

<p>Counsel for the State Bar                  STATE BAR OF CALIFORNIA                  OFFICE OF THE CHIEF TRIAL                  COUNSEL                  PAUL T. OBRIEN, No 171252                  CHARLES T. CALIX, No 146853                  1149 SOUTH HILL STREET                  LOS ANGELES, CA 90015</p>	<p>Case number(s)                  01-N-04309</p> <p><b>PUBLIC MATTER</b></p> <p>kwiktag® 031 977 422</p> 	<p>(for Court's use)</p> <p><b>FILED</b>  <i>MDS</i>  <b>JUN 26 2002</b></p> <p>STATE BAR COURT                  CLERK'S OFFICE                  LOS ANGELES</p>
<p>Counsel for Respondent                  KALIEH R. HONISH                  307 E. ELLINGBROOK DR.                  MONTEBELLO, CA 90640</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION                  AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of                  KALIEH R. HONISH</p> <p>Bar # 176396</p> <p>A Member of the State Bar of California                  (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 5, 1995 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 11 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years:  
2003 and 2004  
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth under "Partial Waiver of Costs"
  - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

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

(1)  Prior record of discipline [see standard 1.2(f)]

(a)  State Bar Court case # of prior case 99-0-13372 & 00-0-11652

(b)  date prior discipline effective July 21, 2001

(c)  Rules of Professional Conduct/ State Bar Act violations: 3-110 (A) & 3-700 (A) (2) of  
the Rules of Professional Conduct.

(d)  degree of prior discipline Suspended for 6 months stayed, 90 days actual,  
Probation for 3 years.

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

- (2)  Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (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.
- (3)  Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  Restitution: Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  Good Faith: Respondent acted in good faith.
- (8)  Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  No mitigating circumstances are involved.

Additional mitigating circumstances:

D. Discipline

1. Stayed Suspension.

- A. Respondent shall be suspended from the practice of law for a period of 4 years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
  - ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
  - iii. and until Respondent does the following: \_\_\_\_\_
- B. The above-referenced suspension shall be stayed.

2. Probation.

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

3. Actual Suspension.

- A. Respondent shall be actually suspended from the practice of law in the State of California for a period of Two years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
  - ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
  - iii. and until Respondent does the following: \_\_\_\_\_

E. Additional Conditions of Probation:

- (1)  If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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.
- (4)  Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall 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 probation.

- (5)  Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6)  Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7)  Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended.
- (8)  Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |
- (10)  Other conditions negotiated by the parties:
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        KALIEH RIE HONISH

CASE NUMBER(S):        01-N-04309

**FACTS AND CONCLUSIONS OF LAW.**

**Case No. 01-N-04309**

**Facts**

1.        On or about June 21, 2001, the California Supreme Court filed Order No. S096740, State Bar Court Case No. 99-O-13372, 00-O-11652 (Cons.), (hereinafter "955 Order").

2.        The 955 Order included a requirement that Respondent comply with Rule 955, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Supreme Court Order.

3.        Specifically, the 955 Order required Respondent to comply with Rule 955(a) by notifying all clients and any co-counsel of her suspension, delivering to all clients any papers or other property to which the clients are entitled, refunding any unearned attorney fees, notifying opposing counsel and adverse parties of her suspension and filing a copy of said notice with the court, agency, or tribunal before which the litigation is pending. Respondent was further required to comply with Rule 955(c) by filing with the Clerk of the State Bar Court an affidavit showing that she fully complied with those provisions of the order entered pursuant to Rule 955.

4.        The Supreme Court Order became effective on July 21, 2001, thirty days after the 955 Order was entered. Thus, Respondent was ordered to comply with subdivision (a) of Rule 955 of the California Rules of Court no later than on

or about August 20, 2001, and was ordered to comply with subdivision (c) of Rule 955 no later than on or about August 30, 2001.

5. On or about July 21, 2001, the Clerk of the Supreme Court of the State of California served upon Respondent a copy of the 955 Order.

6. On or about September 20, 2001, the Probation Unit of the Office of the Chief Trial Counsel of the State Bar of California sent to Respondent at her official State Bar Membership Records address a true and accurate copy of the 955 Order. This mailing was sent with adequate postage by regular mail via the United States Postal Service, and was **not** returned as undeliverable by the Postal Authorities.

7. At all times relevant to this Notice of Disciplinary Charges, Respondent has maintained the same official State Bar Membership Records address.

8. From on or about September 3, 2001, through the date of the filing of the Notice of Disciplinary Charges on November 27, 2001, Respondent failed to file with the Clerk of the State Bar Court a declaration of compliance with Rule 955(c), California Rules of Court. Respondent did, however, notify her five clients in writing of her suspension.

9. On or about November 27, 2001, Respondent contacted Deputy Trial Counsel. Respondent told Deputy Trial Counsel that she had closed her law office in or about January 2000, and changed her State Bar membership records address to a post office box that she did not regularly check because she was no longer practicing law. Respondent then told Deputy Trial Counsel that due to personal problems, she had failed to file with the Clerk of the State Bar Court a declaration of compliance with Rule 955(c), California Rules of Court.

10. On or about November 30, 2001, Respondent met with Deputy Trial Counsel and filed with the Clerk of the State Bar Court a declaration of compliance with Rule 955(c), California Rules of Court.

11. Respondent has displayed candor and cooperation to the State Bar since she contacted the State Bar on or about November 27, 2001.

### **Conclusions of Law**

By failing to file a declaration of compliance regarding Rule 955 in conformity with the requirements of Rule 955(c) and in a timely manner, Respondent failed to comply with the provisions of Order No. S096740 requiring compliance with Rule 955, California Rules of Court.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code section 6103.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was June 7, 2002.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 29, 2001, the estimated prosecution costs in this matter are approximately \$922.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

The parties agree that disciplinary costs shall be added to and become a part of the State Bar membership fees for the years 2003 and 2004.

### **AUTHORITIES SUPPORTING DISCIPLINE.**

In *Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131, the Supreme Court held that the generally imposed sanction for a willful violation of Rule 955 is disbarment, particularly when the willful failure was as to the basic notice requirements of Rule 955(a).

In *Shapiro v. State Bar* (1990) 51 Cal.3d 251, 255-256, an attorney timely notified clients and others of his suspension, but did not file an affidavit conforming to Rule 955(c) until five months after it was due. The Supreme Court imposed a one-year actual suspension for the rule 955 violation and one count of misconduct. *Id.* at 259-260.

In *In the Matter of Friedman* (1993) 2 Cal. State Bar Court Reporter 527, 531-523, an attorney filed an affidavit conforming to rule 955(c) two weeks late, but prior to the Supreme Court's referral order concerning the violation to the State Bar. The Court held that given the minimal delay in the attorney's compliance with Rule 955, coupled with other mitigating evidence warranted a 30-day actual suspension was sufficient discipline.

### **RESTRICTIONS WHILE ON ACTUAL SUSPENSION.**

1. During the period of actual suspension, respondent shall not:
  - a. Render legal consultation or advice to a client;
  - b. Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
  - c. Appear as a representative of a client at a deposition or other discovery matter;
  - d. Negotiate or transact any matter for or on behalf of a client with third parties;
  - e. Receive, disburse, or otherwise handle a client's funds; or
  - f. Engage in activities which constitute the practice of law.
2. Respondent shall declare under penalty of perjury that she has complied with this provision in any quarterly report required to be filed with the Probation Unit, pertaining to periods in which the respondent was actually suspended from the practice of law.

**RECOMMENDATION REGARDING ETHICS SCHOOL AND MPRE**

Attendance at a session of the Ethics School and passage of the test given at the end of that session and passage of the Multistate Professional Responsibility Examination ("MPRE") were not recommended as additional conditions of probation because Ethics School and the MPRE had been recommended as additional conditions of probation for Respondent's discipline in case numbers 99-O-13372 and 00-O-11652.

Respondent passed the MPRE on November 9, 2001, and is required by the conditions of probation in case numbers 99-O-13372 and 00-O-11652 to attend a session of the Ethics School and pass the test ~~given at the end of that session by July 21, 2002.~~ *AS SOON AS POSSIBLE.*

*CTC*

**WAIVER OF REVIEW BY THE REVIEW DEPARTMENT**

The parties agree to waive review of this stipulation by the Review Department.

Date 6/13/02

[Signature]  
Respondent's signature

TEH R. HONISH  
print name

Date \_\_\_\_\_

Respondent's Counsel's signature \_\_\_\_\_

print name \_\_\_\_\_

Date 6/13/02

[Signature]  
Deputy Trial Counsel's signature

CHARLES T. CALIX  
print name

**ORDER**

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

The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.

The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

1. In the caption on page 1 of the stipulation executed by the parties on June 13, 2002, "Amended" is inserted before "Stipulation re Facts, Conclusions of Law and Disposition and Order Approving."
2. On page 4 of the stipulation executed by the parties on June 13, 2002, "4 years" is inserted in the blank space at paragraph D.2.
3. On Page 5 of the stipulation executed by the parties on June 13, 2002, an "x" is inserted in the box requiring Respondent to comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

6-26-02  
Date

[Signature]  
Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 28, 2002, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING, filed June 26, 2002**

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:

**KALIEH R HONISH ESQ  
307 E ELLINGBROOK DR  
MONTEBELLO, CA 90640**

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

**Charles T. Calix, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 28, 2002.**

  
\_\_\_\_\_  
**Milagro del R. Salmeron**  
Case Administrator  
State Bar Court