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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar Gordon L. Grenier Deputy Trial Counsel 1149 S. Hill Street Los Angeles, California 90015-2299 Tel: (213) 765-1380 Bar # 225430	Case number(s) 06-N-10791, 06-O-12534	(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;">AUG 15 2006 <i>YJC</i></div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Michael W. Coopet 16761 Viewpoint Ln., # 190 Huntington Beach, CA 92647 (949)929-8049 Bar # 111063	PUBLIC MATTER	
In the Matter of MICHAEL W. COOPET Bar # 111063 A Member of the State Bar of California (Respondent)	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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 12, 1983
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 13 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(Do not write above this line.)

(B) 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: for the three (3) 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

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 04-O-12716

(b) Date prior discipline effective October 9, 2005

(c) Rules of Professional Conduct/ State Bar Act violations: 6068(a), 6068(m), 3-110(A),

4-100(B)(3), & 3-700(D)(2)

(d) Degree of prior discipline one year-stayed suspension; 60 days-actual suspension

(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.

(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.

(Do not write above this line.)

- (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 has displayed candor and cooperation with the State Bar during the disciplinary proceedings.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law 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: _____

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

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(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of nine (9) 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: _____

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.

(Do not write above this line.)

- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: Respondent took and passed the MPRE on March 11, 2006.
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MICHAEL W. COOPET

CASE NUMBER(S): 06-N-10791, 06-O-12534

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 06-N-10791

Statement of Facts:

1. On September 9, 2005, the California Supreme Court filed Order No. S135175 ("Suspension Order") requiring that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, that Respondent be placed on probation for two years on condition that he be actually suspended for sixty days and until he makes restitution to Bradley Oakes and provide proof of payment to the Office of Probation of the State Bar.
2. Pursuant to the September 9, 2005 Supreme Court order, Respondent was ordered to comply with California Rules of Court, rule 955, subdivisions (a) and (c) if he was actually suspended for 90 days or more. The Supreme Court further ordered Respondent to perform the acts specified in the subdivisions (a) and (c) of rule 955 within 120 and 130 days, respectively, after the effective date of October 9, 2005.
3. On September 9, 2005, the Clerk of the California Supreme Court properly served upon Respondent a copy of the Suspension Order. Respondent received a copy of the Suspension Order.
4. Respondent failed to provide to the Office of Probation proof of payment of restitution to Bradley Oakes. Therefore, Respondent remained actually suspended for more than 90 days. Accordingly, by February 16, 2006, Respondent should have filed with the Clerk of the State Bar Court an affidavit showing that he had fully complied with rule 955.

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5. On September 21, 2005, a probation deputy of the Office of Probation of the State Bar of California wrote a letter to Respondent reminding Respondent of the terms of the discipline imposed pursuant to the Suspension Order. In this September 21, 2005 letter, the probation deputy advised Respondent that the California Supreme Court had ordered him to comply with rule 955 and that the affidavit required by rule 955 was due no later than February 16, 2006. This letter was properly mailed to Respondent's membership-records address and was received at that address.

6. On February 9, 2006, a probation deputy of the Office of Probation of the State Bar of California wrote a letter to Respondent regarding his failure to comply with the terms of his probation. Enclosed with this letter was a copy of the September 21, 2005 letter. This February 9, 2006 letter was properly mailed to Respondent's membership-records address and was received at that address.

7. Respondent did not file with the Clerk of the State Bar Court a declaration stating compliance with rule 955 by February 16, 2006. Nearly three months later, on May 11, 2006, Respondent attempted to file a declaration of compliance with rule 955. Respondent's May 11, 2006 filing was rejected by the Office of Probation of the State Bar of California due to form. Respondent's declaration of compliance with rule 955 was ultimately filed on June 5, 2006.

Conclusion of Law:

8. By failing to timely file with the Clerk of the State Bar Court a declaration of compliance with rule 955 as required by the Suspension Order, Respondent wilfully violated an order of the court requiring him to do an act connected with Respondent's profession which he ought in good faith to do in violation of Business and Professions Code section 6103.

Case No. 06-O-12534

Statement of Facts:

9. On September 9, 2005, the California Supreme Court filed an Order in Case No. S135175 (State Bar Court Case No. 04-O-12716) that Respondent be suspended from the practice of law for one (1) year, that execution of suspension be stayed, and that Respondent be placed on probation for two (2) years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on September 9, 2005, including sixty (60) days actual suspension and until payment of specified restitution.

10. Pursuant to the September 9, 2005 California Supreme Court Order, Respondent was ordered to submit to the Probation Unit written quarterly reports each January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, certifying

under penalty of perjury that he has complied with all provisions of the State Bar Act, the Rules of Professional Conduct and all other conditions of his probation during the preceding calendar quarter or part thereof covered by the report and to file a final report no later than sixty days prior to the expiration of the probation period.

11. On September 9, 2005, the Clerk of the California Supreme Court properly served upon Respondent a copy of the September 9, 2005 Order. This order became effective on October 9, 2005.

12. On September 21, 2005, Probation Deputy Lydia G. Dineros ("Ms. Dineros") of the Office of Probation of the State Bar of California ("Office of Probation") wrote a letter to Respondent in which she reminded Respondent of the terms and conditions of his suspension and probation imposed pursuant to the September 9, 2005 California Supreme Court Order. In this September 21, 2005 letter, Ms. Dineros specifically advised Respondent regarding his obligation to timely submit quarterly reports beginning January 10, 2006. Enclosed with Ms. Dineros' September 21, 2005 letter to Respondent were, among other things, a copy of the September 9, 2005 California Supreme Court Order, a copy of the relevant portion of the Hearing Department's May 16, 2005 Decision setting forth the conditions of Respondent's probation, a Quarterly Report Instructions sheet, and a Quarterly Report form specially tailored for Respondent to use in submitting his quarterly reports and final report.

13. Ms. Dineros' September 21, 2005 letter was properly mailed to Respondent's membership-records address and was received at that address.

14. On or about February 9, 2006, Ms. Dineros wrote a letter to Respondent advising him that the Office of Probation had not received his first quarterly report due no later than January 10, 2006, and reminding him of his obligation to timely submit quarterly reports during the period of the probation.

15. Ms. Dineros' February 9, 2006 letter to Respondent was properly mailed to Respondent's membership-records address and was received at that address.

16. On June 8, 2006, Respondent filed with the Office of Probation the quarterly reports that were due on January 10 and April 10, 2006.

Conclusion of Law:

17. By failing to comply with all conditions attached to any disciplinary probation imposed pursuant to a court disciplinary order, Respondent wilfully violated Business and Professions Code sections 6068(k) and 6103.

AUTHORITIES SUPPORTING DISCIPLINE

Standard 2.6(b) provides that culpability of a member of violation of Business and Professions Code section 6103 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, with due regard for the purposes of imposing discipline set forth in Standard 1.3.

In *Shapiro v. State Bar* (1990) 51 Cal. 3d 251, the California Supreme Court suspended the respondent for two years, stayed on condition of a one year actual suspension. This case involved a 955 violation consolidated with one count of abandoning a client in a civil matter. The respondent was unclear whether it was necessary to file an affidavit under Rule 955 and sought advice from his probation monitor. The monitor gave respondent inaccurate information, which he later corrected. Respondent attempted to file a 955 affidavit, but the affidavit was rejected by the Court due to form. Thereafter, respondent delayed 3 months before hiring counsel who filed a proper 955 affidavit. In the consolidated matter, respondent was found culpable of abandoning a client in a civil matter which resulted in a default entering against the client. Although the default was later set aside by new counsel, the client had to pay a \$1,500 sanction to reinstate the lawsuit.

In *In the Matter of Friedman* (Review Department 1993) 2 Cal. State Bar Ct. Rptr. 527, the respondent was minimally late (14 days) to file his 955 affidavit, filing it before the State Bar Court's referral order was issued. The respondent accepted responsibility for his own error, participated in the 955 disciplinary proceeding and cooperated with the State Bar. The Review Department balanced all relevant factors and imposed a 30 day suspension to underline to the respondent the seriousness of his duties to comply with all aspects of court orders.

The conduct involved in the instant case is more severe than *Friedman*, but less egregious than *Shapiro*. Unlike Shapiro, Respondent does not have any new misconduct involving client matters. Respondent has now filed his 955 affidavit and quarterly reports. Additionally, Respondent has accepted responsibility for his misconduct.

MITIGATING CIRCUMSTANCES

Respondent has displayed candor and cooperation with the State Bar during the disciplinary proceedings.

QUARTERLY REPORTING CONDITION

As Respondent is already subject to quarterly reporting requirements in Case No. S135175, Respondent is not required to submit separate quarterly reports under the current case numbers. For each reporting period, Respondent may submit a single quarterly report for both

the instant case and Case No. S135175.

Upon completion or termination of Case No. S135175, Respondent will continue to file quarterly reports under the current case numbers as necessary.

RESTRICTIONS WHILE ON ACTUAL SUSPENSION.

1. During the period of actual suspension, Respondent shall not:

- Render legal consultation or advice to a client;
- Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
- Appear as a representative of a client at a deposition or other discovery matter;
- Negotiate or transact any matter for or on behalf of a client with third parties;
- Receive, disburse, or otherwise handle a client's funds; or
- Engage in activities which constitute the practice of law.



2. Respondent shall declare under penalty of perjury that he has complied with this provision in any quarterly report required to be filed with the Probation Unit, pertaining to periods in which the Respondent was actually suspended from the practice of law.

(Do not write above this line.)

In the Matter of MICHAEL W. COOPET Member #: 111063	Case number(s): 06-N-10791, 06-O-12534
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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 Facts, Conclusions of Law and Disposition.

<u>08/03/06</u> Date	 Respondent's signature	<u>MICHAEL W. COOPET</u> Print name
<u>8-14</u> Date	_____ Respondent's Counsel's signature	_____ Print name
<u>8-14-06</u> Date	 Deputy Trial Counsel's signature	<u>GORDON L. GRENIER</u> Print name

(Do not write above this line.)

In the Matter of MICHAEL W. COOPET Member #: 111063	Case number(s): 06-N-10791, 06-O-12534
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

8/14/06

Judge of the State Bar Court


ROBERT M. TALCOTT

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 15, 2006, I deposited a true copy of the following document(s):

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

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

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

**MICHAEL WARREN COOPET
16761 VIEWPOINT LN #190
HUNTINGTON BEACH, CA 92674**

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

GORDON GRENIER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 15, 2006**.



Tammy R. Cleaver
Case Administrator
State Bar Court