

State Bar Court of California
Hearing Department
Los Angeles

ORIGINAL

<p>Counsel For The State Bar</p> <p>Djinna M. Gochis, Assistant Chief Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1226</p> <p>Bar # 108360</p>	<p>Case Number (s) 05-0-02753, 06-0-14898 and 07-0-11500</p> <p>PUBLIC MATTER</p>	<p>(for Court's use)</p> <p>FILED</p> <p>AUG 06 2007</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan Margolis 2000 Riverside Drive Los Angeles, California 90039 (323) 953-8996</p> <p>Bar # 104629</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: WILLIAM ALAN SOBEL</p> <p>Bar # 114147</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>STAYED SUSPENSION; NO 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 **August 6, 1984**.
- (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):
- 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:
(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. **see attached pages _11-12_**
- (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

Although Dominguez was subject to harm related to her credit rating, the ultimate resolution of the matter has prevented Dominguez from that harm. Although the administration of justice was certainly affected by the failure to calendar the OSC and to follow up on the dismissal, there was no ultimate harm. See page 12-13 for discussion.

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

see attachment at pages 12-13

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of **18 months**.

- 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:

The above-referenced suspension is stayed.

- (2) **Probation:**

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

E. Additional Conditions of Probation:

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

- (5) 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.
- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

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 within one year. **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) **Other Conditions:**

(Do not write above this line.)

Attachment language (if any):

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: WILLIAM ALAN SOBEL

CASE NUMBER(S): 05-0-02753, 06-0-14898 and 07-0-11500

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that he is culpable of wilfully violating rule 3-110 (A) of the Rules of Professional Conduct and sections 6068(o)(3) and 6103 of the California Business and Professions Code.

1. William Alan Sobel ("Respondent") was admitted to the practice of law in the State of California on August 6, 1984, was a member at all times pertinent to these charges and is currently a member of the State Bar of California.

Count One

05-0-02753

Complainant Dominguez

2. On September 11, 2000, the Respondent was employed by Erita Dominguez ("Dominguez") to represent her in a personal injury matter.

3. On November 9, 2000, the Respondent signed a medical lien in favor of Well Tone Aquatic and Therapy Center ("Well Tone"). Dominguez was referred to Well Tone by a physical therapy prescription of Dr. Fredric Nicola and Dr. Michael D. Smith on November 6, 2000 and December 5, 2000, respectively. By signing the lien the Respondent incurred a fiduciary obligation to Well Tone, in addition to that toward Dominguez.

4. In October 2001, the personal injury matter settled for the total sum of \$9,000.00.

5. The Respondent deposited the draft for \$9,000 from Fireman's Fund into his Client Trust Account on October 15, 2001.

6. Respondent distributed the funds as follows:

\$3,600.00	Attorney Fees
1,869.70	Dominguez
875.00	Dr. Rho
1,600.00	Dr. Nicola
700.00	Dr. Powers
103.30	Midway Pharmacy
252.00	Costs
<hr/>	
\$9,000	Total

All distributions were made between November 2, 2001 and December 3, 2001.

8. The Well Tone lien was approximately \$8,500.00, \$500.00 less than the entire settlement.

9. Beginning approximately December 21, 2001, EDS Collections, ("EDS") which had been assigned the rights to the lien began contacting Respondent about the lien payment.

10. On January 23, 2002, Respondent advised EDS that he settled for low and wanted to split the \$3000 between four providers, \$700 for EDS. A fax breakdown was sent to EDS.

11. Although one of the referring physicians was named on the breakdown, Well Tone was not.

12. On January 28, 2002, Respondent advised EDS that he settled the case not knowing about the lien. He offered to pay \$750.00.

13. On April 9, 2002, EDS offered to take \$3,000.

14. On April 11, 2002, Respondent's employee "Bricie" advised EDS that the Respondent's office could not pay \$3,000.00.

13. On April 11, 2002, EDS wrote a letter to Respondent regarding the lien. The letter was faxed and mailed to his then address at 23801 Calabasas Road, Suite 1012, Calabasas, California 91302. The letter was not returned to them.

14. From and after that date, EDS continued to seek payment of the lien from Respondent.

15. The matter remained unresolved thereafter. Calls and messages continued back and forth between Respondent and EDS in which Respondent or his staff made

offers, all under \$1,000.00 that EDS rejected.

16. On September 29, 2004, EDS sent a collection letter to Dominguez.

17. On April 27, 2005, Respondent wrote a letter to "Jim" (Brown) at AMS Collections, (their client was EDS, account no. 56573) explaining that his file was lost, that he was trying to reconstruct what had happened, that he believed he paid Dr. Nicola thinking that Well Tone was part of Dr. Nicola's business, that the original bill should have been no more than \$2,000.00 and offering a payment that, prorated, would be under \$1,000. He advised that he would seek reimbursement from the doctors he had paid to accomplish that pro-rata division.

18. On May 19, 2005, Dominguez complained to the State Bar. She advised the Bar that the Respondent told her he would try to get some money back from the other doctors.

19. On August 7, 2006, Respondent sent a letter to EDS, advising them that the statute of limitations for making a claim against Dominguez had passed and advising them to cease any action against her and to ensure that her credit was not affected.

20. In February 2007, Respondent and AMS, for its client EDS, came to an agreement whereby Respondent would pay, and did pay, \$1,000.00.

Conclusion of Law

21. By distributing the \$9,000 without adequately ascertaining what each provider was owed, by not promptly resolving the lien payment from December 2001 until February 2007, and, by allowing his client to be subject to the threat of collection and credit damage, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence.

COUNT TWO

06-0-14898

State Bar Investigation

22. On May 22, 2006, the Respondent filed a complaint on behalf of the Plaintiff in the matter of Valikani et al. v. Sukich, et al., case no. LC074620, in the Los Angeles Superior Court.

23. On June 11, 2006, the case settled. The adjuster, Cindy Campos ("Campos") of Farmer's Insurance agreed to file the dismissal with the Court. The filing service, Product, which Farmer's used, did not file the dismissal.

24. On September 26, 2006, the Court, on its own motion, dismissed the case for

lack of prosecution. At that time, the court issued an OSC re: Sanctions, which it set for October 12, 2006. The Respondent's office received the OSC. The Respondent and his staff did not calendar it because it was assumed that the action was concluded. The Respondent did not reply to the OSC.

25. On October 12, 2006, the Court, finding "there being no appearance by counsel for plaintiff and no response to the Court's Order to Show Cause", ordered the Respondent to pay \$1,000.00 in sanctions.

26. The Respondent received the Notice of the Court of the imposition of sanctions.

27. The State Bar received notice of the imposition of sanctions from the Court, on October 16, 2006.

28. Respondent did not report the sanctions to the State Bar of California, in writing, within 30 days of his knowledge of their imposition.

29. Respondent made a motion to vacate the sanctions on January 24, 2006 due to surprise, neglect and/or inadvertence.

30. On February 26, 2007, the Court reduced the sanctions to \$250.00, which the Respondent paid.

Conclusions of Law

31. By failing to report the \$1,000 sanction, in writing, within thirty days of its imposition, the Respondent willfully violated Section 6068(o)(3) of the California Business and Professions Code.

COUNT THREE

07-0-11500

Complainant Hoyle

32. On June 23, 2005, Valentina Hoyle ("Hoyle") employed the Respondent to represent her in a personal injury matter. There was a written retainer agreement.

33. Work was performed on the case from and after June 2005 until August 21, 2006.

34. On August 21, 2006, a status conference was scheduled in the matter in Division 2, the Honorable Michael Duggan presiding. No appearance was made by **either** the Respondent's office on behalf of the Plaintiff, Hoyle, nor by the Defendant's attorney.

35. On that date, the court issued an order to show cause why sanctions or a dismissal of the entire action should not be imposed. The matter was set for September 20, 2006.

36. On September 20, 2006, no one from Respondent's office appeared. The Defendant's attorney appeared. The Court dismissed the case, without prejudice.

37. Between September 20, 2006 and December 5, 2006, no action was taken by Respondent's office to set aside the dismissal.

38. On December 11, 2006, Respondent prepared and served on the Defendant's attorney, a Motion to Set Aside the Dismissal. The motion cited a calendaring error and confusion due to the transfer of the case to a limited jurisdiction court as the reason for the failure to appear.

39. Because Hoyle had substituted Respondent out of the case, the motion was not filed. Hoyle's new attorney re-filed the case.

40. By failing to respond to or assuring the response to the Order to Show Cause of the Court, by the failure of his office to appear at the hearing on September 20 and by failing to promptly move to set aside the dismissal of Hoyle's action, the Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence.

PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph (A)(7) was June 19, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 19, 2007, the estimated prosecution costs in this matter are approximately \$5,949. 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.

AGGRAVATION STATEMENT

The Respondent has two prior impositions of discipline.

- 1997: one year stayed, one year probation, 90 days actual, conditions, including MPRE. Conduct included failure to supervise an employee who solicited a client, failure to file notice of claim and to inform his client of the significant development, seeking to settle a claim with a client without giving him reasonable

opportunity to seek the advice of an independent attorney.

- 2004: six months stayed, one year probation, conditions, including MPRE. Respondent, who had a volume practice, failed to communicate significant developments to his clients, to wit, adequately explaining disbursement breakdowns. In one matter the doctors refused to compromise their liens requiring the Respondent to interplead their bills.

MITIGATION STATEMENT

For purposes of this settlement only, the following assertions by the Respondent are accepted:

Respondent has reduced the size of his law practice over the last three years. Whereas in the past he had 18 people working for him and over 1,000 cases, which made supervision, and personal attention to his cases difficult, he has streamlined his practice so that he has only 160 cases. His staff now includes an associate attorney, two staff, and his wife who works part time as an office administrator. She began to work with Respondent about a year ago.

The mail is opened every day by the Respondent personally with the assistance of one of his staff, Stella. All court dates, all appearances, and potential statutes are calendared using their computer's "FilePro" software. Respondent has a calendar printed out every two weeks and there is a staff meeting twice a week to review not only the calendar, but also the status and the progress of open cases. They have tickle dates on the calendar so that they are aware of any statutes that may be running. Respondent keeps his own notes of dates calendared so that he can double check at the staff meetings that they are being met.

Apropos of the circumstances that led to the conduct in the current Dominguez discipline matter, Respondent is more closely working with his staff with regard to distributions and liens and other bills related to cases. In the past, Respondent relied on his staff to collect the bills and liens. Now, Respondent personally goes through the file, gathers all the liens his office has executed, prepares a proposed distribution sheet, contacts the lienholders himself and negotiates with them as necessary to reduce the bills. He personally keeps a written record of with whom he has spoken and the amount agreed to by the provider. The negotiated amounts are documented on the distribution sheet, which is now signed by the client. Respondent now includes a statement after explaining the distribution to the client, that his office is only responsible for those liens which his office executed, and for seeking appropriate reductions in other bills, and that any bills coming in after the case is settled of which he was not informed by the client, are the client's sole responsibility. This ensures that the client will carefully review the sheet. Respondent's counsel has suggested that the client be asked to initial that disclaimer to assure that it has been seen and understood.

For purposes of this stipulation, only, it is also accepted that there was some confusion in relation to the Dominguez lien. In December 2001, EDS initially mis-identified the lienholder it was collecting for as Excel Physical Therapy instead of Well Tone. The Respondent did not sign a lien with Excel. EDS did not discover the error until late 2002 or early 2003, at which time it correctly identified its collection efforts on behalf of Well Tone. In April 2002, in its letter to Respondent, EDS also did not identify the lienholder as Well Tone. And finally, between November 2002 and January 2003, EDS did not contact the Respondent. Of course, the Respondent recognizes that he had an independent obligation to inquire into the matter and/or resolve the matter, even if EDS did not contact him or its letters were unclear.

Apropos of the OSC which resulted in the sanctions against the Respondent, and the Hoyle case, Respondent no longer relies only on his staff, but also is sure that even matters which he thinks might be dismissed (due to settlement or otherwise) are calendared, and checking himself with the court before assuming that anything is off calendar. He fully understands that it is his obligation to report sanctions, even if he hopes he can vacate or reduce them.

Also, as to the Hoyle case, Respondent asserts and for purposes of the stipulation it is accepted that he actually drafted the section 473 motion to set aside the dismissal prior to December 11 and sent it for filing. However, his office did not provide a filing fee, and it was returned by the court. By the time he corrected the error and re-served it, Hoyle had substituted him out.

An additional change that Respondent has made is with regard to calls from clients. All calls are recorded on carbon message pads. If the staff member can reasonably respond to the client, he or she will. However, if the client requests to speak with Respondent, the message is delivered, the same day, and the Respondent tries to answer all such calls within 24-48 hours. The Respondent now personally listens to his voice mail rather than to rely only on staff to convey the messages to him.

STANDARDS AND CASE AUTHORITY BEARING UPON THE DISPOSITION

Under Standard 1.7, an attorney with two prior impositions of discipline shall be disbarred unless the most compelling circumstances predominate. Otherwise, the type of conduct involved herein ordinarily may result in a range of reproof to suspension (Dominguez) depending on the extent of the misconduct or the degree of harm (Standard 2.4(b)) or the range of disbarment or suspension, (SBI, OSC matter; Hoyle) depending on the gravity of the offense or the harm to the victim any with due regard to the purposes of discipline (Standard 2.6).

The failure of the Respondent to report the sanctions clearly violates section 6068(o)(3), even if the Respondent believed that ultimately it could be set aside or reduced. The

Dominguez matter subjected the client, who had a very good credit rating, to credit damage. However, now that the lien has in fact been resolved, the Respondent understands that Dominguez' credit remains intact. The cascade of conduct related to the Dominguez matter began during the time frame of the prior discipline and appears to be related to the problems in handling the volume practice at the time. And, in the Hoyle case, the matter was re-filed.

Presently, there is one open matter at the investigation level, 07-0-11984 which is not part of the present stipulation and of which the Respondent and his counsel have been informed. If and when this currently open matter has reasonable cause to proceed to a Notice of Disciplinary Charges, its impact on the appropriate discipline to be imposed will be considered pursuant to *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602,¹ if the conduct was, in fact, contemporaneous with the time frames underlying the conduct in this stipulated matter.

Given the representation of the Respondent, accepted for this stipulation, that he has so altered the volume and the control of his practice that he has addressed the circumstances which led to the misconduct, given the (ultimately) lower level nature of the misconduct itself, the fact that both matters are fully resolved, a significant deviation from Standard 1.7 appears appropriate and will adequately serve the purposes of discipline. (*In re Silvertan* (2005) 36 Cal. 4th 81 and *In Re Van Sickle* (Review Dept. 2006) 2006 Calif. Op. LEXIS 5).

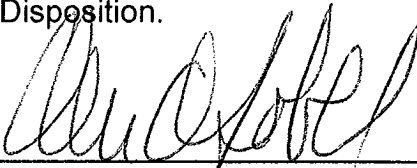
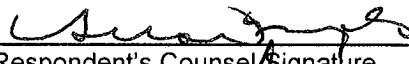
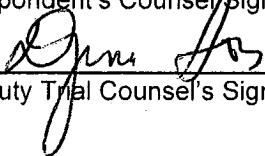
¹ In *Sklar*, the Respondent's counsel argued that it was not proper to consider the Respondent's prior misconduct in aggravation because the conduct in that prior took place at the same time as in the current misconduct. The court disagreed saying that it was a "prior". However, the court DID state that the aggravating force of the prior discipline was generally diminished if the misconduct underlying it occurred during the same time period. The court noted further that since part of the rationale for considering prior discipline as aggravating is that it indicates the recidivist attorney's inability to conform his or her conduct to ethical norms, it was appropriate also to consider the fact that misconduct was contemporaneous with the misconduct in the prior case.

(Do not write above this line.)

In the Matter of WILLIAM ALAN SOBEL	Case number(s): 05-0-02753, 06-0-14898 and 07-0-11500
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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>7/3/07</u> Date	 Respondent's Signature	<u>WILLIAM ALAN SOBEL</u> Print Name
<u>7/5/07</u> Date	 Respondent's Counsel Signature	<u>SUSAN MARGOLIS</u> Print Name
<u>7/9/07</u> Date	 Deputy Trial Counsel's Signature	<u>DJINNA GOCHIS</u> Print Name

(Do not write above this line.)

In the Matter Of William Alan Sobel	Case Number(s): 05-O-02753, 06-O-14898, and 07-O-11500
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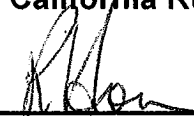
ORDER

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

8/3/07
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 6, 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:

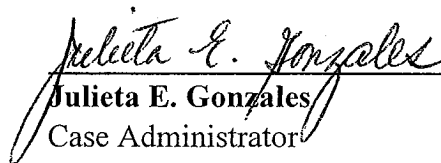
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**SUSAN L MARGOLIS ATTORNEY AT LAW
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

Djinna M. Gochis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 6, 2007**.



Julieta E. Gonzales
Case Administrator
State Bar Court