

**Online Posting of Consumer Alert of Major Misappropriation Charges  
and Section 6007(c) Petitions on Member's Profile Page**

No.	Name	Group or Individual	Identification	Position	Summary of comment	Date of Comment
1.	Doug Newlan	Individual	Redding, CA SB #32250	Support	"Tell me why if a lawyers steals there should be a threshold level...thief is a thief!!"	March 11, 2011
2.	Stuart Flashman	Individual	Law offices of Stuart Flashman, Oakland, CA SB #148396	Oppose. Might support in concept if notice applied to all misconduct and made more low key	Consumer Alert notice goes well beyond permissible bounds in inflicting punishment on an attorney based solely on an unproven accusation. Any notice (and perhaps notice should be given of all accusations) should be very low-key and matter-of-fact with a disclaimer that the notice is informational only.	March 11, 2011
3.	Kathy Strong	Individual	Strong Law Firm San Juan Capistrano, CA SB #137610	Support	Bar does not provide enough information about attorney wrongdoing and should protect the public instead of protect the wrongdoer	March 11, 2011
4.	John Guerrini	Individual	The Guerrini Law Firm Pasadena, CA SB #190972	Oppose	Disgruntled client could allege theft and the sign goes up-sounds dangerous and harmful to attorney's business	March 11, 2011
5.	Gary Jander	Individual	Brierton Jones & Jones San Diego, CA SB #195229	Oppose	Lawyer is innocent until proven guilty. Accusation will ruin lawyer's personal and professional life even if allegation has no merit. Easy to accuse, quit	March 11, 2011

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					another to prove misconduct. Proposed action only if attorney is convicted of stealing money.	
6.	Mark E. Saltzman	Individual	Law offices of Mark Saltzman Tarzana, CA SB #155612	Oppose	This means of humiliation serves no purpose. Yet lawyer is allowed to practice. Posting discipline of any kind is demeaning to the entire legal profession. New proposal is latest version of the Scarlett letter.	March 11, 2011
7.	Douglas Shaw	Individual	Dayton, NV SB #657507 (inactive)	Support (and should expand to all theft)	Taking of any client funds should get this notice on the member's profile. Stealing at any level is stealing and shows a total loss of character and ethics.	March 11, 2011
8.	Dr. Jonathan Levy	Individual	Hilton Head Island, SC SB #158032 Norwich University	Oppose (supports posting details if lawyer found culpable)	Good idea but violated due process. Better idea if lawyer found to have stolen money then post details permanently.	March 11, 2011
9.	William Raff	Individual	Attorney at law SB #29095 Bell Canyon, CA	Oppose	Contrary to our principle of innocent until proven guilty why should lawyer's reputation be ruined simply when the lawyer is accused? Bar has obligation to protect against false accusations. Improper and dangerous proposal.	March 11, 2011

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10.	Alice M. Graham	Individual	Graham Law Corp. Marina Del Ray, CA SB #83048	Oppose	This is like a Scarlet letter without trial or finding of fact based on mere accusation. Puts unfair advantage in hands of possibly unscrupulous clients. This would enable clients to threaten, intimidate or extort their lawyers. Offers no disincentive to the few unscrupulous attorneys who will steal anyway.	March 11, 2011
11.	James Blackstock	Individual	Brentwood, TN. SB #70181	Oppose	Why would Bar allow any attorney to be branded as a criminal before a determination of actual guilt? This will result in material and substantial harm to the attorney. This appears to be one of the most unconstitutional breaches of due process imaginable.	March 11, 2011
12.	Jim Ward	Individual		Neutral	Provision should be made for rapid remediation where disgruntled party intends to harm reputation without reasonable basis for accusation. Need escape hatch for malicious or negligent accusations that cannot be used easily.	March 11, 2011

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13.	John Tosney	Individual	Sacramento, CA SB #97183	Oppose (but support posting if attorney found guilty after trial)	Extremely dangerous-could be misused by clients with a vendetta or unfounded anger. This is a career killer –should not be posted without a finding of guilt after trial.	March 11, 2011
14.	Gordon K. Ellis	Individual	Carlsbad, CA SB #47738	Oppose	Gee-I thought we were lawyers? Am I missing something? This proposal requires posting based on mere accusation, before anyone is found guilty or liable of anything. Whom ever came up with this idea must have sawdust instead of grey matter in his/her head.	March 12, 2011
15.	Jim Cote	Individual	Law Office of James F. Cote Santa Barbara SB #88161	Oppose	Not in favor of posting based merely upon charges being filed.	March 14, 2011
16.	Terrence Snook	Individual	Sacramento, CA SB #114578	Support posting if clear and convincing standard applied after investigation	Urges Bar adoption of clear and convincing evidence standard found by investigation arm prior to disclosure to public.	March 15, 2011
17.	Debra Butler	Individual	Pasadena, CA SB #143237	Support if due process provided	We know that disgruntled clients can accuse attorney of misconduct that is not borne out. I do not object to posting list of attorneys found after due process to have committed theft.	March 15, 2011

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18.	Michael S. Chernis	Individual	Silverman Sclar Shin & Byrne Santa Monica, CA SB #259319	Oppose	Seems well intentioned. But apart from due process considerations (attorneys accused not convicted), it gives clients who don't pay their bills, too much leverage to make threats against the attorney.	March 15, 2011
19.	Gregory T. Royston	Individual	Law Office of Gregory T. Royston Los Angeles, CA SB #213863	Oppose but support posting if validity of claim is determined after investigation	Bad idea. Attorney should not be presumed guilty. Client claim alone not indicative of guilt. "...[O]ur clients most times, with the exception of internal moral code, will lie." Disgruntled client with a grudge can put the attorney out of business. Better way is to investigate the claim, determine its validity, once a determination has been made make the posting.	March 15, 2011

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20.	Marilyn M. Smith	Individual	Law office of Marilyn Smith Pasadena, CA SB #72719	Oppose (but support posting after charge is adjudicated)	Accused lawyer will be permanently tainted regardless of post-filing result (reduced charges, etc.) Unwarranted opportunity for disgruntled clients to refuse to pay fees and allege misappropriation. "It is the aspect of publishing charges not adjudications that greatly concern me."	March 15, 2011
21.	Roger M. Rosen	Individual	Rosenberg, Mendlin & Rosen Santa Monica. CA SB #120313	Oppose	Bad idea. Clients do not understand what lawyers have done with their money or choose to lie about it. Untruthful accusations will damage attorney reputations by untrue accusations.	March 15, 2011
22.	Robert T. H. Link	Individual	Attorney Monrovia, CA SB #272290	Oppose	Beware unintended consequences. Proposal gives disgruntled clients a tremendous club. Any good the proposal might do is outweighed by potential of casual wrongdoing it creates.	March 15, 2011

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23.	Samira Kermani	Individual	Attorney Beverly Hills, CA SB #171328	Oppose (but interested to hear in due process safeguards)	Should a violation not be proven before you post allegations on an attorney's profile online? Proposal may be in turn abused by disgruntled clients. Seems to be no due process or investigation or prosecution. Interested in hearing about due process safeguards.	March 17, 2011
24.	Linda Fermoyale Rice	Individual	Handles medical negligence claims for over 30 years ; member, Board of Governors for Consumer Attorneys Association of Los Angeles  Woodland Hills, CA SB #86688	Oppose absent data to show that nearly 100% of theft accusations are proven true	Agree that State Bar takes responsibility to protect public from malfeasance of lawyers more seriously than Medical Board does when it comes to dangerous doctors. But more data is needed before moving ahead. If most (99-100%) of accusations of misappropriation prove to be true, then proposal would be sound. If few (5-10%) of accusations proven to be true, then harm is not justified by benefit to the public. Do not support the proposal unless the data can be provided.	March 19, 2011
25.	Peter M. Stanwyck	Individual	Law Offices of Peter M. Stanwyck Oakland, CA SB #51640	Oppose	Prosecutors will be allowed to destroy attorney's livelihood without any finding of wrongdoing by	March 22, 2011

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					<p>the State Bar Court and with the effect of gaining substantial unfair leverage over the accused attorney in the disciplinary process. Suspicious that the proposal comes from OCTC and not from the Board itself. Also, objects to proposal without supporting data and because it does not distinguish between other forms of misconduct warranting public protection. Public will be unable to discern between accusation and guilt. No remedy if lawyer found not culpable. "Major" not a meaningful definition-better to say \$25,000 or more. The disclaimer is a sham. Comment offers detailed counter-proposal for consumer alert warning.</p>	

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26.	Josh King	Individual	<p>General counsel and VP of Avvo Inc. Attorney licensed in CA. Article appeared in Daily Journal News on March 29, 2011 specifically authorized to use as public comment.</p> <p>Seattle, WA SB #165987</p>	Support	<p>Proposal is an attempt to make it easier for potential clients to have access to this information and make informed choices. As someone who has hired a lot of lawyers, knowing that an attorney has been charged with stealing over \$25,000 from another client is a highly relevant factor in my choice of counsel. Is the impact on the attorney's practice greater than whatever benefit the client gains from knowing that the attorney has been charged with stealing? Clients come first. Those charged should be able to quickly disprove the charges, or show negligence.</p>	March 29, 2011
27.	Stephanie Doucette	Individual	<p>San Clemente, CA SB #207392</p>	Support any proven misappropriation	<p>Proposal does not discourage unscrupulous attorneys from stealing under \$25,000. "Any proven misappropriation should be reported on member's profile page."</p>	April 1, 2011

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28.	Robert W. Hodges	Individual	McNamara, Ney, Beatty, Slattery, Borges & Br Walnut Creek, CA SB #95033	Support but no dollar threshold	Any misappropriation of client funds is theft stealing or whatever label and on of the consequences of this is public disclosure to peers. I don't distinguish between a \$2,500 or a \$25,000 thief.	April 1, 2011
29.	Sheree Storm	Individual	Law Offices of Sheree C. Sturm Novato, CA SB #85660	Support but no dollar threshold	Public should be alerted if lawyer steals as much as \$1 from clients! Public alert for only \$25k is absurd. That this is up for debate is mind-boggling.	April 1, 2011
30.	Damon Swank	Individual	Torrance, CA SB # 37722 (voluntary inactive status)	Oppose without adjudicatory finding	Placing attorney on inactive status protects the public better than the bar conducting a PR campaign of slurring the attorney with alerts reporting allegations which have not been supported by evidence presented to the fact finder.	April 14, 2011

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31.	Anonymous	Individual	"Concerned member of the Bar"	Oppose	Pre-adjudicatory alert violates member's due process and Fifth Amendment right to presumption of innocence; is inequitable and shows no compassion-mishandling funds could be prompted by mental disorder or family hardship; violated Eighth Amendment prohibition against cruel and unjust punishment if alert remains posted after discipline imposed; sets up unwarranted malpractice claims against the attorney by clients; and detracts from attorney's position in any active litigation cases he/she is handling.	April 15, 2011
32.	David C. Carr	Individual	David C. Carr San Diego SB #124510	Oppose	Unfair proposal can destroy practice of lawyer without having to prove allegations. Disclaimer is meaningless. Does not factor in the extenuating circumstances relating to facts of misappropriation (e.g., single act of negligence). Dollar threshold is arbitrary.	April 20, 2011

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33.	HALT	Group	Rodd M. Santomauro Executive Director Suzanne M. Blonder Of Counsel SB #217873	Support	Proposal is strongly supported to help safeguard clients from one of gravest forms of misconduct. Notice of disciplinary charges information is hard to locate on member's profile. New proposal would visibly enhance its notification message. Our organization regularly hears from consumers who did not receive sufficient warning about attorney's past and transgressions before hiring.	April 20, 2011
34.	Robin A. Peluso	Individual	Undisclosed	Opposition	Unrelated. "Waste of time, money and energy" akin to adoption by Board last August of new rules of procedure.	April 21, 2011