

<p>Counsel for the State Bar</p> <p>THE STATE BAR OF CALIFORNIA          OFFICE OF THE CHIEF TRIAL COUNSEL          BROOKE A. SCHAFER, No. 194824          1149 South Hill Street, 10th Floor          Los Angeles, California 90015-2299          Telephone: (213) 765-1051</p>	<p>Case Number(s)</p> <p>01-O-02794-RMT          02-O-13941; 03-O-1780;          03-O-4232; 03-O-1042;          03-O-00061; 03-O-4382;          03-O-5070; <i>04.0.11104;</i>   <i>04.0.11404</i></p>	<p>(for Court use)</p> <p><del>LODGED</del>          OCT 15 2004          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES          FILED          SEP 25 2007          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES</p>
<p>Counsel for Respondent</p> <p>John Thomas Logan          3255 Wilshire Blvd #606          Los Angeles, CA 90010</p> <p>kwiktag® 031 978 717  </p>	<p><del>CONFIDENTIAL</del></p> <p><b>PUBLIC MATTER</b></p>	
<p>of the Matter of          John T. Logan</p> <p>Bar # 66623</p> <p>(A Member of the State Bar of California          Respondent)</p>	<p>Submitted to Pilot Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 18, 1975  
 (Date)
- (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 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. Dismissed charge(s)/count(s) are listed under "Dismissals." This stipulation consists of 15 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 and will pay timely any disciplinary costs imposed in this proceeding.

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 (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

B. Aggravating Circumstances (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 99-0-13652
- (b)  Date prior discipline effective October 14, 2001
- (c)  Rules of Professional Conduct/State Bar Action violations RPC- 3-110(A)
- (d)  Degree of prior discipline Reproval
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8)  No aggravating circumstances are involved.

Additional aggravating circumstances:

SEE ATTACHED

C. Mitigating Circumstances [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 of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

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

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot 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 Pilot 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.

8/18/04  
Date

  
Respondent's Signature

John T. Logan  
Print Name

8/19/04  
Date

  
Respondent's Counsel Signature

MICHAEL E WINE  
Print Name

Aug 19 2004  
Date

  
Deputy Trial Counsel's Signature

Brooke A. Schafar  
Print Name

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF JOHN THOMAS LOGAN

CASE NOS: 01-O-02794, 02-O-13941, 03-O-01780, 03-O-04232, 03-O-01042  
03-O-00061, 03-O-4382, 03-O-5070, 04-O-11104, and 04-O-11404

**FACTS AND CONCLUSIONS OF LAW**

Case no. 01-O-02794 (Nelson)

1. In August 2000 Robert Nelson employed Respondent to prepare and file an appeal of Nelson's criminal conviction and/or Writ of Habeas Corpus, for which Nelson paid Respondent \$3,500 in advanced attorneys' fees. A year later, however, in August 2001, Respondent still had not filed either an appeal or a writ.

2. During the year of representation Nelson was unsure whether he wanted Respondent to continue representing him. At one point Respondent was terminated then re-hired. The two agreed that Respondent would repay Nelson \$1567.27, representing the original advanced fees less payment for other legal work Respondent had performed for Nelson during this period. Respondent has paid only \$700 of this sum, with \$865.27 still due and owing.

Conclusions of Law - case 01-O-02794

– By failing to return to Nelson \$865.27 in attorneys' fees advanced but unearned, Respondent failed promptly to refund unearned fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case no. 02-O-13941 (Tafoya)

3. In 2002 Respondent represented Fermin Tafoya in a criminal appeal before the United States Court of Appeals for the Ninth Circuit. On April 12, 2002, the court ordered Respondent to submit an opening brief on behalf of Tafoya within 14 days. Respondent had knowledge of the court's order, but still failed to file the brief on Tafoya's behalf.

4. On May 17, 2002, the court issued another order directing Respondent to show cause in writing, within 14 days, why he should not be sanctioned and deemed ineligible to receive future appellate appointments due to Respondent's failure to comply with the order in Tafoya's case. Respondent knew of this order too, but failed to file a response to the Order to Show Cause.

5. On July 29, 2002, the court imposed monetary sanctions in the sum of \$500 on Respondent for his failure to obey the May 17, 2002 Order. Respondent has not paid the sanctions.

Conclusion of Law - case no. 02-O-13941

– By failing to comply with, or to respond to, three orders of the Ninth Circuit, Respondent has willfully disobeyed an order of the court requiring him to do an act connected with or in the course of his profession, which he ought in good faith to do, in wilful violation of Business & Professions Code Section 6103.

Case no. 03-O-01780 (Fuentez)

6. In January 2002 Maria Fuentez (“Fuentez”) employed Respondent to file a petition for Writ of Habeas Corpus on Fuentez’s behalf in the United States Court of Appeals for the Tenth Circuit. Fuentez paid Respondent a flat fee of \$3,500.00 for this work.

7. Between January 2002 and January 2003, Fuentez wrote six letters to Respondent, inquiring about the status of her case and requesting that Respondent communicate with her concerning the status of the case. Respondent never replied in any way to any of the letters, even though he received them.

8. Respondent never prepared nor filed the petition on behalf of Fuentez, nor did he perform any work of value to Fuentez. Respondent effectively abandoned Fuentez, and she is entitled to a refund of the entire \$3500.00 advanced by her.

Conclusions of Law - case no. 03-O-01780

– By failing to file a petition for Writ of Habeas Corpus, by failing to communicate with his client, by failing to notify Fuentez of his intent to withdraw from the case or to take any steps to minimize reasonably foreseeable prejudice to his client due to his withdrawal, Respondent recklessly failed to perform the legal services for which he was employed, in violation of Rules of Professional Conduct, rule 3-110(A).

– By failing to return to Fuentez any portion of the \$3,500.00 advanced fees despite his having earned none of it, Respondent failed to return an unearned fee in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Investigation 03-O-04232 (UPL)

9. From September 16, 2003, to October 2, 2003, Respondent was on inactive status with the State Bar of California and therefore not entitled to practice law. He was placed on inactive status for failure to comply with Minimum Continuing Legal Education (MCLE) requirements. Respondent knew he had been placed on inactive status as of September 16, 2003.

10. On September 17, 2003, Respondent appeared in federal Immigration Court in the Matter of Hugo Antonio Parejo. On September 18, 2003, Respondent appeared in Immigration Court in the Matter of Mario Alfredo Avendano-Garcia. On September 22, 2003, Respondent filed a request to commence a bond proceeding in Immigration Court in the Matter of Hector Aleman-Aleman. On September 24, 2003, Respondent again appeared in Immigration Court in the Matter of Hugo Antonio Parejo. On September 25, 2003, Respondent filed a motion for a continuance in

Immigration Court in the Matter of Ignacio Sarabia-Villsenor. On September 26, 2003, Respondent filed a motion in Immigration Court in the Matter of Agustin Reyes-Nambo. On September 30, 2003, Respondent appeared in Federal District Court in the matter of United States of America v. Edward Lona. At all these relevant times Respondent was not entitled to practice law.

Conclusion of law - 03-O-4232

– By making appearances in court and filing motions in court between September 16, 2003, and October 2, 2003, Respondent held himself out as entitled to practice law and in fact practiced law when he was not an active member of the State Bar of California, thereby engaging in the unauthorized practice of law in willful violation of Business & Professions Code Sections 6125 and 6126(b). Respondent thereby willfully failed to support the laws of the State of California in violation of Business & Professions Code Section 6068(a).

Investigation 03-O-01042 (Garcia-Negrete)

11. On October 15, 2002, Respondent represented Rodolfo Garcia-Negrete ("Garcia-Negrete"), against whom Removal Proceedings had been initiated in Immigration Court. On October 15, 2002, Respondent was properly served with a notice of the date, time, and location of a hearing on the merits of the Garcia-Negrete's matter. The hearing was set for November 20, 2002.

12. On November 20, 2002, Respondent failed to appear at the hearing. Also on November 20, 2002, Immigration Court staff contacted Respondent in his office by telephone regarding Respondent's failure to appear. Respondent told them that he had failed to properly calendar the hearing. The hearing date was ordered continued until February 25, 2003, notice of which was provided to Respondent in that telephone conversation and in writing.

13. Respondent began serving a sixty (60) day actual suspension on January 11, 2003 in an unrelated State Bar disciplinary matter. Notice of Respondent's period of actual suspension was mailed to Respondent at Respondent's then-current business address as reflected in Respondent's State Bar membership records. The suspension continued through March 11, 2003.

14. Approximately one week prior to the February 25, 2003 immigration hearing, and while still on disciplinary suspension, Respondent conferred with Garcia-Negrete concerning the removal hearing. Following this conference, Garcia-Negrete believed that Respondent intended to be present for the February 25, 2003 hearing.

15. A few minutes before noon on February 25, 2003, Respondent called Immigration Court staff and requested to file a motion for continuance of that day's removal hearing by fax. Court staff informed Respondent that the court did not accept filings in that fashion. Respondent did not indicate that he was ineligible to practice law on that date, nor did he provide any other basis for a continuance.

16. Respondent failed to appear at the removal hearing. Garcia-Negrete, who did appear at the hearing, requested to complete his case that day without his counsel present, requested that Respondent be relieved as his counsel, and indicated his intention to pursue an action against

Respondent with the State Bar. The court relieved Respondent of his representation of Garcia-Negrete and proceeded to hear the matter.

Conclusions of law - investigation no. 03-O-1042

– By failing to take reasonable steps to request a continuance or arrange for another attorney to appear at the hearing prior to the February 25, 2003 hearing in his client's removal proceeding, Respondent intentionally failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).

– By failing to inform Garcia-Negrete, in advance of the disciplinary suspension, that Respondent would be ineligible to appear on the continued hearing date, Respondent failed to keep his client reasonably informed about significant developments relating to the employment or representation in wilful violation of Rule of Professional Conduct, rule 3-500.

Investigation no. 03-O-00061 (SBI)

17. In 2002 Respondent represented Brigitte Riedl in an appeal before the United States Court of Appeals for the Ninth Circuit. A dispute arose between the two over compensation, and after March 2002, Respondent stopped working on Riedl's appeal. At no time, however, did Respondent inform Riedl, the court or opposing counsel that he was withdrawing from the case. Respondent effectively abandoned Riedl's appeal.

18. Riedl's opening brief was not filed by its March 11, 2002, deadline, and the filing and docketing fees, which had been due earlier, still had not been paid. In April 2002 the Court gave Respondent notice that the appeal would be dismissed if it was not prosecuted. Respondent did not respond in any way, and in July 2002 the court filed a default order in the appeal.

19. In August 2002 the court received a letter from Riedl, in which she wanted to know the status of her appeal and also informed the court that Respondent had abandoned her legal matter. In response the court gave Riedl additional time to prosecute her appeal. Riedl was forced to hire another attorney, who then had less than one month to file the appeal and get the matter in order with the court.

20. Additionally, on August 9, 2002, the court set an Order to Show Cause ("OSC") hearing, seeking a written response from Respondent within 14 days as to why the court should not impose sanctions on Respondent for failing to comply with the court's rules and orders.

21. Respondent failed to respond to the court's OSC. Accordingly, the court imposed sanctions of \$500.00, which the court ordered to be paid by December 20, 2002. Respondent failed to pay these sanctions.

22. At no time did Respondent take any steps to properly withdraw from representing Riedl. At no time did Respondent take any steps to avoid or minimize reasonably foreseeable prejudice to Riedl.

Conclusions of Law – investigation no. 03-O-00061

– By effectively abandoning her appeal without taking any steps to avoid reasonably foreseeable prejudice to his client, including without limitation informing his client, opposing counsel or the court of his intent, Respondent intentionally failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

– By failing to comply with the court’s August 9, 2002, order re: OSC, by failing to comply with the court order to pay \$500.00 in sanctions within 21 days, Respondent wilfully disobeyed an order of the court requiring him to do an act connected with or in the course of his profession, which he ought in good faith to do, in wilful violation of Business & Professions Code Section 6103.

Investigation no. 03-O-4382 (SBI)

23. In 2003 Respondent represented Harold Goldstein in criminal proceedings in U.S. District Court. Those proceedings were related to Goldstein allegedly falsely representing himself as an attorney in immigration matters in federal court.

24. Also in 2003 Respondent agreed to represent Mario Avendano Garcia (“Avendano”). Avendano had been a former “client” of phony lawyer Goldstein. At the time he accepted Avendano as a client, Respondent still represented Goldstein. Further, Goldstein listed Avendano as a named witness in his case.

25. Avendano had sought a writ of habeas corpus in U.S. District Court upon the grounds that Goldstein fraudulently represented himself as an attorney in his immigration case. When Respondent agreed to represent Avendano he knew of Goldstein’s involvement. The two clients’ interests were adverse to one another.

Conclusion of law – investigation no. 03-O-4382

– By representing both Avendano and Goldstein at the same time, when their interests were adverse to one another, Respondent wilfully represented a client in a matter and at the same time in a separate matter accepting as a client a person or entity whose interest in the first matter was adverse to the client in the first matter, without the informed written consent of each client, in violation of Rules of Professional Conduct, rule 3-310(C)(3)

Investigation no. 03-O-5070 (SBI)

26. Respondent represented a client named Hugo Parejo in the federal immigration court in El Centro, California, in 2003. On November 26, 2003, the immigration court scheduled a hearing in Parejo’s matter for December 10, 2003, at 10:00 a.m.

27. At the time the immigration court scheduled a hearing for December 10, 2003, Respondent already had his own court hearing scheduled before the State Bar Court in Los Angeles for the same date and time.

28. Respondent waited until December 9, 2003, to file a motion requesting a continuance of Parejo's immigration matter due to his personal conflict with the court date. The immigration court, the Hon. Jack H. Weil presiding, denied Respondent's motion on December 9, 2003, for three reasons: (1) the motion was unsigned, (2) the motion was untimely and did not give the government an opportunity to respond, and (3) Parejo's liberty interest took precedence over Respondent's State Bar matter.

29. In response to the court's December 9, 2003, order denying his motion, Respondent filed a signed motion to continue Parejo's matter the next day, December 10, 2003, shortly before the hearing time. This second motion was still denied for lack of good cause. In addition to the motion, however, Respondent sent the court a letter, addressed to Judge Weil, which was not part of the motion to continue. In his letter Respondent attempted to explain the facts and circumstances surrounding the conflict in the court dates. The letter did not contain a certificate of service and it was not provided to opposing counsel.

30. The immigration court issued an order dated December 10, 2003, in which, *inter alia*, it found Respondent's letter dated the same day to be an improper ex parte communication.

31. Additionally, Parejo had a hearing scheduled for 10:00 a.m. January 28, 2004. Respondent was aware of this court date and time. On January 28, 2004, Respondent did not appear for the hearing at the scheduled time. At 10:15 a.m. the court clerk located Respondent by cell phone at a retail establishment. Parejo's case started significantly late due to Respondent's failure to appear on time.

#### Conclusion of law – investigation no. 03-O-5070

– By waiting until December 9, 2003, to bring the motion to continue before the court when he knew or should have known on or around November 26, 2003, of the conflict; by not providing a signed motion to continue in his December 9, 2003, motion; by submitting the December 10, 2003, letter to the judge without also providing it to opposing counsel; and by not appearing at the proper date and time for the January 28, 2004, hearing, Respondent repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).

#### Investigation no. 04-O-11104 (probation violation case)

32. By order dated December 12, 2002, the Supreme Court imposed discipline on Respondent in case no. S110459 (State Bar case nos. 01-O-01265 et al). The Supreme Court suspended Respondent for one year, and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct and until he makes the restitution specified in the order approving stipulation, but stayed the execution of the suspension on the condition that Respondent comply with all terms of probation. He received 60 days actual suspension. The Supreme Court order took effect on January 11, 2003.

33. As terms of probation, Respondent was ordered to submit to the Probation Unit, Office of Chief Trial Counsel ("Probation Unit"), the following: (1) written quarterly reports every January 10th, April 10th, July 10th and October 10th of each year of probation; (2) quarterly medical reports

which evidenced a minimum of two treatment sessions per month with a duly licensed psychiatrist, psychologist or clinical social worker; and (3) proof of monthly restitution payments to eight (8) separate individuals.<sup>1</sup> Respondent knew of his probation conditions. Moreover, the State Bar Probation Unit provided him with a courtesy copy of the disciplinary order imposing probation and a letter confirming the terms and conditions of probation, including suspension, on January 8, 2003.

34. In July 2003, the State Bar Probation Unit contacted Respondent by telephone and informed him that he was not in compliance with his terms of probation. To date, Respondent has failed to comply with the terms of probation in that he has not submitted any quarterly reports, medical reports, or proof of restitution to the Probation Unit.

Conclusion of law – investigation no. 04-O-11104

– By failing to comply with probation as ordered by Supreme Court order no. S110459, Respondent failed to comply with all conditions attached to any disciplinary probation, in wilful violation of Business and Professions Code, section 6068(k).

Investigation no. 04-O-11404 (UPL)

35. Respondent was on inactive status from September 16, 2003, to October 2, 2003, due to his failure to comply with MCLE requirements. Respondent knew that as of September 16, 2003, he would not be entitled to practice law in California.

36. During this time Respondent represented Edward Lona in a criminal defense matter in federal court. On September 30, 2003, Respondent appeared with Lona for trial, and allowed the court to swear in a jury on the case. Respondent did not inform the court of his inactive status. The Lona matter was serious, and carried a potential life sentence for Lona.

37. The court became aware of Respondent's inactive status after empaneling the jury and was compelled to continue the start of the trial one week, to October 7, 2003, at 8:30 a.m.

38. Shortly before midnight on October 6, 2003, however, Respondent notified the court that he was in the hospital for chest pains. The court set the Lona matter over one day, until 8:00 a.m. October 8, 2003.

39. Respondent arrived more than an hour late on October 8, 2003, for start of trial. The court sanctioned him \$700.00 for his tardiness.

40. Respondent also told the court he did not feel competent to represent Lona at that time. The court ultimately declared a mistrial and set a status conference for October 27<sup>th</sup> and directed

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<sup>1</sup> Respondent was ordered to make restitution to the following individuals or to CSF if it had paid: (1) Chantelle Stone in the amount of \$5,000, plus interest accruing from March 1, 2001; (2) Carlos Armendariz in the amount of \$2,000, plus interest accruing from June 1, 2001; (3) Linda Taylor in the amount of \$5,000, plus interest accruing from April 1, 2001; (4) Antonio Lopez in the amount of \$2,700, plus interest accruing from June 1, 2001; (5) Tony Plascencia in the amount of \$2,000, plus interest accruing from July 1, 2001; (6) Rigaberto Salcido in the amount of \$2,200, plus interest from August 1, 2000; (7) Paula Kusmierz in the amount of \$5,000, plus interest from March 1, 1999; and (8) Enrique Branch in the amount of \$2,500, plus interest from August 1, 2000.

Respondent to obtain a medical evaluation as to his fitness to continue representing Lona and to file a statement regarding his fitness by October 22, 2003.

41. Respondent did not file a statement regarding his fitness to represent Lona by October 22, 2003, as the court had ordered.

42. Respondent did not appear at the October 27, 2003, hearing. Instead, he was present in another courtroom. He had made no mention to either court that he had conflicting court appearances. The court in the Lona matter continued its hearing to October 28, 2003.

43. Respondent appeared on October 28, 2003. He had not seen a doctor in the interim, but explained that he felt well enough to go forward with the Lona trial. Trial took place in December 2003.

44. In an unrelated criminal matter, Respondent appeared in court on September 22, 2003, for a hearing in a matter involving his client Alejandro Gutierrez-Rios. At the time Respondent was not entitled to practice law, or to hold himself out as being entitled to practice law. Moreover, Respondent did not notify the court or opposing counsel that he was on inactive status at the time. Subsequently, when the court found out about his appearance on inactive status and inquired about it, Respondent had no explanation for his failure to inform the court.

#### Conclusions of law – investigation no. 04-O-11404

– By holding himself out as being entitled to practice law, and appearing in court on September 22 and 30, 2003, at a time when he was not entitled to practice law, Respondent held himself out as entitled to practice law and in fact practiced law when he was not an active member of the State Bar of California, thereby engaging in the unauthorized practice of law in willful violation of Business & Professions Code Sections 6125 and 6126(b). Respondent thereby willfully failed to support the laws of the State of California in violation of Business & Professions Code Section 6068(a).

– By failing to inform the court in the Lona matter that he was not entitled to practice law until a jury was empaneled causing delay in the trial; by not obtaining a doctor's evaluation and filing a report with the court as to his fitness by October 22, 2003; and by not timely appearing in court as scheduled on October 8 or 27, 2003, Respondent recklessly failed to provide legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).

#### **AGGRAVATING CIRCUMSTANCES, cont'd from page 2:**

##### Additional Prior Discipline, cont'd

(2) State Bar case no. 01-O-1265 et al. (Supreme Ct. order S110459). Effective January 11, 2003. Multiple violations of RPC 3-110(A) and 3-700(D)(2). Received 12 mos. stayed suspension, 60 days actual suspension.

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## WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed on September 16, 2003, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

### RESTITUTION

#### Waivers re: Restitution

(1) Respondent agrees that it is appropriate, given the intent of the Pilot Program, that restitution be paid as soon as practicable. To that end, Respondent understands that the court may require him to pay some or all of the restitution as part of his obligations prior to successful completion of the Pilot Program.

(2) Further, Respondent understands and agrees that in some cases the State Bar Client Security Fund ("CSF") can pay restitution in these matters, with the Respondent then responsible for reimbursing CSF for any such amounts it has paid. Respondent understands that he may still owe claimants interest payments in addition to reimbursement for restitution paid by CSF.

(3) By entering into this stipulation Respondent expressly makes the following waivers, pursuant to Rule of Procedure 805:

● **Respondent expressly waives any objection to immediate payment by the State Bar's Client Security Fund upon a claim(s) for the principal amounts of restitution set forth herein.**

● **Respondent waives any objections related to the State Bar's (including OCTC, Client Security Fund or State Bar Court) notification to victims or complainants regarding the amounts due to them (whether principal or interest), the resolution of matters related to restitution, the procedures involved in fee arbitration, or regarding assistance in obtaining restitution or payment from the Client Security Fund or from Respondent, at any time after Respondent's admission to the Pilot Program. Respondent expressly waives confidentiality for purposes of effectuating this section re: restitution, has reviewed Rule of Procedure, rule 805 and has had opportunity to consult with counsel prior to this waiver(s).**

#### Restitution Amounts

Respondent shall pay restitution to the following individuals (and/or the Client Security Fund, if it has paid) in the following amounts plus 10 percent interest per annum accruing from the dates indicated. To the extent Respondent has paid any restitution prior to the effective date of the order arising from this stipulation he shall be given credit for such payments provided satisfactory proof is shown to the Probation Unit of the State Bar:

(1) Robert Nelson, \$865.27 plus interest from January 1, 2002.

(2) Maria Fuentez, \$3500.00 plus interest from February 1, 2002.

(3) Respondent provided some legal services to Fermin Tafoya, Rodolfo Garcia-Negrete, Brigitte Riedl, Hugo Parejo, and Edward Lona. However, his representation of these clients was less than adequate for the various reasons described herein. Accordingly, Respondent agrees to: (i) write to each of these former clients within thirty (30) days of entering into the Pilot Program and in each such writing to offer to consent to binding arbitration should these former clients wish to pursue the matter in fee arbitration, (ii) abide by any fee arbitration award and/or resulting order related thereto as if it were a condition of Pilot Program compliance, (iii) not raise any defense to fee arbitration based on statute of limitations, (iv) retain a copy of each such letter and present said copy to State Bar Court, State Bar Probation and/or Office of Chief Trial Counsel upon request.

### **COMPLIANCE WITH UNDERLYING COURT ORDERS**

Respondent acknowledges his continuing responsibilities under the court orders which form the bases of some of the instant misconduct. To that end:

(1) Respondent shall fulfill his requirements under court orders issued by the Ninth Circuit dated April 12, 2002, May 17, 2002, and July 29, 2002, in the matter involving Fermin Tafoya, described in State Bar case no. 02-O-13941.

(2) Within 90 days of the effective date of the effective date acceptance into the Pilot Program, Respondent shall become current with all conditions under Supreme Court order S110459, which is described in the probation violation case, State Bar case no. 04-O-11104. He shall maintain strict compliance with that order during the entire period of probation therein.

### **PENDING PROCEEDINGS**

The disclosure date referred to, on page one, paragraph A.(6), was August 17, 2004.

///// END OF ATTACHMENT /////

ORDER

Finding this stipulation to be fair to the parties, 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.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

10/15/04

Date



Judge of the State Bar Court

**RICHARD A. HONN**

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 19, 2004, I deposited a true copy of the following document(s):

**DECISION RE ALTERNATIVE RECOMMENDATIONS FOR DEGREE OF DISCIPLINE;**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW; and,**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES, all lodged October 15, 2004**

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

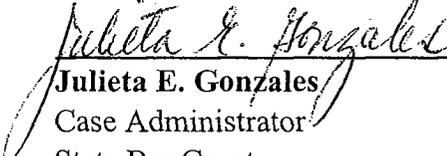
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL E WINE ESQ  
3218 E HOLT AVE #100  
WEST COVINA, CA 91791**

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

**Brooke Schafer, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 19, 2004**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
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 September 25, 2007, I deposited a true copy of the following document(s):

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

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

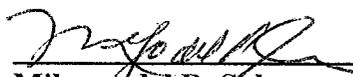
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOHN THOMAS LOGAN  
LOGAN LAW OFFICE  
1613 CHELSEA RD #250  
SAN MARINO, CA 91108**

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

**Eric Hsu, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 25, 2007**.

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