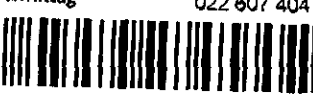


<p><b>Counsel for the State Bar</b>                  THE OFFICE OF THE CHIEF TRIAL                  COUNSEL, ENFORCEMENT                  ELI D. MORGENSTERN, No. 190560                  THE STATE BAR OF CALIFORNIA                  1149 South Hill Street                  Los Angeles, CA 90015-2299                  Telephone: (213) 765-1000</p>	<p><b>Case number(s)</b>                  02-0-16082</p> <p><b>PUBLIC MATTER</b></p> <p>kwiktag® 022 607 404  </p>	<p>(for Court's use)</p> <p><b>FILED</b>                  SEP 26 2003 ✓                  STATE BAR COURT                  CLERK'S OFFICE                  LOS ANGELES</p>
<p><b>Counsel for Respondent</b>                  Pedro Bonilla-Salcido                  In Pro Per                  204 S. 8th Street                  El Centro, CA 92243                  (760) 353-1424</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION                  AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p><b>In the Matter of</b>                  Pedro Bonilla-Salcido</p> <p>Bar # 127587</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 17, 1987  
 (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 10 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):
  - costs added to membership fee for calendar year following effective date of discipline
  - costs to be paid in equal amounts prior to February 1 for the following membership years:  
one half of costs shall be added to and become a part of the membership fees for the years 2004, 2005, 2006 & 2007.  
 (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 00-0-10290

(b)  date prior discipline effective October 4, 2002

(c)  Rules of Professional Conduct/ State Bar Act violations: rules 3-110(A) and 4-100(A)

of the Rules of Professional Conduct; and Business and Professions Code Section 6106.

(d)  degree of prior discipline One year stayed suspension; three years probation with conditions including sixty(60) days actual suspension and until restitution satisfied.

(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)  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.
- (10)  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.
- (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 One (1) year

- 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 One (1) year which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.) Please see other conditions negotiated by the parties on page 9.

E. Additional Conditions of Probation:

- (1)  During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  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.
- (3)  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.
- (4)  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.
- (5)  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.

- (6)  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.
- (7)  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.
- (8)  The following conditions are attached hereto and incorporated:
- Substance Abuse Conditions     Law Office Management Conditions
- Medical Conditions                       Financial Conditions
- (9)  Other conditions negotiated by the parties: Please see Page 9.

- 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 within one year. 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.

In the Matter of

PEDRO BONILLA-SALCIDO

Case Number(s):

A Member of the State Bar

02-0-16082

**Law Office Management Conditions**

- a.  Within \_\_\_ days/ \_\_\_ months/ \_\_\_ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b.  Within \_\_\_ days/ \_\_\_ months \_\_\_ years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than \_\_\_ hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for one (1) year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

**ATTACHMENT TO**

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

IN THE MATTER OF: PEDRO BONILLA-SALCIDO

CASE NUMBER(S): 02-O-16082

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct.

**Facts**

1. On or about February 29, 2000, Josefa Ruiz Rivera ("Rivera") employed Respondent to represent her in a Removal Proceeding in Immigration Court in Phoenix, Arizona entitled *In the Matter of Josefa Ruiz-Rivera*, Case No. A29-257-161 ("the Rivera matter"). At or about that time, Rivera paid Respondent \$1,500.00 in advanced fees for his services.

2. Subsequently, Respondent informed Rivera that unless Rivera could win on the facts of her case, she would be deported because she was no longer eligible for cancellation of removal.

3. Subsequent to the aforementioned conversation, Respondent was unable to contact Rivera at her last known address and telephone number.

4. On or about August 30, 2000, the Rivera matter was called for a Master Calendar Hearing. Respondent had knowledge of the hearing date. Neither Respondent nor Rivera appeared. As a result of Rivera's failure to appear, the Immigration Court found that Rivera had abandoned any and all relief from removal, and ordered her removed from the United States.

5. On or about February 22, 2001, Rivera returned to Respondent's office and paid Respondent an additional \$1, 000.00 in fees, for the purpose of filing a motion to reopen the Immigration Court's removal decision in the Rivera matter.

6. Rivera indicated that she would be able to provide Respondent with facts constituting exceptional circumstances which would explain her failure to appear at the August 30, 2000

Master Calendar Hearing. Rivera did not communicate again with Respondent.

7. Consequently, Respondent did not file a motion to reopen the Immigration Court's removal decision in the Rivera matter. On or about May 2, 2002, Rivera hired new counsel to assist her in filing a motion to reopen the Immigration Court's removal decision.

8. On or about May 27, 2003, Respondent provided Rivera with a refund of unearned fees in the sum of \$1, 300.00.

#### Legal Conclusions

By failing to appear at the August 30, 2000, Master Calendar Hearing, and by failing to advise Rivera why he did not file the motion to reopen the Immigration Court's removal decision in the Rivera matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of rule 3-110(A) of the Rules of Professional Conduct.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was August 19, 2003.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 19, 2003, the estimated prosecution costs in this matter are approximately \$1, 983.00. 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.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

##### Failure to Perform

*Van Sloten v. State Bar* (1989) 48 Cal.3d 921. The attorney failed to use reasonable diligence in procuring marital dissolution requested by client. The Supreme Court ordered the attorney suspended for six months, stayed on condition of one year probation.



**STATE BAR ETHICS SCHOOL AND MPRE EXCLUSION.**

It is not recommended that Respondent attend State Bar Ethics School since Respondent attended Ethics School within the last two years on August 14, 2003 in connection with case no. 00-O-10290.

The MPRE is not recommended because Respondent took the exam on August 8, 2003 in connection with case no. 00-O-10290.

**OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

Respondent is currently on probation pursuant to the terms ordered by the California Supreme Court in Order S108145 (State Bar Case No. 00-O-10290). The effective date of the Order was October 4, 2002; and Respondent will remain on probation pursuant to the terms of the Order until October 4, 2005.

The one year period of probation imposed pursuant to the discipline herein is to run consecutive, and not concurrent, to the probation imposed pursuant to Supreme Court Order S108145.

**OTHER FACTORS IN CONSIDERATION.**

Respondent's misconduct in State Bar Case No. 00-O-10290 occurred around the same time as the misconduct herein. If the two cases were to have been considered by the Court at the same time, Respondent would have received one more year of probation. (See generally *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.)

Date 9-8-03

Pedro S. Bonilla  
Respondent's signature

PEDRO BONILLA-SALCIDO  
print name

Date \_\_\_\_\_

Respondent's Counsel's signature

print name

Date 9-10-03

ELI D. MORGENSTERN  
Deputy Trial Counsel's signature

ELI D. MORGENSTERN  
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. On page 1, paragraph A. (7), after "[x] costs to be paid in equal amounts . . . .", delete "2004, 2005, 2006 & 2007." and insert "2005, 2006, 2007 & 2008."
2. On page 2, paragraph B.(1)(d), insert an "x" in the box before "degree of prior discipline . . . ."
3. On page 5, paragraph (6), after "[x] No Ethics School recommended.", add - "(See page 9.)"
4. On page 5, after "[x] No MPRE recommended.", add - "(See page 9.)"

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.)

Date 9/26/03

Richard A. Honn  
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 September 26, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING, filed September 26, 2003**

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

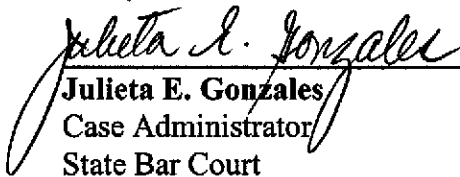
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**PEDRO BONILLA-SALCIDO ESQ  
204 S 8TH ST  
EL CENTRO, CA 92243**

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

**Eli D. Morgenstern, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 26, 2003.**

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court