Court setting aside the judgment and vacating the writ of Execution based on his filing an appeal.

On October 15, 1993, Respondent was notified by the Municipal Court, San Diego Judicial District, that his \$14 check for filing fees for the appeal was dishonored by the bank. Thereafter, Respondent failed to take any further action on the case and failed to communicate with his client regarding the status of the case.

By his inaction, Respondent in effect withdrew from representation and failed to refund the unearned legal fees and to account for them. Respondent contacted attorney Michelle A. Perfilli who agreed after obtaining the client's consent to represent Keco Inc. Respondent then provided the client's file to Ms. Perfilli.

Respondent vacated his law office and failed to notify his client of an address where he could be located and failed to maintain a current membership address with the State Bar of California.

Thereafter, Ms. Perfilli successfully negotiated a settlement and dismissal of Baskerville v. Keco, Inc. in February, 1994.

Nakea complaint exhibit pg. 43

Parties:
Initials

PAGE 9

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IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, No. 159805,

93-O-20169

93-O-20173

A Member of the State Bar.

STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW
CONSTITUTING A BASIS FOR THIS AGREEMENT

(PLEASE USE A SEPARATE FORM FOR EACH COUNT.)

COUNT _____

FACTS

See Attachment 2.

LEGAL CONCLUSIONS

The Respondent acknowledges that by the conduct described above, he/she wilfully violated Business and Professions Code section(s) 6068(m) (D) (1) & (D) (2) and/or Rules of Professional Conduct 3-110(A) & 3-700(A) (2). The parties stipulate that the protection of the public and the interests of the Respondent would be best served by this Agreement in Lieu of Discipline pursuant to Business and Professions Code sections 6068(1) and 6092.5(i), including the provisions outlined in ALD 130 complaint exhibit pg. 44

Parties:
Initials:

[Signature]
[Signature] PAGE 10

IN THE MATTER OF	CASE NO(S).
<u>BRADLEY R. TAMM, NO. 159805</u>	93-O-20169
A Member of the State Bar.	93-O-20173

ATTACHMENT TO: ☒ STIPULATION #2 ☐ DECISION

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

CASE NO. 93-O-20173

COUNT

In July 1993, Respondent was hired to represent Frank Burton in obtaining government approval from Alcohol Beverage Control ("ABC") for the expansion of his cafe, obtaining a cabaret license and negotiating a contract with Sound Technologies Music Company for which he was paid \$1,140 in advanced fees.

Thereafter, Respondent failed to perform any of the legal services for which he had been employed by Mr. Burton, including failing to appear at a meeting with his client and a representative of ABC. Respondent notified his client that he had misplaced all of the papers regarding these matters which had been entrusted to him by Mr. Burton. Thereafter, Respondent failed to engage in any further communications with his client regarding the status of his legal matters.

Respondent by his inactivity in effect withdrew from representation without taking reasonable steps to avoid foreseeable prejudice to his client, including failing to refund any portion of the \$1,140 in unearned legal fees and failing to locate and return the client's papers and files to him.

[Handwritten signature] PA

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IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, NO.159805,

93-0-20169

93-0-20173

A Member of the State Bar.

TERM OF AGREEMENT

This Stipulation as to Facts and Agreement in Lieu of Discipline shall remain in effect ~~XXXXXXXXXXXXXXXXXXXX~~ until such time as restitution, to all complaining parties, as set forth herein, is paid in full.

However, in no circumstances is the term of this Stipulation as to Facts and Agreement in Lieu of Discipline to remain in effect for less than one year, nor more than two (2) years.

Parties:
Initials

PAGE 12

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IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, No. 159805,

93-O-20169

93-O-20173

A Member of the State Bar.

STANDARD CONDITIONS

- [X] That during the effective period of this agreement, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California.
- [X] That during the effective period of this agreement, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the conditions of this agreement are 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 this agreement is less than thirty (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 agreement;
 - (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 effective period of this agreement following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof.
- [X] That Respondent shall promptly report, and in no event in more than ten (10) 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 Business and Professions Code section 6002.1.

Nakea complaint exhibit pg. 47

B. in conf PAGE 13

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IN THE MATTER OF

Case No(s) .

BRADLEY R. TAMM, NO. 159805,

93-0-20169

93-O-20173

A Member of the State Bar.

RESTITUTION

(PLEASE USE A SEPARATE FORM FOR EACH PERSON OR ENTITY TO WHICH RESTITUTION WILL BE MADE.)

- [X] Respondent shall include in each quarterly report required by ALD 310 satisfactory evidence of all restitution payments made by him/her during that reporting period.
- [X] Respondent must make restitution to Frank Burton of Sparky's Cafe in the amount of, not less than \$1,351.00, in quarterly installments of not less than \$168.68, per quarter, until paid in full and furnish satisfactory evidence of restitution to the Probation Unit, Office of Trials, Los Angeles.
- [X] Respondent must make restitution to Anne Bleier of Keco, Inc. in the amount of \$ 923.00 ~~XXXXXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~ in ~~XXXXXX~~/quarterly/~~XXXXXX~~ installments of not less than \$115.38
- until paid in full and furnish satisfactory evidence of restitution to the Probation Unit, Office of Trials, Los Angeles.
- [X] Other: (a) The Restitution amounts have been calculated with 10% interests from November 1, 1993 through March 1, 1995.
- (b) First payment to commence terms to be made in the month of June, 1995.

See Attachment 3

Nakea complaint exhibit pg. 48

Parties:
Initials

PAGE 14

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IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, NO. 159805,

93-O-20169

93-O-20173

A Member of the State Bar.

ADDITIONAL CONDITIONS

CURRENT TELEPHONE NUMBER

- [X] That Respondent maintain with the Probation Unit, Office of Trials, a current address and a current telephone number at which Respondent can be reached and respond within twelve (12) hours.

LAW PRACTICE MANAGEMENT SECTION OF THE STATE BAR

- [] That Respondent shall, within thirty (30) days of the execution of this agreement by all parties, join the Law Practice Management Section of the State Bar of California and shall pay whatever dues and costs are associated with such enrollment for a period of one (1) year. Within sixty (60) days of the execution of this stipulation by all parties, Respondent shall furnish satisfactory evidence of membership in the Section to Probation Unit, Office of Trials.

LAW OFFICE MANAGEMENT PLAN

- [] Respondent shall develop a law office management/organization plan that meets with the approval of the Probation Unit, Office of Trials, within _____ days/weeks/months from the execution of this agreement by all parties. This plan will include procedures to send periodic status reports to clients, documentation of telephone messages received and sent, file maintenance, procedures for meeting deadlines, calendaring system, procedures to withdraw as attorney whether of record or not when clients cannot be contacted or located, and procedures for the training and supervision of support personnel.

Parties:
Initials

B ym *mg* PAGE 15

COURSES ON LAW OFFICE MANAGEMENT

- [] That Respondent complete _____ hours of California minimum continuing legal education-approved course(s) on law office management within _____ month(s)/year(s) of the date of the execution of this agreement by all parties. Within thirty (30) days after completion of each said course, Respondent shall furnish satisfactory evidence of completion of the course to the Probation Unit, Office of Trials. These hours are in addition to any requirement Respondent must meet in conjunction with the California Minimum Continuing Legal Education Program.

CONTINUING LEGAL EDUCATION COURSES

- [] That Respondent complete _____ hours of California minimum continuing legal education-approved courses in attorney-client relations and/or legal ethics within _____ months/year(s) of the date of the execution of this agreement by all parties. Completion of the State Bar Ethics School or an Ethics School course will not satisfy this requirement. Within thirty (30) days after the completion of each said course, Respondent shall furnish satisfactory evidence of completion of the course to the Probation Unit, Office of Trials. These hours are in addition to any requirement Respondent must meet in conjunction with the California Minimum Continuing Legal Education Program.

OTHER

[]

Parties' Initials

PAGE 16

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IN THE MATTER OF

Case No(s).

BRADLEY R. TAMM, NO. 159805,

93-O-20169

93-O-20173

A Member of the State Bar.

STATE BAR ETHICS SCHOOLS

☒ STATE BAR ETHICS SCHOOL

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

☐ CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE

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

APPROVAL OF PARTIES

The parties and all counsel of record hereby approve the foregoing Stipulation as to Facts and Agreement in Lieu of Discipline and all attachments, and the parties agree to be bound by all terms and conditions stated and the agreed disposition.

DATE: 4/13/95

[Signature]
DEPUTY VIA COUNSEL

DATE: 4/11/95

[Signature]
RESPONDENT

DATE: April 11, 1995

[Signature]
RESPONDENT'S COUNSEL

ATTACHMENT 3

The State Bar of California
Los Angeles, California

<p>In the Matter of:</p> <p>BRADLEY R. TAMM (Bar No. 159805)</p> <p>a Member of the State Bar of California</p>	<p>Case No(s): 93-0-20169 93-0-20173</p> <p>DECLARATION OF BRADLEY R. TAMM, RESPONDENT HEREIN</p>
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At the present time, Respondent is unemployed and unable to provide fully for his own support and maintenance. Respondent presently is reliant upon the good will of former friends and associates to provide even the most basic elements of living.

Respondent is at present homeless, and is periodically forced by circumstances to rely upon public assistance.

Respondent has not engaged in the practice of law, except in conjunction with certain pro bono publico services performed under the auspices of, and without compensation from, the San Diego Volunteer Lawyers Association, and San Diego AIDS Foundation, since the abandonment of his practice, as stated in the body of this STIPULATION.

Respondent is presently working with certain other Attorneys in the San Diego region in an attempt to return self sufficiency, and ultimately to the practice of law (at some future date).

Based upon the foregoing, Respondent stipulates to the terms of this Agreement, with full knowledge that at present, he lacks the resources to comply with the financial terms of this agreement, but Respondent does in good faith anticipate being in

a position, as each quarterly obligation presents, to be able to meet the minimal requirements of each commitment.

It is for this reason that Respondent, through counsel, has negotiated the extended payment plan of two years, while retaining the (acceleration) provision of a ONE YEAR minimum probation and "pay-off."

It is further noted, that Respondent has not paid to the State Bar of California, Membership Fees for the year of ~~1984~~, *1994* *8* ~~not~~ *1995*, and is at present, suspended from the practice of law for non-payment of membership fees.

I, BRADLEY R. TAMM, do declare, that the foregoing is true and correct, and that this Declaration, as a part of the above entitled ADDITIONAL AND/OR CHANGED TERMS AND CONDITIONS SUBJECT TO, AND AS A CONDITION OF, STIPULATION AS TO FACTS AND AGREEMENT IN LIEU OF DISCIPLINE PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTIONS 6068(1) AND 6092.5 is made under penalty of perjury under the laws of the State of California.

Executed this 11th Day of April, 1995, at San Diego, California.


BRADLEY R. TAMM

Bradley R. Tamm, J.D.

c/o Attorneys' & Judges Assistance Program
801 Alakea Street, Suite 208 Honolulu, Hawaii 96813
Pager (808) 361-1150

May 14, 1996

to: The California State Bar

from: Bradley R. Tamm, Esq.
Respondent

via: Pamela E. Havird, Esq.
Attorney for Respondent

In re: The Matter of Bradley R. Tamm, Member of the State Bar

In regards to the above referenced matter, the following is submitted:

During the last several years it had become apparent to me that my ability to function both as an attorney and as a human being was being adversely effected by stress and my attempts to medicate such stress by over-consumption of alcohol.

Beginning in 1994, I sought assistance from various organizations, including, inter alia, The San Diego County Bar Association, Disabilities Section (Attorney William Hargreaves), The "Other Bar" (Attorney David Demergian, and Judge [Ret.] William Beard), Rand Recovery Services (Jerry Rand, M.D. [who is closely associated with the "Other Bar."]), and the "Attorneys' and Judges' Assistance Program (sponsored by the Supreme Court of Hawaii).

After some initial setbacks, and subsequent to some intensive educational and training programs, I have now achieved nearly one year (anniversary date of June 1995) of sobriety. My life today is one which is dedicated to spiritual and emotional growth, as well as abstinence from the use of mood altering substances. I am presently struggling with re-establishing myself as a productive member of society and have had (in my view) some credible success. While I am still significantly under employed, and continuing to experience severe financial restrictions, I am presently able to keep food on the table and a roof over my head, and make some progress in paying financial restitution to those that have been harmed by my transgressions.

My present program of recovery consists of attendance of various meetings of Alcoholics Anonymous ("A.A."), and regular (twice weekly) attendance of the Honolulu Chapter of the Attorneys'

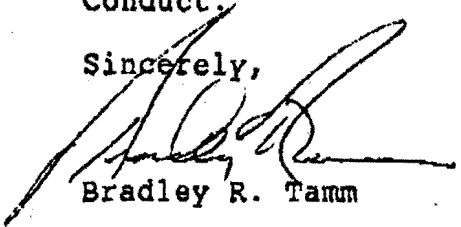
Support Group (a "12 Step" program not officially affiliated with A.A.) sponsored by the Supreme Court of Hawaii. It is my intention to continue attendance of A.A. meetings, and to continue my affiliation with the Attorneys' Support Group.

In additiona to my A.A./Sobriety related activities, my days are spent in search of employment within the legal profession, and in the preparation of academic materials. My evenings are spent (when possible) teaching Law and Criminal Justice Administration with two local Universities with whom I have become affiliated with as adjunct faculty.

It is my sincere desire to fully pay restitution to those clients which were harmed by my conduct in 1993, and to restore my active membership with the California State Bar. While I do not know if I will return to the State of California to actively engage in the practice of law, I do wish to keep that option open.

Presently, the over-riding focus of my life is to remain sober, and to regain my pre-disability abilities to be productive and provide for my support. To this end, I respectfully submit that I will make every effort to comply with the terms of any Stipulated Settlement reached in this matter and to conduct myself in a manner which is in full compliance with the letter and spirit of the law as well as the Rules of Professional Conduct.

Sincerely,



Bradley R. Tamm



ATTORNEYS AND JUDGES ASSISTANCE PROGRAM

Supreme Court • State of Hawaii

PETER A. DONAHOE, J.D.
Director

Queen's Plaza
801 Alakea Street, Suite 208
Honolulu, Hawaii 96813
Tel and Fax (808) 531-2880

May 14, 1996

The State Bar of California

In re: The Matter of Bradley R. Tamm, Member of the State Bar
of California

This letter is written in response to a request from the above referenced member to provide information regarding this office and its functions with respect to assisting attorneys with substance abuse problems.

The Supreme Court of the State of Hawaii has established the Attorneys and Judges Assistance Program, as provided for in Rule 16 of the Rules of the Supreme Court of the State of Hawaii. Rule 16.1 provides in pertinent part:

"(a) The purpose of the Attorneys and Judges Assistance Program ("AAP") is to provide immediate and continuing assistance to attorneys who practice law in the State of Hawaii and judges of the courts of the State of Hawaii who suffer from problems, disability or impairment which affect their professional performance for any reason ("impairment"), including but not limited to excessive use of alcohol or drugs ("substance abuse"), physical or mental illness, or other infirmity. ..."

Attached hereto is a complete copy of the above referenced rules, as pertains to AAP.

The Hawaii AAP is officially affiliated with the Commission on Impaired Attorneys of the American Bar Association, and is in contact with "The Other Bar" association of the State of California.

Since February 1, 1993, I have been the Director of this program (see Rule 16.3). While it is not specifically provided for in the charter of this program, we have and continue to provide participatory assistance to Attorneys from other jurisdictions, such as the above referenced (Non-Hawaii) member.

Nakea complaint exhibit pg. 57

ATTACHMENT C 14'

The California State Bar
May 14, 1996
Page Two

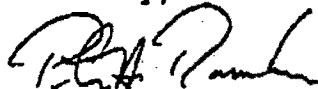
I was initially contacted by the above referenced member in November of 1995. At the time, Mr. Tamm had just arrived in Hawaii and was apparently without means of support. He was referred to the various agencies for financial and housing assistance and encouraged to participate in the support groups connected with this office.

In the following months, Mr. Tamm's participation and affiliation with the two Attorney support groups sponsored by this office have been regular and active. Mr. Tamm's appearance is markedly changed (for the better), and he appears to be able to support himself financially. I have been quite encouraged with his progress and believe that he is "on the right track" to recovery.

I have discussed with Mr. Tamm the significance of the present pending disciplinary proceedings and how those proceedings effect and influence his recovery from alcoholism. It is my belief that he is sincere in his desire to recover and to participate in the terms of this settlement as I understand them.

Should you have any questions, please feel free to contact me.

Sincerely,



Peter A. Donahoe, J.D.
Director

RULES OF THE SUPREME COURT OF THE STATE OF HAWAII

**As Amended April 16, 1984
Effective June 1, 1984
With Further Amendments as Noted**

**The Judiciary
State of Hawaii**

(g) **Statements Open to Public Inspection.** Financial disclosure statements filed pursuant to this rule shall be available for public inspection in the supreme court clerk's office during normal business hours.

(h) **Filing of Statement Not to Limit Ethical Responsibilities of a Judge.** The filing of a financial disclosure statement pursuant to this rule shall not limit any ethical responsibilities of a judge with respect to financial activities and judicial disqualification. This rule shall not be construed as limiting the ethical or legal responsibilities of a judge as set out in the Code of Judicial Conduct, case law, statutes or any other rule of court.

(Added January 21, 1988, effective January 1, 1988, first disclosure statements due April 30, 1989.)

Rule 16. ATTORNEYS AND JUDGES ASSISTANCE PROGRAM.

16.1. Purpose; Scope.

(a) The purpose of the Attorneys and Judges Assistance Program ("AAP") is to provide immediate and continuing assistance to attorneys who practice law in the State of Hawaii and judges of the courts of the State of Hawaii who suffer from problems, disability or impairment which affect their professional performance for any reason ("impairment"), including but not limited to excessive use of alcohol or drugs ("substance abuse"), physical or mental illness, or other infirmity. Professional performance is affected when an attorney or judge is incapable of devoting the time and attention to, and providing the quality of service in, his or her law practice or judicial duties which are necessary to protect the interest of a client or litigant.

(b) The AAP shall consist of at least the following categories of programs.

Rule 16.1

(1) *Voluntary Program.* A voluntary program addressing "self-referrals" entering treatment without the formal prior intervention of the AAP.

(2) *Intervention Program.* A program primarily addressing attorneys and judges who are not "self-referrals" and who have not yet been the subject of a complaint that warrants a disciplinary petition, but whose impairment affects their professional performance and may put them at risk of disciplinary action if the impairment continues.

(c) AAP shall not provide treatment to impaired attorneys and judges but shall instead provide education and guidance concerning substance abuse, refer impaired attorneys and judges to appropriate substance abuse and/or mental health treatment providers, and provide emotional support to impaired attorneys and judges.

16.2. Attorneys and Judges Assistance Program Board.

(a) The supreme court shall appoint from nominations submitted by the Board of Directors of the Hawaii State Bar a board to be known as the "Attorneys and Judges Assistance Program Board of the Hawaii Supreme Court" ("Board") which shall consist of nine (9) members, one of whom shall be designated by the Board as chairperson. Six (6) members shall be attorneys licensed to practice in the State of Hawaii and three (3) members shall be judges of the State of Hawaii.

(b) All members shall be appointed to staggered three-year terms; however, to maintain a board with staggered terms, initial appointments may be for less than three years. Members shall receive no compensation for their services but may be reimbursed for their traveling and other expenses incidental to the performance of their duties.

(c) Board members shall refrain from taking part in any proceeding in which a judge, similarly situated, would be required to abstain. If, in any given case, it shall become necessary for the continuation of a case, or the orderly operation of the Board, the supreme court may appoint, for that case only, one or more ad hoc members as it deems necessary. Each ad hoc member shall fulfill all the responsibilities of a Board member.

(d) The Board shall exercise the powers and perform the duties conferred and imposed upon it by these rules, including the power and duty:

(1) To take such action as shall be appropriate to effectuate the purposes of these rules.

(2) To appoint an administrator (whether an individual or a professional assistance organization) as may from time to time be required to properly perform the functions hereinafter prescribed. The administrator is hereinafter referred to as "Director." The Director shall implement and administer all of the programs under this rule.

(3) To adopt rules of procedure governing the Board and committees which are not inconsistent with these rules.

(4) To receive from the Bar the fees collected under Rule 17(d)(2)(iv); to prepare and maintain appropriate accounting records showing the receipt and disposition of those funds, which records shall be subject to audit; and to prepare an annual budget for the expenditure of those funds.

(Amended February 7, 1992, effective February 7, 1992.)

16.3. The Director.

The Director shall be a trained counselor or an attorney who is a recovering substance abuser and has not used alcohol or drugs for at least five years. A "trained counselor" shall have education,

Rule 16.3

training or experience in the evaluation, counseling or management of persons who are impaired due to substance abuse or physical or mental illness. The Director shall administer the AAP and shall perform such duties as directed by the Board.

16.4. Voluntary Program.

(a) The Director shall administer the Voluntary Program of the AAP in accordance with policies and procedures adopted by the Board.

(b) The Director shall provide a source of evaluation and treatment for attorneys and judges who, on a strictly voluntary basis, desire to avail themselves of such services.

(c) Attorneys and judges who voluntarily seek assistance from the AAP shall be evaluated, provided education and guidance concerning substance abuse, referred to appropriate substance abuse or mental health treatment providers, and provided emotional support by attorneys and judges who are recovering substance abusers.

16.5. Intervention Program.

(a) The Director shall establish a Lawyer Volunteer Committee. Each person appointed to the Lawyer Volunteer Committee shall be an attorney, judge or trained counselor.

(b) "Intervention" is defined as the process of interrupting impairment by utilizing information, confrontation, counseling and motivation techniques to facilitate entry into diagnosis, treatment and rehabilitation.

(c) The Lawyer Volunteer Committee is established as a committee to utilize intervention exclusively with attorneys and judges who are impaired to facilitate their entry into diagnosis, treatment and rehabilitation.

DECLARATION 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. In the City and County of Los Angeles, on August 14, 1996, I deposited a true copy of the following document(s)

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

STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407,
TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF
CALIFORNIA) FILED AUGUST 09, 1996

in a sealed envelope as follows:

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

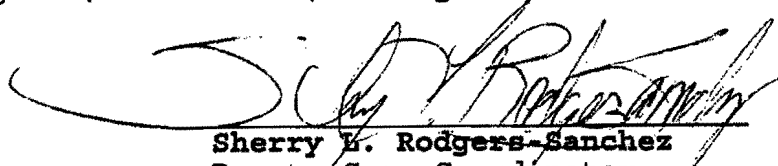
Pamela E. Havird, A/L
P.O. Box 370342
San Diego, CA 92137

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

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

Alyse Lazar, OFFICE OF TRIALS

I hereby certify that the foregoing is true and correct.
Executed in Los Angeles, California, on August 14, 1996.



Sherry E. Rodgers-Sanchez
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 December 17, 2018

State Bar Court, State Bar of California,
Los Angeles

By _____
Clerk