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| <p align="center">State Bar Court of California</p> <p>Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco</p> | | |
| <p>Counsel for the State Bar Eric H. Hsu Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 Tel: (213) 765-1247</p> <p>Bar # 213039</p> | <p>Case number(s) 04-0-11253-RAP</p> <p align="center">PUBLIC MATTER</p> <p align="center">kwiktag® 022 605 249</p>  | <p>(for Court's use)</p> <p align="center">FILED</p> <p align="center">JUN 13 2005 <i>[Signature]</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> |
| <p><input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent Edward O. Lear, Esq. Century Law Group 5200 West Century Blvd., #940 Los Angeles, CA 90045 Tel: (310) 642-6900 Bar # 132699</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>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> | |
| <p>In the Matter of PAUL F. FEEN Bar # 31680 A Member of the State Bar of California (Respondent)</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 June 6, 1961
(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 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) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.

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| (Do not write above this line.) In the Matter of PAUL F. PERZIN Case Number(s): 04-0-11253-RAP | |
| LAW AND DISPOSITION NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member: (a) Admission of culpability. (b) Denial of culpability. (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the plea, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied) | |
| RULE 133, Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION (a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following: (5) a statement that Respondent either (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or (ii) pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following: (a) an acknowledgment that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and (b) if requested by the court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter. (emphasis supplied) | |
| I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c). | |
| Date: 6-8-05 Signature:  Print name: PAUL F. PERZIN | Nolo 1-A page# |

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(8) 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:
- (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

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 _____

(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 or a separate attachment entitled "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.

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- (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: NONE

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 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.

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- (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:

The parties hereby submit the following statement for this court's consideration. The State Bar does not stipulate to the truth of Respondent's assertion, nor does the State Bar stipulate that Respondent's assertion constitutes any cognizable mitigating circumstance under standard 1.2(e):

Respondent contends that he did not personally speak with Torre-Begin and inform Torre-Begin at any time relevant to these charges that her case was ongoing. However, Respondent acknowledges that he is responsible for the actions of his office staffs.

D. Discipline:

(1) **XX Stayed Suspension:**

(a) **XX** Respondent must be suspended from the practice of law for a period of two years

- i. **XX** 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 as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: _____

(b) **XX** The above-referenced suspension is stayed.

(2) **XX Probation:**

Respondent must be placed on probation for a period of three years, which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) **XX Actual Suspension:**

(a) **XX** Respondent must be actually suspended from the practice of law in the State of California for a period of 60 days

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 as set forth in the Financial Conditions form attached to this stipulation.

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 must 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) **XX** During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) **XX** 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.

(4) **XX** Within thirty (30) days from 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.

(5) **XX** 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 or her 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 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 probation.

(6) ☐ Respondent must be assigned a probation monitor. Respondent must 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 must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

(7) **XX** Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation 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.

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- (8) ☒ 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 Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: _____
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation 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. Reason: _____
- (2) ☐ **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) ☐ **Other Conditions:**

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| In the Matter of PAUL F. FEEN | Case Number(s): 04-0-11253-RAP |
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Law Office Management Conditions

- a. ☐ Within ___ days/ ___ months/ ___ years of the effective date of the discipline herein, Respondent must develop a law office management/ organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within ~~XXXXXX~~ 12 months ~~XXXXXX~~ of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 9 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will 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 must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for ___ year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PAUL F. FEGEN

CASE NUMBER: 04-O-11253-RAP

FACTS AND CONCLUSIONS OF LAW.

Respondent PAUL F. FEGEN ("Respondent") pleads nolo contendere to the following facts and violations. Respondent completely understands that his plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his culpability of the statutes and Rules of Professional Conduct specified herein.

a. Facts.

1. Respondent was admitted to the practice of law in the State of California on June 6, 1961, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California ("State Bar").

2. On or about October 14, 1998, Theresa De La Torre-Begin ("Torre-Begin") employed Respondent to represent her in a personal injury matter arising out of an automobile accident which occurred on October 7, 1998. Pursuant to the employment agreement signed by Torre-Begin, Respondent was to receive 33.3 percent of any settlement, if her case settled before litigation was necessary, and 40 percent of any settlement or judgment, if litigation was necessary in her case.

3. On or about October 6, 1999, Respondent filed a lawsuit on Torre-Begin's behalf entitled *Theresa De La Torre-Begin v. Linda Fattaleh et al.*, in Los Angeles Superior Court, case number NC026455 ("Torre-Begin's lawsuit").

4. On or about May 16, 2000, counsel for the defendant in Torre-Begin's lawsuit served Respondent, on behalf of Torre-Begin, with Form Interrogatories and a Demand for Production of Documents. Respondent did not inform Torre-Begin of his receipt of the Form Interrogatories and the Demand for Production. Respondent did not respond on behalf of Torre-Begin to the Form Interrogatories and the Demand for Production.

5. On or about August 8, 2000, counsel for the defendant in Torre-Begin's lawsuit filed a Motion to Compel with the Los Angeles Superior Court to be heard on September 5,

2000, and properly served Respondent with the Motion to Compel at the address Respondent provided in the lawsuit, which was also Respondent's State Bar Membership Records address. Respondent did not file an opposition to the Motion to Compel on behalf of Torre-Begin. Respondent did not inform Torre-Begin of the Motion to Compel.

6. On or about September 5, 2000, Respondent and counsel for the defendant in Torre-Begin's lawsuit appeared in Los Angeles Superior Court for the Motion to Compel hearing. The Court granted the Motion to Compel, ordered Respondent to respond to the Form Interrogatories and Demand for Production within 30 days, and sanctioned Respondent in the amount of \$473. Respondent did not inform Torre-Begin of the Court's order. Respondent did not respond to the Form Interrogatories and Demand for Production within 30 days or at all.

7. On or about October 11, 2000, counsel for the defendant in Torre-Begin's lawsuit filed a Motion to Dismiss for Failure to Obey a Court Order with the Los Angeles Superior Court to be heard on November 2, 2000, and properly served the Motion to Dismiss on Respondent at the address Respondent provided in the lawsuit, which was also Respondent's State Bar Membership Records address. Respondent did not inform Torre-Begin of the Motion to Dismiss. Respondent did not file an opposition to the Motion to Dismiss.

8. On or about November 2, 2000, Respondent failed to appear for the Motion to Dismiss hearing. The Court granted the motion, dismissed Torre-Begin's lawsuit, and ordered counsel for the defendant to give notice to Respondent. On or about November 7, 2000, counsel for the defendant properly served a Notice of Ruling on Respondent at the address Respondent provided in the lawsuit, which was also Respondent's State Bar Membership Records address, which informed Respondent that Torre-Begin's lawsuit had been dismissed. Respondent did not inform Torre-Begin of the dismissal of her lawsuit until in or about July 2002. At no time did Respondent take any action to set aside the dismissal and reinstate Torre-Begin's case.

9. On or about November 16, 2000, Torre-Begin called Respondent's office regarding the status of her case. Respondent or Respondent's staff informed Torre-Begin that Respondent was working on it.

10. On or about February 1, 2001, Torre-Begin called Respondent's office regarding the status of her case. Respondent or Respondent's staff informed Torre-Begin that there was nothing new on Torre-Begin's case.

11. On or about September 24, 2001, Torre-Begin called Respondent's office regarding the status of her case. Respondent or Respondent's staff again informed Torre-Begin that there was nothing new on Torre-Begin's case.

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12. On or about November 1, 2001, Torre-Begin called Respondent's office regarding the status of her case. Respondent or Respondent's staff informed Torre-Begin that Respondent was working on it.

13. By failing to take any action on behalf of Torre-Begin after he filed the complaint, Respondent effectively withdrew from representation of Torre-Begin.

14. At no time did Respondent inform Torre-Begin that he was ceasing work on her case or that she should seek new counsel. In fact, Respondent took no action whatsoever to avoid reasonably foreseeable prejudice to Torre-Begin.

b. Conclusions of Law.

Count One.

By failing to respond to the Form Interrogatories and Demand for Production on behalf of Torre-Begin, failing to oppose the motion to compel discovery, failing to obey the court order regarding the discovery, failing to oppose the Motion to Dismiss, failing to appear at the hearing on the Motion to Dismiss, and failing to take any action to set aside the dismissal, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the California Rules of Professional Conduct.

Count Two.

By failing to ever inform Torre-Begin of Respondent's receipt of the Form Interrogatories and Demand for Production, of the motion to compel discovery, of the Court's order regarding the motion to compel discovery and of the Motion to Dismiss, and by failing to inform Torre-Begin of the dismissal of her case in a timely fashion, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of California Business and Professions Code section 6068, subdivision (m).

Count Three.

By representing to Torre-Begin that Respondent was working on her case and that there was nothing new on her case, when Respondent knew or should have known that Torre-Begin's case had been dismissed, Respondent committed acts of moral turpitude, dishonesty or corruption, in willful violation of California Business and Professions Code section 6106.

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Count Four.

By failing to provide the necessary services with respect to Torre-Begin's case, and failing to inform Torre-Begin of Respondent's intent to withdraw from employment, Respondent wilfully failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in willful violation of rule 3-700(A)(2) of the California Rules of Professional Conduct.

AUTHORITIES SUPPORTING DISCIPLINE.

a. Standards.

Standard 2.3 provides that misconduct involving moral turpitude, fraud, or intentional dishonesty toward a client or of concealment of material fact to a client, shall result in actual suspension or disbarment, depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Standard 2.4(b) provides that, where a willful failure to perform services involves an individual matter or matters not amounting to a pattern, the discipline shall be reproof or suspension, depending on the gravity of the harm and the extent of such misconduct.

Standard 2.6(a) provides that a violation of Business and Professions Code section 6068 shall result in disbarment or suspension, depending on the gravity of the offense or harm to any victim, with due regard to the purposes set forth in standard 1.3.

Standard 2.10 provides that a violation of any Rules of Professional Conduct not specified in the standards shall result in reproof or suspension, according to the gravity of the offense or harm to any victim, with due regard to the purposes set forth in standard 1.3.

b. Case Law.

In the Matter of Johnston (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585.

In *Johnston*, the attorney defaulted in the proceeding and was disciplined for his misconduct involving one client matter: failure to communicate with the client, in violation of section 6068(m); failure to perform services, in violation of former rule 6-101(A)(2) and its successor rule 3-110(A); misrepresentation to the client, in violation of section 6106, by misleading the client into believing that her case was ongoing, when her claim had been statutorily barred; and failure to cooperate with State Bar investigation, in violation of section

6068(i).¹ In mitigation, Johnston had no prior record of discipline in over 12 years of practice. In aggravation, the client was harmed, and Johnston failed to file a response to the NDC.

The Review Department recommended one year of stayed suspension with two years of probation, on conditions including actual suspension for 60 days. It was also recommended that Johnston take and pass the MPRE.

In the Matter of Layton (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 366.

In *Layton*, the attorney was disciplined for his misconduct involving a single probate matter, which he failed to apply the diligence necessary to bring the estate to closure for over five years. Layton was found culpable of violating former rules 6-101(A)(2). There was no significant mitigation. In aggravation, Layton had a prior record of discipline involving similar misconduct; his misconduct significantly harmed the beneficiaries; and he showed indifference toward rectification of or atonement for his misconduct.

The Review Department recommended two years of stayed suspension with three years of probation, conditioned on six months of actual suspension, compliance with rule 955, passage of the CPRE, and other probation conditions.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, at paragraph A(7), was June 3, 2005.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 3, 2005, the estimated prosecution costs in this matter are approximately \$3,678.68. Respondent acknowledges that this figure is an estimate only. 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.

¹ Former rule 6-101(A)(2) is congruous to current rule 3-110(A).

(Stipulation form approved by SAC Executive Committee 10/16/2000, Revised 12/16/2004)
13
Adopted Stipulation

| | | | | |
|------|--------------|----------------------------------|----------------|------------|
| Date | JUNE 9, 2005 | Deputy Trial Counsel's signature | ERIC H. HSU | Print name |
| Date | 6/8/05 | Respondent's Counsel's signature | Edward O. Lear | Print name |
| Date | 6-8-05 | Respondent's signature | PAUL F. FEGEN | Print name |

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, Conclusions of Law and Disposition.

SIGNATURE OF THE PARTIES

| | |
|---------------|-----------------------------------|
| PAUL F. FEGEN | Case number(s): 04-O-11253-RAP |
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| In the Matter of PAUL F. FEGEN | Case number(s): 04-O-11253-RAP |
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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 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.
- ☐ All Hearing dates 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. (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.)

6-10-05

Date


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 June 13, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed June 13, 2005**

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:

**EDWARD O LEAR ESQ
CENTURY LAW GROUP
5200 W CENTURY BLVD #940
LOS ANGELES CA 90045**

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

ERIC HSU ESQ, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 13, 2005.**


Angela Owens-Carpenter
Case Administrator
State Bar Court