

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles		
<p>Counsel For The State Bar</p> <p>Eli D. Morgenstern Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2211 (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number (s)</p> <p style="text-align: center;">05-O-00151 - RAP</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 24pt;">FILED</p> <p style="text-align: center; font-size: 18pt;">AUG 22 2007</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center; font-size: 10pt;">kwiktag® 031 976 458</p> 
<p>Counsel For Respondent</p> <p>Michael E. Wine, Esq. 301 N. Lake Avenue, Suite 800 Pasadena, CA 91101-5113 (626) 796-6688</p> <p>Bar # 58657</p>	<p style="text-align: center; font-size: 24pt;">PUBLIC MATTER</p> <p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: AUGUSTO A. MORA</p> <p>Bar # 147160</p> <p>A Member of the State Bar of California (Respondent)</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>	

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 11, 1990**.
- (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 consists of **15** pages, not including the order.
- (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."

(Do not write above this line.)

- (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.
- (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: **three (3) billing cycles following the effective date of the Supreme Court Order. Please see page 12 for further discussion regarding payment of disciplinary costs.**
(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.
- (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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (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's present misconduct is serious. But, Respondent has been a member of the State Bar since June 11, 1990, and has no prior record of discipline.

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **five (5) years**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **five (5) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **two (2) years**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution 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) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) 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) 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) 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) 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.
- (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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, 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 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, 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: Respondent's successful passage of the MPRE taken anytime after the time this Stipulation is signed and before the Supreme Court Order will be deemed to satisfy the MPRE condition in section F(1) above.**

Respondent's successful completion of the State Bar Ethics School and passage of the test at State Bar Ethics School taken anytime after the time this Stipulation is signed and before the Supreme Court Order will be deemed to satisfy the Ethics School condition in section E(8) above.

Respondent's successful completion of ten (10) hours of MCLE taken anytime after this Stipulation is signed and before the Supreme Court Order will be deemed to satisfy the MCLE condition in the Law Office Management section post.

In the Matter of	Case number(s):
AUGUSTO A. MORA	05-O-00151 - RAP
A Member of the State Bar	

Law Office Management Conditions

- a. Within days/**6** 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 days/ months/**one (1)** years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **10** 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 **one** 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.

Thereafter, Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California by the March 10 Quarterly Report for the following four years.

84911

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: AUGUSTO A. MORA

CASE NUMBER(S): 05-O-00151-RAP

FACTS AND CONCLUSIONS OF LAW.

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

Facts

1. On or about December 3, 1992, Dominador A. Siazon, State Bar Number 147268 (“Siazon”), submitted his resignation with charges pending to the State Bar Court.
2. On February 17, 1993, the Supreme Court of California accepted Siazon’s resignation, which became effective on March 19, 1993. Siazon has not been entitled to practice since on or about December 3, 1992.
3. Beginning on or about July 25, 2001 and continuing through approximately October 2005, Siazon leased an office in a “strip mall” located at 905 N. Euclid Street, Suite E, Anaheim, California 92801 (the “Office”). The Office was identified as “Law Office [¶] Notary Public” on the strip mall’s marquee and a sign reading “Notary Public [¶] Law Offices” was attached to the door to the Office for at least two years.
4. Beginning in or about July 2001 and continuing through approximately October 2005, Respondent and Siazon split the monthly rent for the Office by oral agreement and Respondent operated a law practice out of the Office. Respondent employed Siazon on an hourly basis to work on the cases generated out of the Office. There were approximately 60 cases generated out of the Office during the time that Respondent employed Siazon. At all relevant times to these stipulated facts, Respondent operated his primary law practice in Glendale, California. Respondent knew that Siazon resigned from the State Bar with charges pending during the entire time that he employed Siazon at the Office.
5. On or about September 19, 2001, Siazon applied for insurance from State Farm Insurance for the Office in the name of “Domindor A. Siazon, Jr, DBA Law Office of Augusto Mora.” Siazon maintained insurance through State Farm through approximately September 2004. By oral agreement with Siazon, Respondent paid one half of the insurance premium.

6. Respondent did not notify the State Bar that he had employed Siazon until January 29, 2004. Less than a week later, Siazon filed a Petition for Reinstatement to the State Bar.

7. Beginning in or about July 2001 and continuing through in or about October 2004, Siazon, while employed by Respondent and with Respondent's knowledge, consent, and authorization, performed work on behalf of Respondent's clients whose cases were generated out of the Office, including, but not limited to: (1) collecting and assembling necessary information about the clients, and/or on behalf of the clients in connection with their personal injury cases; (2) directly communicating with the clients and/or with third parties on behalf of clients concerning a variety of issues; and (3) appearing with the clients during recorded statements taken by insurance carriers in personal injury matters, in, *inter alia*, the following matters:

- a. Antoinette Abadilla (Date of Loss - June 20, 2001);
- b. Harold Abadilla (Date of Loss - November 3, 2001);
- c. Robert John Abadilla (Date of Loss - September 24, 2001);
- d. Warlito Abadilla (Date of Loss - October 17, 2001);
- e. Mabel Bermudez (Date of Loss - October 8, 2002);
- f. Irene Canlas (Date of Loss - June 22, 2002);
- g. Conrado Castro (Date of Loss - April 7, 2003);
- h. Jesus De Sagun (Date of Loss - December 7, 2003);
- i. Ida De Sagun (Date of Loss - December 20, 2002);
- j. Vanessa Joy Descagun (Date of Loss - December 20, 2002);
- k. Buena De Veas (Date of Loss - February 27, 2003);
- l. Darlo Franco (Date of Loss - September 5, 2001);
- m. Walter Garcia (Date of Loss - October 3, 2003);
- n. Mariam Galarrita (Date of Loss - March 26, 2003);
- o. George Lim (Date of Loss - October 3, 2003);
- p. Milagros Lim (Date of Loss - October 3, 2003);
- q. Francisca Manaois (Date of Loss - March 1, 2004);
- r. Leonardo Manaois (Date of Loss - March 1, 2004);
- s. Eric Oblepias (Date of Loss - August 25, 2001);
- t. Joan Marie Ordonez (Date of Loss - July 18, 2002);
- u. Milagros Ordonez (Date of Loss - July 18, 2002);
- v. Eleanor Siazon (Date of Loss - August 8, 2001);
- w. Iris Siazon (Date of Loss - August 5, 2001);
- x. Jame Siazon (Date of Loss - August 5, 2001);
- y. Jon Alan Siazon (Date of Loss - August 5, 2001); and
- z. Misael Singzon (Date of Loss - December 17, 2002).

8. Respondent knowingly, or with gross negligence, failed to serve written notice of Siazon's status as an attorney who had resigned with charges pending upon any of the aforementioned clients.

9. Beginning in or about July 2001 and continuing through approximately October 2004, Siazon engaged in the unauthorized practice of law at Respondent's law practice located at the Office, including but not limited to: negotiating personal injury settlements for clients; making oral and/or written settlement demands to insurance carriers in personal injury matters; rendering oral and/or written opinions to insurance carriers in personal injury matters regarding liability, damages, civil procedure, and/or legal authority; and representing clients during recorded statements taken by insurance carriers in personal injury matters, in, *inter alia*, the following matters:

- a. Antoinette Abadilla (Date of Loss - June 20, 2001);
- b. Harold Abadilla (Date of Loss - November 3, 2001);
- c. Robert John Abadilla (Date of Loss - September 24, 2001);
- d. Warlito Abadilla (Date of Loss - October 17, 2001);
- e. Mabel Bermudez (Date of Loss - October 8, 2002);
- f. Irene Canlas (Date of Loss - June 22, 2002);
- g. Conrado Castro (Date of Loss - April 7, 2003);
- h. Jesus De Sagun (Date of Loss - December 7, 2003);
- i. Ida De Sagun (Date of Loss - December 20, 2002);
- j. Vanessa Joy Descagun (Date of Loss - December 20, 2002);
- k. Buena De Veas (Date of Loss - February 27, 2003);
- l. Darlo Franco (Date of Loss - September 5, 2001);
- m. Walter Garcia (Date of Loss - October 3, 2003);
- n. Mariam Galarrita (Date of Loss - March 26, 2003);
- o. George Lim (Date of Loss - October 3, 2003);
- p. Milagros Lim (Date of Loss - October 3, 2003);
- q. Francesa Manaois (Date of Loss - March 1, 2004);
- r. Leonardo Manaois (Date of Loss - March 1, 2004);
- s. Eric Oblepias (Date of Loss - August 25, 2001);
- t. Joan Marie Ordonez (Date of Loss - July 18, 2002);
- u. Milagros Ordonez (Date of Loss - July 18, 2002);
- v. Eleanor Siazon (Date of Loss - August 8, 2001);
- w. Iris Siazon (Date of Loss - August 5, 2001);
- x. Jame Siazon (Date of Loss - August 5, 2001);
- y. Jon Alan Siazon (Date of Loss - August 5, 2001); and
- z. Misael Singzon (Date of Loss - December 17, 2002).

10. Respondent knew or was grossly negligent in not knowing that Siazon was engaged in the unauthorized practice of law, as set forth above.

11. Beginning in or about July 2001 and continuing through in or about October 2004, Siazon wrote letters to third parties on Respondent's letterhead regarding, *inter alia*, the personal injury matters described in paragraphs 7 and 9. Siazon signed the letters without indicating his

job title or whether he was an attorney. In doing so, Respondent permitted Siazon to hold himself out as entitled to practice law.

12. Respondent knew or was grossly negligent in not knowing that Siazon wrote letters on behalf of Respondent's clients on Respondent's letterhead and signed the letters without designating his job title or whether he was an attorney.

13. At all times while Respondent employed Siazon at the Office, Respondent knew, or was grossly negligent, in not knowing, that Siazon was engaged in the conduct described in paragraphs 7 and 9. Siazon's conduct consisted of, *inter alia*, negotiating or transacting matters on behalf of Respondent's clients with third parties, and engaging in activities which constituted the practice of law. Rule 1-311(B) of the Rules of Professional Conduct prohibits a member from employing a resigned attorney to engage in such conduct.

Legal Conclusions

By failing to notify the State Bar before January 29, 2004 that he had been employing Siazon, a resigned attorney, to work on legal matters for clients since in or about July 2001, Respondent employed a person that he knew had resigned from the State Bar without serving written notice of the employment on the State Bar, in wilful violation of rule 1-311(D) of the Rules of Professional Conduct.

By failing to serve written notice upon his clients that he employed Siazon, a resigned attorney, to perform work on their behalf in their personal injury matters, Respondent employed a person that he knew had resigned from the State Bar without serving written notice of the employment on his clients on whose specific matters such person worked, in wilful violation of rule 1-311(D) of the Rules of Professional Conduct.

By permitting Siazon to engage in the practice of law when he was not authorized to do so, Respondent willfully or with gross negligence aided a person or entity in the unauthorized practice of law, in violation of rule 1-300 of the Rules of Professional Conduct.

By permitting Siazon to write letters to third parties on behalf of Respondent's clients and to sign the letters without indicating Siazon's job title or whether or he was an attorney, Respondent willfully or with gross negligence permitted a person to hold himself out as entitled to practice law when he was not entitled to do so, in violation of rule 1-300 of the Rules of Professional Conduct.

By permitting Siazon to negotiate or transact matters on behalf of his clients, and to engage in activities which constituted the practice of law, Respondent employed a person that he knew had resigned from the State Bar and willfully or with gross negligence permitted such a person to engage in activities prohibited by rule 1-311(B) of the Rules of Professional Conduct.

By permitting Siazon, a resigned attorney, to engage in conduct prohibited by rule 1-311(B), and to engage in the unauthorized practice of law, over a period of several years, Respondent wilfully or with gross negligence committed acts involving moral turpitude, dishonesty or corruption, in violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was August 8, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of August 8, 2007, the costs in this matter are \$2,968.90. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order. 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

OTHER FACTORS IN CONSIDERATION.

Respondent has been a member of the State Bar since June 11, 1990, and has no prior record of discipline. Respondent had been a member of the Bar for 11 years at the time that he began employing Siazon at the Office.

Respondent testified at the deposition which was taken in connection with these disciplinary proceedings, that he usually visited the Office on a weekly basis. When Respondent was not present at the Office, Siazon worked alone and unsupervised.

There were approximately 60 personal injury cases generated out of the Office during the period that Respondent employed Siazon. Neither the clients nor any medical care providers, or other lien clamants complained to the State Bar. There is no evidence that any of the personal injury cases generated out of the Office were fraudulent. Nor is there evidence that Respondent split fees with Siazon, improperly administered his trust account, or improperly handled trust funds.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct (“Standard(s)”) provides in pertinent part that, “[C]ulpability of a member of an act of moral turpitude . . . 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.”

Respondent’s acts of moral turpitude, *i.e.*, permitting a resigned attorney to engage in the unauthorized practice of law in approximately 60 cases over a several year period, relates directly to Respondent’s practice. And by permitting a resigned attorney to engage in the unauthorized practice of law over a substantial period of time, Respondent placed the public and the administration of justice at substantial risk of harm.

The appropriate level of discipline for the culpability of a member who violates rules 1-311(B) and (D) of the Rules of Professional Conduct is not specified in the Standards. Nor are there any California Supreme Court or Review Department cases that discuss the appropriate level of discipline for a violation of rule 1-311(B) and (D).

Under Standard 2.10, the appropriate level of discipline for a violation of rule not specified in the Standards is a reproof or suspension, according to the gravity of the offense or the harm, if any, to the victim, with due regard for the purposes of imposing discipline set forth in Standard 1.3.

A violation of rule 1-311 is a serious ethical violation. A resigned attorney “suffers the same disqualifications as a bar member who has been tried on disciplinary charges and found wanting. [Citation.] He is unfit to practice law; he has forfeited the privilege of speaking for others under the law.” (*Benninghof v. Superior Court* (2006) 136 Cal. App. 4th 61, 71.)

As a result of his resignation with charges pending, Siazon possesses a unique status in California that differentiates him from a layperson. The *Benninghof* Court found that “the law differentiates between laypeople and defrocked attorneys. Lawyers who resign with charges pending may not practice law, without exception. (§ 6126, subd. (b).) In contrast, laypeople may practice law when ‘authorized pursuant to statute or court rule.’” (§ 6126, subd. (a).)” (*Id.* at 69.)

Here, Respondent permitted Siazon, a defrocked attorney, to operate the Office without supervision, directly communicate with clients concerning a wide variety of issues, negotiate or

transact matters on behalf of Respondent's clients with third parties, and engage in other conduct constituting the practice of law, for several years. In so doing, Respondent permitted Siazon to circumvent the Supreme Court Order accepting his resignation with charges pending, the rule in *Benninghof*, rule 1-311, and the disciplinary system. In the process, as stated above, Respondent placed the public and the administration of justice at substantial risk of harm.

STATE BAR ETHICS SCHOOL.

Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, he may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

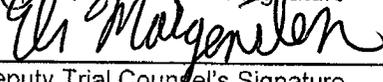
mora 05.151 stipattachmt\@PFDesktop\::ODMA/PCDOCS/SB1/84914/1

(Do not write above this line.)

In the Matter of AUGUSTO A. MORA	Case number(s): 05-O-00151 - RAP
--	--

SIGNATURE OF THE PARTIES

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

<u>8-10-07</u> Date	 Respondent's Signature	<u>AUGUSTO A. MORA</u> Print Name
<u>8/13/07</u> Date	 Respondent's Counsel Signature	<u>MICHAEL E. WINE</u> Print Name
<u>8/14/07</u> Date	 Deputy Trial Counsel's Signature	<u>ELI D. MORGENSTERN</u> Print Name

(Do not write above this line.)

In the Matter Of AUGUSTO A. MORA	Case Number(s): 05-O-00151 - RAP
--	--

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 9.18(a), California Rules of Court.)**

8/21/07
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 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 August 22, 2007, I deposited a true copy of the following document(s):

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

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

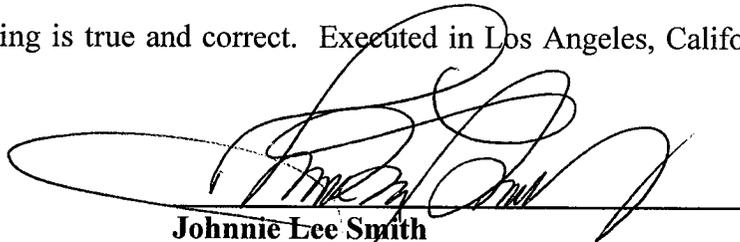
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL E. WINE
301 N LAKE AVE STE 800
PASADENA, CA 91101 - 5113**

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

ELI MORGENSTERN , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 22, 2007**.



Johnnie Lee Smith
Case Administrator
State Bar Court