

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No.: <b>05-O-05168</b>
	)	
<b>ROBERT EDWARD GLASSER,</b>	)	<b>DECISION AND ORDER SEALING</b>
	)	<b>CERTAIN DOCUMENTS</b>
<b>Member No. 47291,</b>	)	
	)	
<u>A Member of the State Bar.</u>	)	

In 2006, prior to formal disciplinary charges being filed against him, respondent Robert Edward Glasser (respondent) contacted the State Bar of California’s Lawyer Assistance Program (LAP) to assist him with his mental health issue, and on October 1, 2006, respondent executed a Participation Plan with the LAP.

On April 26, 2007, a Notice of Disciplinary Charges was filed against respondent in case no. 05-O-05168. This matter was initially assigned to the Honorable Richard A. Honn.

Respondent also sought to participate in the State Bar Court’s Alternative Discipline Program (ADP), and on June 5, 2007, Judge Honn filed an order granting respondent’s request for referral to the ADP, and this matter was referred to the undersigned judge.

On October 2, 2007, respondent submitted a supplemental declaration<sup>1</sup> establishing a nexus between his mental health issue and his misconduct.

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<sup>1</sup> Respondent had originally submitted a nexus declaration on August 14, 2007.

The parties entered into a Stipulation Re Facts and Conclusions of Law in early November 2007 which was received by the court on November 8, 2007.

On February 14, 2008, the court issued an order formally accepting respondent into the ADP as of February 7, 2008. The court also lodged on February 14, 2008, its Confidential Statement of Alternative Dispositions and Orders, the Contract and Waiver for Participation in the State Bar Court's ADP (Contract),<sup>2</sup> and the parties' Stipulation Re Facts and Conclusions of Law. The court also issued an order on February 14, 2008, enrolling respondent inactive pursuant to Business and Professions Code section 6233 effective March 14, 2008.

On May 9, 2008, the court filed an amended order enrolling respondent inactive pursuant to Business and Professions Code section 6233. The order clarified that respondent was enrolled as an inactive member of the State Bar effective March 14, 2008, for a period of one year through and including March 13, 2009.

The court lodged an Amended Confidential Statement of Alternative Dispositions and Orders on June 17, 2008.

On March 12, 2009, the court issued an order terminating respondent's inactive enrollment as of March 13, 2009.

On August 11, 2009, the court issued an order finding that respondent has successfully completed the ADP. Thereafter, on that same date, the parties' Stipulation Re Facts and Conclusions of Law was filed, and this matter was submitted for decision.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In this one-client matter, respondent stipulated that he willfully violated: (1) rule

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<sup>2</sup> The Contract was executed by respondent and his counsel on February 7, 2008.

4-100(A) of the Rules of Professional Conduct<sup>3</sup> by willfully failing to maintain the balance of funds received for his client's benefit and deposited in a bank account labeled as a client trust account; (2) Business and Professions Code section 6106<sup>4</sup> by willfully committing an act involving dishonesty, moral turpitude or corruption by misappropriating at least \$1,939.19 of his client's funds; and (3) section 6106 by willfully committing an act involving dishonesty, moral turpitude or corruption by knowingly, or as a result of gross negligence, issuing a check from his client trust account when there were insufficient funds in the account.

In mitigation, respondent cooperated with the State Bar and, at the time of this misconduct, respondent was involved in a bitter family dispute over real property.

In aggravation, respondent has a record of two prior impositions of discipline. Effective November 29, 2000, respondent received a six-month stayed suspension and two years' probation with conditions including payment of restitution for charging and/or collecting an illegal fee (violation of rule 4-200). In addition, effective May 3, 2003, respondent received a one-year stayed suspension and three years' probation on conditions including a 30-day actual suspension for: (1) failing to maintain client funds in trust (violation of rule 4-100(A)); (2) paying himself more funds from his client trust account than he was entitled (violation of rule 4-100(A)); and (3) failing to maintain written ledgers of client funds.

The parties' stipulation as to facts and conclusions of law, including the court's order approving the stipulation, is attached hereto and hereby incorporated by reference, as if fully set forth herein. The stipulation as to facts and conclusions of law set forth the factual findings, legal conclusions, and aggravating and mitigating circumstances in this matter.

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<sup>3</sup> Unless otherwise indicated, all further references to rule(s) refer to the Rules of Professional Conduct of the State Bar of California.

<sup>4</sup> Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

Supreme Court and Review Department case law establish that extreme emotional difficulties are a mitigating factor where expert testimony establishes that these emotional difficulties were directly responsible for the misconduct, provided that the attorney has also established, through clear and convincing evidence, that he or she no longer suffers from such difficulties. (*Porter v. State Bar* (1990) 52 Cal.3d 518, 527; *In re Naney* (1990) 51 Cal.3d 186, 197; *In re Lamb* (1989) 49 Cal.3d 239, 246; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 701-702.) However, the Supreme Court has also held that, absent a finding of rehabilitation, emotional problems are not considered a mitigating factor. (*Kaplan v. State Bar* (1991) 52 Cal.3d 1067, 1072-1073; *In re Naney, supra*, 51 Cal.3d at p. 197.)

Respondent executed a Participation Plan with the LAP on October 1, 2006. The LAP issued a Certificate of One Year Participation in the Lawyer Assistance Program – Mental Health dated July 22, 2009, which reflects that, for at least one year prior to this date, respondent has satisfied the requirements set forth in his LAP Participation Plan and has maintained mental health stability and has successfully participated in the LAP.

Respondent also successfully completed the ADP. Respondent's successful completion of the ADP, which required his successful participation in the LAP, as well as the Certificate of One Year Participation in the Lawyer Assistance Program – Mental Health, qualify as clear and convincing evidence that respondent no longer suffers from the mental health issue which led to his misconduct. Accordingly, it is appropriate to consider respondent's successful completion of the ADP as a mitigating circumstance in this matter. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, standard 1.2(e)(iv).)

### **DISCUSSION**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain

the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After reviewing respondent's brief on the issue of discipline, which was received by the court on December 10, 2007, and the State Bar's brief on the issue of discipline, which was received by the court on December 11, 2007, and considering the Standards for Attorney Sanctions for Professional Misconduct (standard(s)) and case law cited therein, the parties' stipulation setting forth the facts, conclusions of law, and the aggravating and mitigating circumstances in this matter, and respondent's supplemental declaration regarding the nexus between his mental health issue and his misconduct, the court advised the parties of the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP.

In determining the appropriate discipline to recommend in this matter if respondent successfully completed the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. Respondent recommended that he receive a two-year stayed suspension, probation with standard terms and conditions, and a 60-day period of actual suspension. In contrast, the State Bar recommended that respondent be disbarred, even if he successfully completed the ADP. The court also considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 1.7(b), 2.2 and 2.3 and the case law cited in the parties' discipline briefs, including *Waysman v. State Bar* (1986) 41 Cal.3d 452; *Vaughn v. State Bar* (1972) 6 Cal.3d 847; *Giovanazzi v. State Bar* (1980) 28 Cal.3d 465; *In the Matter of Mudge* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 536; *Sternlieb v. State Bar* (1990) 52 Cal.3d 317; *McKnight v. State Bar* (1991) 53 Cal.3d 1025; *In the Matter of Dyson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 280; and *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576.

After agreeing to the discipline which the court would recommend to the Supreme Court if respondent successfully completed or was terminated from, or failed to successfully complete, the ADP, respondent executed the Contract to participate in the ADP, and respondent's period of participation in the ADP commenced.

Thereafter, respondent successfully participated in the ADP and, as set forth in the court's August 11, 2009 order, the court found that respondent has successfully completed the ADP. Accordingly, the court will recommend to the Supreme Court the imposition of the discipline set forth in the court's Amended Confidential Statement of Alternative Dispositions and Orders if respondent successfully completed the ADP.

**RECOMMENDED DISCIPLINE**

**IT IS HEREBY RECOMMENDED** that respondent **ROBERT EDWARD GLASSER**, State Bar Number 47291, be suspended from the practice of law in California for three (3) years, that execution of that period of suspension be stayed, and that he be placed on probation for a period of three (3) years subject to the following conditions:

1. Respondent Robert Edward Glasser is suspended from the practice of law for the first one (1) year of probation<sup>5</sup> (with credit given for one-year of inactive enrollment pursuant to Business and Professions Code section 6233).<sup>6</sup>

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<sup>5</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

<sup>6</sup> On May 9, 2008, the court filed an amended order clarifying that respondent's inactive enrollment pursuant to Business and Professions Code section 6233 was effective March 14, 2008, and was to last for a period of one year, through and including March 13, 2009. It was the court's intention for respondent to remain on inactive status for one full year, the period of suspension which would be recommended to the Supreme Court if respondent successfully completed the ADP. However, the court issued another order on March 12, 2009, mistakenly terminating respondent's inactive enrollment as of March 13, rather than March 14, 2009. As a result of the March 12, 2009, order, respondent was returned to active status effective March 13, rather than March 14, 2009. As such, respondent was on inactive status for 364 days, rather than 365 days that the court had intended. As it was the intention of the court and the parties that respondent be enrolled inactive for a full year, respondent should not now be penalized for the court's error. Accordingly, the court recommends that respondent receive credit for a full year of inactive enrollment pursuant to section 6233.

2. Respondent Robert Edward Glasser must also comply with the following additional conditions of probation:
- a. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
  - b. Within ten (10) days of any change, respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California (Office of Probation), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;
  - c. Within thirty (30) days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request;
  - d. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10 and October 10 of the period of probation. Under penalty of perjury, respondent must state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than thirty (30) days, that report must be submitted on the next quarter date, and cover the extended period.  
  
In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of the probation period;
  - e. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully, any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;
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- f. Within one (1) year of the effective date of the discipline herein, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session; and
  - g. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.
3. At the expiration of the period of probation, if Robert Edward Glasser has complied with all conditions of probation, the three (3) year period of stayed suspension will be satisfied and that suspension will be terminated.

It is not recommended that Robert Edward Glasser take and pass the Multistate Professional Responsibility Examination (MPRE) as respondent took and passed the MPRE during his period of participation in the ADP.<sup>7</sup>

### **COSTS**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

### **DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State

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<sup>7</sup> Respondent took and passed the MPRE administered in August 2009.



Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Dated: November \_\_\_\_\_, 2009

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DONALD F. MILES  
Judge of the State Bar Court



**ORIGINAL**

**CONFIDENTIAL**

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<b>State Bar Court of California</b> <b>Hearing Department</b>		
<b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES</b>		
<p>Counsel For The State Bar  <b>CHARLES A. MURRAY</b>                      Deputy Trial Counsel                      1149 South Hill Street                      Los Angeles, California 90015                      Bar # 146069      Tel: (213) 765-1236</p>	<p>Case Number (s)                       05-O-05168</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.5em;"><b>LODGED</b></p> <p style="text-align: center; font-size: 1.2em;">FEB 14 2008</p> <p style="text-align: center; font-size: 1.2em;"><b>STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES</b></p>
<p>Counsel For Respondent  <b>MICHAEL G. GERNER</b>                      10100 Santa Monica Blvd., Suite 300                      Los Angeles, California 90067                       Bar # 65906      Tel: (310) 772-2207</p>	<p>Submitted to: Program Judge</p>	
<p>In the Matter Of:   <b>ROBERT EDWARD GLASSER</b>                       Bar # 47291                       A Member of the State Bar of California                      (Respondent)</p>	<p style="text-align: center;"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted July 1, 1970.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (6) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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

- (1)  **Prior record of discipline** [see standard 1.2(f)] (See Attachment at Page 5.)  
2 priors.
- (a)  State Bar Court case # of prior case
- (b)  Date prior discipline effective
- (c)  Rules of Professional Conduct/ State Bar Act violations:
- (d)  Degree of prior discipline
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below:
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.

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- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. **SEE PG. 5.**
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**ATTACHMENT TO ADP STIPULATION**  
**RE FACTS & CONCLUSIONS OF LAW**

IN THE MATTER OF:        **ROBERT EDWARD GLASSER, State Bar No. 47291**

CASE NUMBERS:            05-O-05168

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was October 15, 2007.

**STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct, or that she has otherwise committed acts of misconduct warranting discipline, as follows:

**05-O-05168**

**FACTS:**

1. On or about August 30, 2005, Respondent's client, Nancy Mathis ("Mathis"), gave Respondent a check for \$55,000 to pay as settlement funds to the opposing party in a matter in which Respondent represented her.
2. On September 1, 2005, Respondent deposited the \$55,000 check received from Mathis into his client trust account, no.0711445288, at Union Bank of California ("CTA"). At the time that Respondent deposited Mathis' check for \$55,000, there was \$153.91 in his CTA, which resulted in a balance of \$55,153.91.
3. Respondent was required to maintain the sum of \$55,000 in trust in his CTA until he paid the settlement funds on behalf of Mathis and was not entitled to any portion of that sum.
4. On September 7, 2005, Respondent transferred \$2,093.10 from his CTA to his general account, no.0710055696, at Union Bank of California ("General Account") to pay his office rent of \$2,128.00. After transferring the \$2,093.10, the balance in the CTA fell to \$53,060.81.
5. Respondent did not deposit funds into or withdraw funds out of his CTA between the time that he deposited the \$55,000 check he received from Mathis and the time that he transferred \$2,093.10 from his CTA to his general account, *i.e.*, the balance in his CTA remained \$55,153.91.
6. Respondent knew, or was grossly negligent in not knowing, that he misappropriated at least \$1,939.19 of the settlement funds held in trust for Mathis.
7. On or about September 23, 2005, Respondent issued CTA check no. 1042 in the amount \$55,000 to the Law Offices of Larry Fabrizi Trust Account to settle the matter concerning Mathis.
8. Between the time that he transferred \$2,093.10 from his CTA to his general account on September 7, 2005 and the time that he issued CTA check no. 1042 in the amount \$55,000 on or about September 23, 2005, Respondent did not deposit funds into or withdraw funds out of his CTA, *i.e.*, the balance in the CTA remained \$53,060.81.

9. On September 27, 2005, CTA check no. 1042 in the amount \$55,000 was paid against insufficient funds as the balance in the CTA was \$53,060.81.

10. Respondent issued CTA check no. 1042 in the amount \$55,000 when he knew, or was grossly negligent in not knowing, that there were insufficient funds in his CTA.

#### **CONCLUSIONS OF LAW:**

11. By not maintaining at least \$55,000 received on behalf of Mathis in his CTA, Respondent wilfully failed to maintain the balance of funds received for the benefit of a client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

12. By knowingly, or being grossly negligent in not knowing that he, misappropriating at least \$1,939.19 of the funds held in trust for Mathis, Respondent wilfully committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

13. By issuing CTA check no. 1042 when he knew, or was grossly negligent in not knowing, that there were insufficient funds in his CTA, Respondent wilfully committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

#### **AGGRAVATING CIRCUMSTANCES.**

##### PRIOR DISCIPLINE.

Case No. S090919 (95-O-14251): Effective November 29, 2000. Violations: Charged and/or collected an illegal fee of over \$7,377 (RPC 4-200); Failed to repay an estate as ordered by the Court (SBA 6103). Discipline: Six months suspension, stayed, probation for two years with conditions including payment of restitution, MPRE within 1 year and costs.

Case No. S112689 (01-O-03803): Effective May 3, 2003 Violations: Failed to Maintain client funds in trust (RPC 4-100(A); Paying himself \$1000 more from the CTA than he was entitled (RPC 4-100(A); Failed to maintain written ledgers for client funds (RPC 4-100(B)(3); Discipline: One year suspension, stayed, probation for three years on conditions including 30 days actual suspension, to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court by its order and costs.

#### **MITIGATING CIRCUMSTANCES:**

##### CANDOR/COOPERATION:

Respondent cooperated with the State Bar in these Proceedings.

##### FAMILY PROBLEMS:

Respondent was involved in a bitter family dispute involving his father's transfer of real property to Respondent's brother and two sisters without any portion of it going to Respondent.

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In the Matter of ROBERT EDWARD GLASSER Member #47291	Case number(s): 05-O-05168
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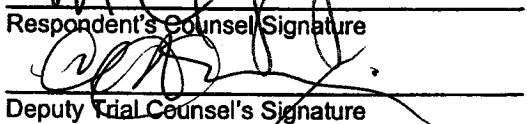
### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

<u>11/5/07</u> Date	 Respondent's Signature	<u>ROBERT E. GLASSER</u> Print Name
<u>11-7-07</u> Date	 Respondent's Counsel Signature	<u>MICHAEL G. GERNER</u> Print Name
<u>11-8-07</u> Date	 Deputy Trial Counsel's Signature	<u>CHARLES A. MURRAY</u> Print Name

(Do not write above this line.)

In the Matter Of ROBERT EDWARD GLASSER Member #47291	Case Number(s): 05-O-05168
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**ORDER**

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

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

2/7/08  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court

**DONALD F. MILES**



**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 2, 2009, I deposited a true copy of the following document(s):

**DECISION AND ORDER SEALING CERTAIN DOCUMENTS; STIPULATION  
RE FACTS AND CONCLUSIONS OF LAW**

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

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

**MICHAEL GALEN GERNER  
MICHAEL G GERNER, A PROF LAW CORP  
425 S BEVERLY DR STE 210  
BEVERLY HILLS, CA 90212**

**ROBERT EDWARD GLASSER  
NEWPORT DIVORCE ATTORNEY  
901 DOVE ST STE 205  
NEWPORT BEACH, CA 92660**

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

**CHARLES MURRAY, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 2, 2009.



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Tammy Cleaver  
Case Administrator  
State Bar Court

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT  
ALTERNATIVE DISCIPLINE PROGRAM  
1149 S. Hill St., 5th Fl., Los Angeles, CA 90015

For Clerk's Use Only:

FILED

MAR 12 2009 *kr*

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of:

ROBERT E. GLASSER,  
Member No. 47291

A Member of the State Bar of California.

Case No(s). 05-O-05168

ALTERNATIVE DISCIPLINE PROGRAM  
STATUS CONFERENCE ORDER

Date: March 11, 2009

Time: 1:45p.m.

Office of Trials by:  
CHARLES MURRAY

- In Person  
 Telephone  
 No Appearance

Named Party by:  
ROBERT E. GLASSER

- In Person  
 Telephone  
 No Appearance

Named Party's Counsel by:

- In Person  
 Telephone  
 No Appearance

Upon consideration of all evidence, reports and documents currently before it, the Court finds that Respondent

- Is in compliance with the conditions of the State Bar Court's Alternative Discipline Program.

In light of Respondent's compliance, the following are ordered by the court:

- Respondent may appear by telephone rather than in person at the next scheduled status conference.  
 Credit for inactive enrollment towards the period of actual suspension imposed as part of discipline is granted in the amount of \_\_\_\_ days/months (circle one).  
 The frequency of status conferences is hereby reduced.  
 Respondent's minimum required period of participation in the Alternative Discipline Program is hereby reduced by \_\_\_\_ days/months (circle one). The projected end date of Respondent's participation in the Alternative Discipline Program is \_\_\_\_\_.  
 Respondent has successfully completed the Alternative Discipline Program. The Court will prepare its decision and recommendation regarding the lower level of discipline.  
 **Other The inactive enrollment of Respondent Robert E. Glass pursuant to Business and Professions Code section 6233 which commenced on March 14, 2008, is hereby terminated as of March 13, 2009.**

- Is NOT in compliance with the conditions of the State Bar Court's Alternative Discipline Program.

In light of Respondent's non-compliance, the following sanctions are ordered by the court:

- Court to issue an Order to Show Cause as to why Respondent should not be placed on involuntary inactive enrollment due to non-compliance.  
 Respondent's credit for inactive enrollment towards the period of actual suspension imposed as part of discipline is hereby reduced in the amount of \_\_\_\_ days/months (circle one).  
 The frequency of status conferences is hereby increased.  
 Respondent's minimum required period of participation in the Alternative Discipline Program is hereby increased by \_\_\_\_ days/months (circle one). The projected end date of Respondent's required participation in the Alternative Discipline Program is \_\_\_\_\_.  
 Respondent is hereby terminated from the Alternative Discipline Program. The Stipulation as to Facts and Conclusions of Law will be filed by the Clerk with this order. The Court will prepare its decision and recommendation regarding the higher level of discipline.  
 Other \_\_\_\_\_

- Further Status Conference

In person  Telephonic June 15, 2009 at 11:15a.m.

IT IS SO ORDERED.

Dated: March 12, 2009

*Donald F. Miles*

DONALD F. MILES  
Judge of the State Bar Court

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**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 12, 2009, I deposited a true copy of the following document(s):

**ALTERNATIVE DISCIPLINE PROGRAM STATUS CONFERENCE ORDER**

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

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

ROBERT EDWARD GLASSER  
NEWPORT DIVORCE ATTORNEY  
901 DOVE ST STE 299  
NEWPORT BEACH, CA 92660 - 3036

MICHAEL GALEN GERNER  
MICHAEL G GERNER, A PROF LAW CORP  
425 S BEVERLY DR STE 210  
BEVERLY HILLS, CA 90212

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

**CHARLES MURRAY, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 12, 2009.



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Tammy Cleaver  
Case Administrator  
State Bar Court



**FILED**

FEB 14 2008 *fl*

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of )  
 )  
**ROBERT EDWARD GLASSER,** )  
 )  
Member No. 47291, )  
 )  
A Member of the State Bar. )

Case No. 05-O-05168  
**ORDER ENROLLING RESPONDENT  
INACTIVE PURSUANT TO BUSINESS  
AND PROFESSIONS CODE SECTION  
6233; FURTHER ORDERS**

Pursuant to Business and Professions Code section 6233, respondent Robert Edward Glasser ("respondent") is enrolled as an inactive member of the State Bar of California effective March 14, 2008, and until further order of this court.

Within 30 days after the effective date of his inactive enrollment, respondent must comply with the following requirements set forth in rule 9.20 (formerly numbered 955) of the California Rules of Court as hereby modified by this court:

1. Notify all clients being represented in pending matters and any co-counsel of his inactive enrollment pursuant to Business and Professions Code section 6233 and his consequent disqualification to act as an attorney effective 3/14/08. In the absence of co-counsel, respondent must also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;

2. Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled or notify the clients and any co-counsel of a suitable place and time where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

- 3. Refund any part of fees paid that are unearned; and
- 4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse


parties, of respondent's inactive enrollment and consequent disqualification to act as an attorney effective 3/14/08, and file a copy of the notice with the agency, court, or tribunal before which the litigation is pending for inclusion in the respective file or files.

All notices required by this order must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to respondent.

Furthermore, within 40 days after the effective date of his inactive enrollment, respondent must file with the Clerk of the State Bar Court an affidavit showing that he has fully complied with the requirements set forth above. The affidavit must also set forth an address where communications may be directed to respondent.

**IT IS SO ORDERED.**

Dated: February 7, 2008

  
DONALD F. MILES  
Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 14, 2008, I deposited a true copy of the following document(s):

**ORDER ENROLLING RESPONDENT INACTIVE PURSUANT TO  
BUSINESS AND PROFESSIONS CODE SECTION 6233; FURTHER  
ORDERS**

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

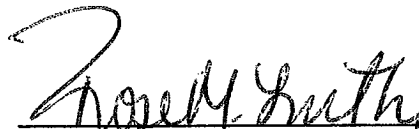
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL GALEN GERNER, ESQ.  
MICHAEL G GERNER, A PROF LAW CORP  
10100 SANTA MONICA BLVD #300  
LOS ANGELES, CA 90067**

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

**CHARLES MURRAY, ESQ., Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **February 14, 2008**.



\_\_\_\_\_  
**Rose M. Luthi**  
Case Administrator  
State Bar Court