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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar Miho Murai Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 213-765-1219	Case Number (s) 05-O-04889	(for Court's use) <div style="text-align: center;"> FILED AUG 01 2007 <i>OC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Bar # 235178 In Pro Per Respondent Garry L. Jones P.O. Box 2463 Mission Viejo, CA 92690 949-261-0660	<div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	
Bar # 66344	Submitted to: Settlement Judge	
In the Matter Of: GARRY LAWRENCE JONES Bar # 66344 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 **December 18, 1975**.
- (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 **14** 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.
- (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: **Costs to be paid in equal amounts prior to February 1 for the following two (2) billing cycles following the effective date of the Supreme Court order.**
(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 **92-O-18074-DSW**
 - (b) ☒ Date prior discipline effective **September 28, 1994**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **RPC 3-110(A) and Business and Professions Code section 6068(o)**
 - (d) ☒ Degree of prior discipline **Private reproof, with public disclosure**
 - (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. **See Attachment Page 7**
- (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. **See Attachment Page 7**
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

N/A

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. **See Attachment Page 7**
- (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. **See Attachment Pages 7 & 8**
- (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 Pages 7 & 8

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 **one (1) 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.
- (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: .
- (11) ☐ 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:

N/A

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW, AND DISPOSITION

IN THE MATTER OF: GARRY LAWRENCE JONES

CASE NUMBER(S): 05-O-04889

FACTS AND CONCLUSIONS OF LAW

Garry L. Jones ("Respondent") admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Facts

1. Respondent was admitted to the practice of law in the State of California on December 18, 1975, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On April 15, 2002, Salome Pena ("Mr. Pena") and his wife Octaviana Ramos ("Ms. Ramos") were involved in an automobile accident. At the time, Ms. Ramos was approximately seven weeks pregnant.
3. On April 16, 2002, Mr. Pena retained Respondent on a contingency fee basis to represent him and his wife, Ms. Ramos, in the personal injury action arising from the automobile accident. A retainer agreement was executed on the same day.
4. On June 13, 2002, Respondent sent a letter to Farmers Insurance Group ("Farmers Insurance") advising them that his office has been retained by Mr. Pena and Ms. Ramos to represent them in a claim for damages and injuries arising out of an automobile accident involving an insured member of Farmers Insurance.
5. On July 12, 2002, Farmers Insurance sent a letter to Respondent advising him that the insurance company would be willing to accept only twenty percent (20%) of Mr. Pena's and Ms. Ramos' loss since the facts and circumstances revealed that Mr. Pena was the primary cause for his loss. The letter also advised Respondent that he could have the matter reviewed by the California Department of Insurance if he believed the claim was wrongfully denied.

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6. On April 10, 2003, Respondent filed a Complaint on behalf of Mr. Pena and Ms. Ramos, in the Orange County Superior Court, in the matter entitled, *Salome Pena, Octaviana Ramos v. Lieu Nguyen*, Case No. 03WL2151 (the “personal injury action”).
7. On July 3, 2003, defendant’s counsel propounded Form Interrogatories - Economic Litigation (Set No. One) and Request for Production of Documents (Set No. One) to plaintiffs Mr. Pena and Ms. Ramos. The discovery was properly served on Respondent by mail via the U.S. Postal Service, first class, postage prepaid, in a sealed envelope properly addressed to his address of record at 1720 E. Garry Avenue, Suite 102, Santa Ana, CA 92705. Plaintiffs’ responses were due on or about August 7, 2003. Although Respondent received defendant’s discovery requests, he failed to request for an extension or to timely respond to defendant’s discovery requests on behalf of his clients, Mr. Pena and Ms. Ramos.
8. On August 27, 2003, defendant’s counsel sent a letter to Respondent advising him that plaintiffs’ discovery responses were overdue, and that if they were not received within ten (10) days of the date of this letter, defendant’s counsel intended to move the Court for appropriate Orders. The letter was properly mailed to Respondent via the U.S. Postal Service, first class, postage prepaid, in a sealed envelope properly addressed to his address of record at 1720 E. Garry Avenue, Suite 102, Santa Ana, CA 92705. The letter was not returned as undeliverable or for any other reason by the U.S. Postal Service. Thereafter, Respondent failed to serve the discovery responses by September 6, 2003.
9. On October 9, 2003, the Court scheduled a Case Management Conference for November 26, 2003. The Court properly noticed Respondent and defendant’s counsel of the November 26, 2003 hearing.
10. On October 15, 2003, defendant’s counsel filed and properly served on Respondent as counsel for plaintiffs’ Mr. Pena and Ms. Ramos motions to compel responses to Form Interrogatories, Set One, and Request for Production of Documents, Set One. In its motions, defendant requested monetary sanctions in the amount of \$351.30. The hearing on the motions was scheduled for November 21, 2003. The motions were served on Respondent by mail via the U.S. Postal Service, first class, postage prepaid, in a sealed envelope properly addressed to his address of record at 1720 E. Garry Avenue, Suite 102, Santa Ana, CA 92705. The motions were not returned as undeliverable or for any other reason by the U.S. Postal Service.
11. On November 18, 2003, Respondent belatedly served defendant’s counsel with plaintiffs’ discovery responses to the Form Interrogatories and Request for Production of Documents.

12. On November 26, 2003, the Court held a Case Management Conference. Defendant's counsel appeared, but Respondent failed to appear. The matter was continued to December 10, 2003 for an Order to Show Cause ("OSC") Hearing re: Dismissal.
13. On December 2, 2003, defendant's counsel filed a Notice of OSC re: Dismissal. The OSC was scheduled for December 10, 2003. The Notice was served on Respondent by mail via the U.S. Postal Service, first class, postage prepaid, in a sealed envelope properly addressed to his address of record at 1720 E. Garry Avenue, Suite 102, Santa Ana, CA 92705. The Notice was not returned as undeliverable or for any other reason by the U.S. Postal Service.
14. On December 10, 2003, the Court held an Order to Show Cause Hearing re: Dismissal. Defendant's counsel appeared, but Respondent failed to appear for the hearing. The Court ordered that the case be dismissed without prejudice.
15. On December 12, 2003, the Court Clerk sent a Notice of Entry of Judgment to Respondent and defendant's counsel advising the parties that the case was dismissed without prejudice.
16. Between December 10, 2003 and June 9, 2004, Respondent did not initiate any court activity on behalf of Mr. Pena and Ms. Ramos.
17. On June 9, 2004, Respondent filed a Motion to Set Aside Dismissal of Action. The Court set a hearing for July 16, 2004.
18. On July 12, 2004, defendant's counsel filed an Opposition to Plaintiffs' Motion to Set Aside Dismissal. In its opposition, defendant's counsel requested sanctions in the amount of \$720.00.
19. On July 16, 2004, the Court held a hearing regarding plaintiffs' motion to set aside the dismissal. The Court granted plaintiffs' motion to set aside the dismissal, but ordered Respondent to pay \$720.00 in sanctions to defendant's counsel and \$250.00 in sanctions to the Court within thirty (30) days of the ruling. Notice was waived. The Court also scheduled a Case Management Conference for August 16, 2004. Respondent failed to pay the court-ordered sanctions by August 15, 2004, nor did he take any action to set aside the sanction order or seek an extension of time to pay the sanctions.
20. On July 22, 2004, defendant's counsel propounded Supplemental Interrogatory to plaintiffs Mr. Pena and Ms. Ramos. The discovery was properly served on Respondent as plaintiffs' counsel by mail via the U.S. Postal Service, first class, postage prepaid, in a sealed envelope properly addressed to his address of record at 1720 E. Garry Avenue,

Suite 102, Santa Ana, CA 92705. Plaintiffs' responses were due on or about August 26, 2004. Although Respondent received defendant's discovery requests, he failed to request for an extension or timely respond to defendant's discovery requests on behalf of his clients, Mr. Pena and Ms. Ramos.

21. On August 16, 2004, a Case Management Conference was scheduled before the Court. Prior to the hearing, Respondent called in and informed the Court Clerk that he would not be able to appear for the hearing since his wife needed to be taken to intensive care. The matter was continued to September 7, 2004 for an Order to Show Cause Hearing re: Dismissal.
22. On August 30, 2004, defendant's counsel sent a letter to Respondent advising him that she had not yet received plaintiffs' discovery responses. She also advised him that if she did not receive the responses within ten (10) days of the date of this letter, she intended to move the Court for appropriate Orders. The letter was properly mailed to Respondent via the U.S. Postal Service, first class, postage prepaid, in a sealed envelope properly addressed to his address of record at 1720 E. Garry Avenue, Suite 102, Santa Ana, CA 92705. The letter was not returned as undeliverable or for any other reason by the U.S. Postal Service. Thereafter, Respondent failed to serve the discovery responses by September 9, 2004.
23. On September 7, 2004, the Court held an Order to Show Cause Hearing re: Dismissal. Respondent failed to appear for the hearing. The Court dismissed Mr. Pena's and Ms. Ramos' case with prejudice for lack of prosecution.
24. On September 9, 2004, the Court Clerk sent a Notice of Entry of Judgment to Respondent and defendant's counsel advising the parties that the case was dismissed with prejudice.
25. On December 10, 2004, three (3) months after the Court's dismissal of the matter, Respondent filed a Motion to Set Aside Dismissal of Action. The hearing was scheduled for January 7, 2005.
26. On December 28, 2004, defendant's counsel filed an Opposition to Plaintiffs' Motion to Set Aside Dismissal of Action. In its opposition, defendant's counsel requested sanctions in the amount of \$600.00.
27. On January 7, 2005, the Court held a hearing regarding plaintiffs' motion to set aside the dismissal. The Court denied plaintiffs' motion to set aside the dismissal and ordered Respondent to pay sanctions in the amount of \$300.00. Respondent failed to pay the court-ordered sanctions by February 6, 2005 (thirty days after the ruling), nor did he take

any action to set aside the sanction order or seek an extension of time to pay the sanctions.

28. On January 10, 2005, the Court entered a Notice of Ruling in Mr. Pena's and Ms. Ramos' matter, dismissing the matter with prejudice.
29. On May 22, 2007, Respondent paid the court-ordered sanctions that were issued on July 16, 2004 and January 7, 2005, in the amount of \$550.00, to the Clerk of the Orange County Superior Court.
30. On May 22, 2007, Respondent sent a letter to opposing counsel enclosing a cashier's check in the amount of \$720.00, as payment of the court-ordered sanctions issued on July 16, 2004.

CONCLUSIONS OF LAW

By failing to appear at the November 26, 2003, December 10, 2003, August 16, 2004, and September 7, 2004 scheduled court hearings, causing Mr. Pena's and Ms. Ramos's case to be dismissed on two separate occasions, by belatedly serving defendant's counsel plaintiffs' discovery responses on at least two separate occasions, and by failing to timely prosecute this case, resulting in sanctions totaling approximately \$1,270.00, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.

By failing to pay the July 16, 2004 court-ordered sanctions to the Court and defendant's counsel by August 15, 2004, Respondent failed to obey a court order in willful violation of Business and Professions Code section 6103.

By failing to pay the January 7, 2005 court-ordered sanctions to the Court by February 6, 2005, Respondent failed to obey a court order in willful violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS

The disclosure date referred to, on page two, paragraph A.(7), was ~~June 22, 2007~~ ^{July 23, 2007} G40

AUTHORITIES SUPPORTING DISCIPLINE

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct, 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.”

Here, the requested discipline furthers the purposes set forth in Standard 1.3.

Standard 1.7(a) provides that if a member is found culpable of misconduct and has a prior record of one imposition of discipline, the degree of discipline imposed in the current proceeding *shall be greater than that imposed in the prior proceeding* unless the prior was remote in time and the offense for which it was imposed was so minimal that it would be manifestly unjust to impose greater discipline in the current proceeding.

Pursuant to Standard 2.4(b), the “[c]ulpability 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.”

Finally, Standard 2.6 states in pertinent part that, “Culpability of a member of a violation of [section 6103] of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.”

The Supreme Court gives the Standards “great weight,” and will reject a recommendation consistent with the Standards only where the Court entertains “grave doubts” as to its propriety. *In re Naney* (1990) 51 Cal. 3d 186, 190; *see also In re Silverton* (2005) 36 Cal. 4th 81, 91, 92. Further, although the Standards are not mandatory, it is well-established that the Standards may be deviated from only when there is compelling, well-defined reason to do so. *See Aronin v. State Bar* (1990) 52 Cal. 3d 276, 291; *see also Bates v. State Bar* (1990) 52 Cal. 3d 1056, 1060, fn. 2.

The State Bar recognizes that the Standards should not be applied in a talismanic fashion. *Gary v. State Bar* (1988) 44 Cal. 3d 820, 828. However, Respondent bears the burden to demonstrate that the State Bar should deviate from the Standards.

In the case at bar, the stipulated discipline of a public reproof is slightly less than what the Standards dictate. However, given the particular facts of this case and the compelling mitigating circumstances involved, the stipulated discipline is appropriate and would adequately protect the public, the courts, and the legal profession from further misconduct from this Respondent.

Furthermore, case law also supports the recommended level of discipline. The case most analogous to the matter before us is *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862. There, the attorney was privately reproofed for violating sections 6103

and 6068(o) of the Business and Professions Code. In mitigation, Respondent did not have a prior record of discipline. No aggravating factors were found.

Similar to respondent Y, Respondent also failed to obey a court order. However, his misconduct is more egregious because not only did he fail to obey two separate court orders, but he also failed to perform competently. Also, unlike respondent Y, Respondent has a prior record of discipline (for similar misconduct), and there are other aggravating circumstances involved, including the multiple acts of misconduct and the significant harm to his clients, the public, and the administration of justice by Respondent's misconduct. Thus, the imposition of a public reproof is appropriate, based on the particular facts of this case.

AGGRAVATING CIRCUMSTANCES

Respondent has one prior record of discipline, a private reproof, effective September 28, 1994.

The current misconduct acknowledged by the member evidences multiple acts of wrongdoing.

Respondent's misconduct significantly harmed his clients, in that his clients' cases were dismissed on two separate occasions due to Respondent's failure to perform competently. Although a suspension is arguably warranted in this case, because of the compelling mitigation involved, the Office of the Chief Trial Counsel has agreed to settle the case with a public reproof. Respondent understands, however, that the complainants may, or may not, have civil remedies available to them, which are not affected by this disciplinary disposition.

MITIGATING CIRCUMSTANCES

Respondent has been candid and cooperative with the State Bar during its investigation and disciplinary proceedings.

Respondent has been practicing law for approximately thirty-two (32) years.

At the time of the misconduct, Respondent suffered extreme difficulties in his personal life which were other than emotional or physical in nature. His wife, who had functioned as his office manager for some time, became noticeably ill in June 2003, and was hospitalized for tests. She was diagnosed with leukemia toward the end of the month and remained hospitalized for several months. During this period, Respondent did his best to put his law practice on hold.

In late 2003, his wife was released from the hospital and was treated as an outpatient. Her health steadily improved and she was declared to be in remission. Sometime in the latter

part of March 2004, Respondent resumed his law practice full-time.

In mid May 2004, Respondent's wife began to experience symptoms again. Tests determined that the leukemia had returned and she was hospitalized again. She underwent radiation treatment and received a bone marrow transplant in July 2004. She appeared to be improving, but then began to have trouble breathing. In mid August 2004, her doctors determined that she had developed a life threatening fungus in her lungs and transferred her to an intensive care unit. Her health steadily declined, and she died on August 25, 2004.

After his wife's unexpected and early death, Respondent began to slowly close down his law practice to devote full attention to his four young children. He intends to go on inactive status by the end of this year.

The court records indicate that neither Respondent nor opposing counsel received notice of the September 7, 2004 Order to Show Cause hearing from the Court Clerk, which explains why neither party appeared at the hearing.

Respondent has since paid the sanctions owed to the Court and opposing counsel.

COSTS OF DISCIPLINARY PROCEEDINGS



Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that, as of June 22, 2007, the costs in this matter is 1,983.00. Costs to be paid in equal amounts prior to February 1 for the following two (2) billing cycles following the effective date of the Supreme Court order. Respondent further acknowledges that should this stipulation be rejected or should relief from this stipulation be granted, the costs in this matter may increase due to the costs of further proceedings.

(Do not write above this line.)

In the Matter of GARRY L. JONES	Case number(s): 05-O-04889
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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>1-23-07</u> Date	 Respondent's Signature	<u>GARRY L. JONES</u> Print Name
 Date	 Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>7/27/07</u> Date	 Deputy Trial Counsel's Signature	<u>MIHO MURAI</u> Print Name

(Do not write above this line.)

In the Matter Of
GARRY L. JONES

Case Number(s):
05-O-04889

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 court dates in the Hearing Department 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 125(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 reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

August 1, 2007
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 1, 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:

**GARRY LAWRENCE JONES
P O BOX 2463
MISSION VIEJO CA 92690**

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

MIHO MURAI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 1, 2007**.


Angela Owens-Carpenter
Case Administrator
State Bar Court