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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Geri von Freymann The State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 Bar # 97937	Case Number (s) 05-O-03930 05-O-04464	(for Court's use) <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">NOV 30 2006</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div> <div style="text-align: center; font-size: 10pt; margin-top: 10px;"> kwiktag® 022 606 729 </div> 
Counsel For Respondent Erica Ann Tabachnick 900 Wilshire Blvd #1000 Los Angeles, CA 90017 Bar # 94324	<div style="text-align: center; font-size: 24pt; font-weight: bold; opacity: 0.5;">PUBLIC MATTER</div> Submitted to: STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: William R. Kiefer Bar # 202048 A Member of the State Bar of California (Respondent)	(This area is merged into the previous row's content)	

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 14, 1999**.
- (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 **9** 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."
- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)
 Reapproval

(Do not write above this line.)

(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 (public reproof)
- case ineligible for costs (private reproof)
- costs to be paid in equal amounts 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

(9) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Reproof

(Do not write above this line.)

- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Reproval

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- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of 1 (one) year.
- (2) During the condition period attached to the reproof, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 monitor.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Reproval

- (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 conditions attached to the reprobation.

- (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) 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 of the effective date of the reprobation.
 - No MPRE recommended. Reason: **"The protection of the public and the interests of the attorney do not require the passage of the MPRE in this case" in the Matter of Respondent G (R.D. 1992) 2 Cal SBC Rptr 181.**

- (11) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions Financial Conditions

F. Other Conditions Negotiated by the Parties:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: William R. Kiefer

CASE NUMBER(S): 05-O-03930 , 05-O-04464

FACTS AND CONCLUSIONS OF LAW.

05-O-03930

1. On November 29, 2004, Maria Fernando Solano (hereinafter "Solano") employed Respondent William R. Kiefer to represent her in immigration proceedings. On November 15, 2004, an order of deportation had been issued. There was a thirty day period in which to file an appeal. On November 29, 2004, Respondent and Solano signed a retainer agreement and Solano made an initial payment of \$1,000.00 to Respondent.

2. Respondent employed Abel Soto (hereinafter "Soto") as an administrative assistant/translator at his office located at 8925 Sepulveda Blvd. Ste 206, North Hills. Solano's contacts with Respondent's office were made through Soto. Soto represented to Solano that her matter was being timely processed. Respondent maintained another office at 10068 Magnolia Ave. Riverside. Respondent was not in the North Hills office on a daily basis. Respondent failed to adequately supervise Soto and failed to monitor the activity on her immigration matter.

3. Solano ultimately confronted Respondent about the lack of personal attention to her immigration case and about the failure to keep her informed of the progress of her appeal. Solano terminated Respondent's employment. Respondent refunded the \$1,000.00 fee to Solano.

Conclusions of Law

By failing to adequately supervise Soto throughout the representation of Solano, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in violation of rule 3-110(A), of the Rules of Professional Competence.

05-O-04464

1. On January 10, 2005, Jose and Rosa Valdizon (hereinafter "Valdizon") were referred to the law offices located at 8925 Sepulveda Blvd. Ste. 206, North Hills for representation in an immigration matter. The Valdizons met with Soto who represented that he was a lawyer working with Respondent. After being assured that their immigration matter would be handled under the Nicaraguan Adjustment and Central American Relief Act ("NACARA"), the Valdizons employed the law office and made payments to Soto.

2. While Respondent was in his Riverside office, Soto made use of the immigration computer program to file documents with Respondent's name appearing as attorney of record. Soto never advised Respondent of the initial interview with the Valdizons nor did he advise him that he had taken on the immigration matter as his own.

3. In August 2005, Valdizon appeared unannounced in Respondent's Riverside office. The visit was prompted by receipt of a denial notice under NACARA. Respondent had no recognition of the clients nor of their case. After a search of his records, and his meeting with them, he realized that the clients had 'retained' Soto.

4. Respondent made a refund of \$1,500.00 of the money taken by Soto to Valdizon.

Conclusions of Law

By failing to adequately supervise Soto, by maintaining an office in North Hills where he was unable to present, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in violation of rule 3-110(A), of the Rules of Professional Competence.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was October 11, 2006.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct provides that the primary purposes of disciplinary proceedings and imposing sanctions for professional misconduct are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession."

Standard 2.4 (b) provides that culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

In this stipulation, Respondent has stipulated to two violations of rule 3-110(A) of the Rules of Professional Conduct for failing to supervise Abel Soto. In the Solano matter, Respondent accepted the client and knew of the client's immigration case, but failed to timely perform the services for which he was employed. In the Valdizon matter, the Respondent was unaware that

Soto was engaging in conduct that exceeded his role of office administrator/translator and that included accepting clients and fees without the Respondent's presence in the office.

Respondent issued a cease and desist letter to Soto. On February 3, 2006, Respondent made a complaint of identity theft to the Los Angeles Police Department. Respondent had any signs referring to himself removed from the North Hills office. On January 27, 2006, Respondent letters to his clients advising them that his only office location was in Riverside.

The issuance of a public reproof in this matter is within the range of discipline prescribed by the standards as set forth above. In light of the remedial steps that Respondent has taken, the return of fees to the clients, and for his candor and cooperation with the State Bar, a public reproof is appropriate in this case to further the purposes of standard 1.3 to protect the public, the courts and the profession.

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In the Matter of William R. Kiefer	Case number(s): 05-O-03930 05-O-04464
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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.

10-26-06
Date

W. R. Kiefer
Respondent's Signature

William R. Kiefer
Print Name

10/30/06
Date

Erica Ann Tabachnick
Respondent's Counsel Signature

Erica Ann Tabachnick
Print Name

11/1/06
Date

Gerit von Freymann
Deputy Trial Counsel's Signature

Gerit von Freymann
Print Name

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In the Matter of WILLIAM R. KIEFER	Case number(s): 05-O-03930 05-O-04464
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ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All Hearing dates are vacated.

1. On page 1, after "Submitted to", insert "Assigned Judge"; and,
2. On page 2, paragraph (8), after "[X] costs to be paid in equal amounts for the following membership years:", insert "2008, 2009 and 2010".

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 futher modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **Otherwise** the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

11/29/06

RICHARD A. HONN

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 November 30, 2006, 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:

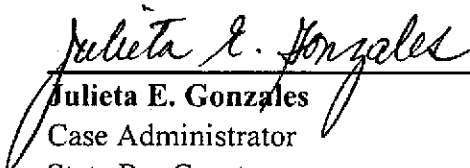
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ERICA A TABACHNICK ATTORNEY AT LAW
900 WILSHIRE BLVD #1000
LOS ANGELES, CA 90017**

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

Geraldine P. VonFreymann, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **November 30, 2006**.



Julieta E. Gonzales
Case Administrator
State Bar Court