



(Do not write above this line.)

State Bar Court of California		
Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco <b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES</b>		
Counsel for the State Bar <b>Cydney Batchelor</b> Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204  Bar #    114637	Case Number(s)  <div style="text-align: center; font-size: 2em; font-weight: bold; opacity: 0.5;">CONFIDENTIAL</div> 06-0-10060 06-0-10394 06-0-12054	<div style="text-align: center;"> <small>(for Court Use)</small>  <div style="font-size: 2em; font-weight: bold; opacity: 0.5;">LODGED</div>            OCT 23 2006 <sup>AS</sup>            STATE BAR COURT            CLERK'S OFFICE            SAN FRANCISCO         </div>  <div style="text-align: center;"> <div style="font-size: 2em; font-weight: bold; opacity: 0.5;">FILED</div>            AUG 21 2007            STATE BAR COURT CLERK'S OFFICE            SAN FRANCISCO         </div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per  <b>Jorge Portugal, Esq.</b> 870 Market St. San Francisco, CA 94102 Tele: 415/362-0204  Bar #    117055	Submitted to Program Judge <b>ADDENDUM TO</b>  <div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of  <b>JORGE PORTUGAL</b> Bar # 117055 A Member of the State Bar of California (Respondent)	Submitted to Program Judge <b>ADDENDUM TO</b>  <div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div>  <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 12/03/1984 (date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 10 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."    **See attached**
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."    **See attached**

(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [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 Action violations \_\_\_\_\_
- (d)  Degree of prior discipline \_\_\_\_\_
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct. **See attachment**
- (8)  **No aggravating circumstances are involved.**

Additional aggravating circumstances:

None

(Do not write above this line.)

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**C. Mitigating Circumstances [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) ~~xxx~~  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the ~~victim of his/her misconduct and to the~~ State Bar during disciplinary investigation and proceedings. **See attached**
- (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 of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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 attached**

**ATTACHMENT TO**  
**ADDENDUM TO**  
**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF:       **JORGE PORTUGAL**

CASE NUMBER(S):       **06-O-10060, 06-O-10394, 06-O-12054**

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the State Bar Act and/or Rules of Professional Conduct:

**State Bar Case No. 06-O-10060 (Mario Abarca)**

Facts:

1. On December 28, 2004, respondent was employed as subsequent counsel by Mario Abarca ("Abarca") to represent him in an immigration matter. At that time, Abarca paid respondent \$2000.00 as advanced fees.
2. Before respondent was employed by Abarca, the immigration court had denied Abarca's petition for asylum in January 2004, and set a voluntary departure date of April 10, 2005.
3. Although he was aware of the voluntary departure date, respondent failed to timely file a petition for review on Abarca's behalf. Instead, on April 11, 2005, respondent filed a petition for review and emergency stay.
4. On July 15, 2005, respondent's untimely petition was dismissed. Respondent thereafter failed to file a response on Abarca's behalf.
5. On July 29, 2005, Abarca's immigration bond was breached. On September 2, 2005, respondent filed a non-conforming appellate brief which was rejected, and Abarca was ordered deported by November 11, 2005.
6. During the time periods reflected above, Abarca made several attempts to

contact respondent by leaving messages at his office, to no avail. Respondent did not contact him until immediately before the deportation date.

Conclusions of Law: By filing an untimely petition for review of the denial of Abarca's asylum petition, filing to file a response on Abarca's behalf after the untimely petition was dismissed, and filing a non-conforming appellate brief, respondent repeatedly failed to perform competently, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to respond to Abarca's numerous telephone messages, respondent failed to respond promptly to reasonable status inquiries of a client, in violation of Business and Professions Code section 6068(m).

**State Bar Case No. 06-O-10394 (Rafael Mendez)**

Facts:

1. On June 9, 2005, Rafael Mendez ("Mendez") visited respondent's office to obtain legal assistance on his immigration matter. Respondent was not in the office, and Mendez spoke to respondent's office manager, who told him that respondent would "take care of all the immigration matter," and accepted a \$2000.00 payment from Abarca for the representation. Mendez told the office manager at the time that he had a criminal conviction, but the office manager told him "not to worry about it," because respondent "would take care of everything."

2. Although the office manager told Mendez that respondent would provide full representation, she told respondent only that Mendez had paid to have the office staff prepare a NACARA (Nicaraguan Adjustment and Central American Relief Act) application. The office manager also failed to inform respondent that Mendez had a criminal conviction that might negatively impact his immigration case.

3. Respondent's office staff prepared and filed the NACARA application on Mendez' behalf. Because of the criminal conviction, however, the application was denied.

4. Thereafter, Mendez left several messages with respondent's office staff requesting a return call. Respondent failed ever to respond.

Conclusions of Law: By failing to properly supervise his office staff to prevent them from interviewing and accepting Mendez as a client, accepting fees from him, and making representations regarding the scope of the employment to Mendez, respondent recklessly failed to perform competently, in violation of Rule of Professional Conduct 3-

110(A). By willfully failing to respond to Mendez' repeated telephone calls, respondent failed to respond promptly to reasonable status inquiries of a client, in violation of Business and Professions Code section 6068(m).

**State Bar Case No. 06-O-12054 (Lidia Romero)**

**Facts:**

1. On October 25, 2005, Lidia Romero ("Romero") visited respondent's office to obtain legal assistance on her immigration matter. Respondent was not in the office, and Mendez spoke to respondent's office manager, who told him that respondent would "take care of all the immigration matter," and accepted a \$1500.00 payment from Romero for the representation.

2. At the time that she paid the advanced fees to the office manager, Romero told her that she had a criminal conviction, but the office manager told him "not to worry about it," because respondent "would take care of everything." However, the office manager never conveyed this information to respondent.

2. Thereafter, respondent accompanied Romero to a meeting with the immigration department. However, respondent subsequently learned that Romero had a serious criminal conviction that would prevent her from being successful in her immigration case, and informed her that he would be withdrawing from her case and could not represent her any further. Respondent then withdrew from the case.

3. Thereafter, Mendez left several messages with respondent's office staff requesting a return call. Respondent failed ever to respond.

**Conclusions of Law:** By failing to properly supervise his office staff to prevent them from interviewing and accepting Romero as a client, accepting fees from her, and making representations regarding the scope of the employment to Romero, respondent recklessly failed to perform competently, in violation of Rule of Professional Conduct 3-110(A).

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was August 9, 2006

## MITIGATING CIRCUMSTANCES.

### **Facts supporting mitigating circumstances:**

Candor/Cooperation: Respondent has been completely candid and cooperative with the undersigned deputy trial counsel in resolving all the pilot program cases.

### **Additional Mitigating Circumstances.**

Restitution: Respondent has paid \$2000.00 in restitution to Abarca. In addition, Abarca belatedly stated that he paid respondent an additional \$500.00 in advanced fees; he has been asked to provide the receipt for verification. If Abarca does provide a receipt for the additional \$500.00, respondent has agreed that he will agree to modify this stipulation to include a restitution condition that he pay the additional \$500.00 plus interest to Abarca. Although the NACARA petition was prepared and filed on Mendez' behalf, respondent has agreed to refund the \$2000.00 fees paid in full. Respondent has also agreed to refund in full the \$1500.00 paid by Romero; he has already refunded \$500.00 of that amount.

Change in Office Staff: After the three complaints memorialized became known to respondent, he recognized that his office staffing was inadequate, terminated his entire staff, and relocated to another office with a single employee.

Participation in Lawyer's Assistance Program: In February 2003, respondent voluntarily signed a pre-enrollment assessment agreement with the State Bar's Lawyer Assistance Program (LAP). Respondent was then assessed and monitored for a period of time by the LAP. At the conclusion of the LAP evaluation, on April 23, 2003, respondent met with its Evaluation Committee, and then voluntarily entered into a long-term participation agreement with LAP on May 28, 2003. He is in compliance with LAP as of the date this stipulation is signed.

## RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below.

In accordance with the timetable set forth in the State Bar Court alternative discipline program contract to be executed between the State Bar Court and respondent on the captioned cases, Respondent must make restitution as follows:

Rafael Mendez, or the Client Security Fund if it has paid, in the principal amount of \$2000.00, plus interest at the rate of 10% per annum from December 27, 2005 (the date Mendez' State Bar complaint was opened), until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Lidia Romero, or the Client Security Fund if it has paid, in the principal amount of April \$1000.00, plus interest at the rate of 10% per annum from April 24, 2006 (the date Romero's State Bar complaint was opened), until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.



(Do not write above this line.)

In the Matter of  <b>JORGE PORTUGAL</b>	Case number(s):  06-0-10060, et al.
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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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

8-10-06  
Date

  
Respondent's signature

Jorge Portugal  
Print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel's signature

\_\_\_\_\_  
Print name

8/10/06  
Date

  
Deputy Trial Counsel's signature

Cydney Batchelor  
Print name

(Do not write above this line.)

In the Matter of JORGE <i>R</i> PORTUGAL <i>JP</i>	Case number(s): 06-O-10060, et al.
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All Hearing dates are vacated.

On page 6, under State Bar Court case no. 06-O-12054, all references to "Mendez" are deleted and replaced with "Romero."

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(d), Rules of Procedure.)

Date

10/23/06

Joann M. Remke  
JOANN M. REMKE  
Judge of the State Bar Court

State Bar Court of the State Bar of California  
Hearing Department:  Los Angeles  San Francisco  
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar <b>Cydney Batchelor, #114637</b> State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204	Case Number(s)  <div style="text-align: center; font-size: 2em; font-weight: bold; opacity: 0.5;">CONFIDENTIAL</div> 04-0-14285	(for Court use) <div style="text-align: center; font-size: 2em; font-weight: bold;">LODGED</div> JAN 03 2005 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for Respondent  <b>Jorge Portugal, #117055</b> 2492 Mission St. San Francisco, CA 94110 Tele: 415/206-0600	<div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> AUG 21 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	
In the Matter of <b>JORGE PORTUGAL</b>  Bar # <b>117055</b>  A Member of the State Bar of California (Respondent)	Submitted to Pilot Program Judge <u>ADDENDUM TO</u> <b>SECOND AMENDED STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted 12/3/84  
(Date)

(2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.

(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." This stipulation consists of \_\_\_\_\_ 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) 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.

(7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

B. Aggravating Circumstances (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 Action violations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (d)  Degree of prior discipline \_\_\_\_\_
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "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.
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8)  No aggravating circumstances are involved.

Additional aggravating circumstances:

**None.**

C. Mitigating Circumstances [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 ~~to 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 of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

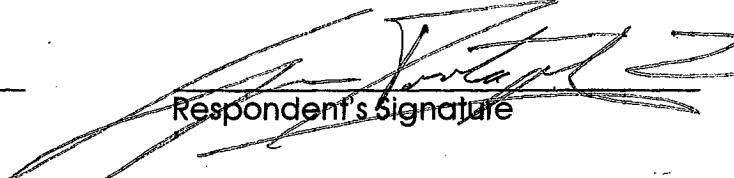
**See attached**

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

9/22/04  
Date

  
Respondent's Signature


JORGE PORTUGAL L.  
Print Name

N/A  
Date

N/A  
Respondent's Counsel Signature

N/A  
Print Name

9/22/04  
Date

  
Deputy Trial Counsel's Signature

CYDNEY BATCHELOR  
Print Name

**ATTACHMENT TO**  
**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF:       **JORGE L. PORTUGAL**

CASE NUMBER(S):        04-O-14285

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the State Bar Act and/or Rules of Professional Conduct:

**04-O-14285 (William Rivas)**

Facts: In February 2004, William Rivas employed Respondent to represent him in a child custody matter, and paid him \$1,000.00 in advanced fees. Thereafter, Respondent failed to advance the court date as he promised and also failed to appear in court. Despite inquiries made by telephone and in person, Respondent failed to respond to his client.

Conclusions of Law: By recklessly failing to advance the court date or appear in court, Respondent failed to perform competently the legal services for which he had been employed, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to respond to Mr. Rivas' inquiries, Respondent failed to respond to reasonable status inquiries of his client, in violation of Business and Professions Code section 6068(m).

**NEXUS BETWEEN MISCONDUCT AND MENTAL HEALTH DISORDER.**

Regarding the nexus between his mental health disorder and the misconduct set forth herein, if called as a witness, Respondent would testify to the facts set forth in his declaration attached to the pilot program stipulation lodged with the State Bar Court hearing department on September 27, 2003.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was September 22, 2004.

## MITIGATING CIRCUMSTANCES.

### **Facts supporting mitigating circumstances:**

Candor/Cooperation: Through his counsel, Respondent has been completely candid and cooperative with the undersigned deputy trial counsel in resolving all the pilot program cases.

### **Additional Mitigating Circumstances.**

No prior record: The State Bar considers the aggregate pilot program matters as serious; however, the State Bar does note that Respondent has no prior record of discipline since being admitted in December 1984.

Participation in Lawyer's Assistance Program: In February 2003, Respondent voluntarily signed a pre-enrollment assessment agreement with the State Bar's Lawyer Assistance Program (LAP). Respondent was then assessed and monitored for a period of time by the LAP. At the conclusion of the LAP evaluation, on April 23, 2003, Respondent met with its Evaluation Committee, and then voluntarily entered into a long-term participation agreement with LAP on May 28, 2003. He has been in substantial compliance with LAP from his first communication with the program to the present time.

## RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below.

In accordance with the timetable set forth in the in the "Amended Pilot Program Contract" to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

William H. Rivas, or the Client Security Fund if it has paid, in the principal amount of \$1,000.00, plus interest at the rate of 10% per annum from February 24, 2004, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.



ORDER

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

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

Date

1/3/05

  
Judge of the State Bar Court

State Bar Court of the State Bar of California  
Hearing Department:  Los Angeles ~~XXX~~ San Francisco  
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar <b>Cydney Batchelor, #114637</b> State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 94105	Case Number(s) <span style="float: right;">(for Court use)</span> <div style="text-align: center; font-size: 2em; font-weight: bold; opacity: 0.5;"><del>CONFIDENTIAL</del></div> 02-0-14286-JMR 02-0-14762 03-0-12537 [unfiled] 02-0-15567 [unfiled] 03-0-1204 [unfiled] 03-0-3171 [unfiled] 03-0-3219 [unfiled] 03-0-3378 [unfiled] 03-0-5123 [unfiled] 04-0-10911 [unfiled]	<div style="text-align: center; font-size: 2em; font-weight: bold; opacity: 0.5;"><del>LODGED</del></div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold;">AUG 21 2007</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold;">MAY 17 2004</div> <div style="text-align: center; font-size: 0.8em; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel for Respondent <b>Jorge Portugal, #117055</b> 2492 Mission St. San Francisco, CA 94110 Tele: 415/206-0600	Submitted to Pilot Program Judge <u>SECOND AMENDED</u> <div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of <b>JORGE L. PORTUGAL</b> Bar # 117055  A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted 12/3/84  
(Date)

(2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.

(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." This stipulation consists of 12 pages.

(4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts". See attached.

(5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law." See attached.

(6) 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.

(7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

B. Aggravating Circumstances (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 Action violations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - (d)  Degree of prior discipline \_\_\_\_\_
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "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 attached.
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct. See attached.
- (8)  No aggravating circumstances are involved.

Additional aggravating circumstances:

None

C. Mitigating Circumstances [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 ~~to 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 of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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 attached.

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

5/12/04  
Date

  
Respondent's Signature

JORGE L. PORTUGAL  
Print Name

N/A  
Date

N/A  
Respondent's Counsel Signature

NONE  
Print Name

5/17/04  
Date

  
Deputy Trial Counsel's Signature

CYDNEY BATCHELOR  
Print Name

**ATTACHMENT TO**

**FIRST AMENDED STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF:       **JORGE L. PORTUGAL**

CASE NUMBER(S):       02-O-12537, et al.

**DISMISSALS.**

**Case No. 02-O-15567 (Ronald Martinez):** Upon the execution of the pilot program contract by the Respondent and the State Bar Court, the State Bar respectfully requests the Court to dismiss case number 02-O-15567, in the interests of justice, without prejudice.

**Case No. 03-O-12821 (Karla Mejia)** Pursuant to the settlement memorialized herein, the parties respectfully request the Court to dismiss case number 03-O-12821, without prejudice. As a condition of this dismissal, Respondent hereby agrees to write to Ms. Mejia, within ninety days from the date he signs this stipulation, and therein to offer to initiate and participate in fee arbitration regarding her outstanding fee dispute with him upon her request. Respondent further agrees to initiate and participate in fee arbitration upon Ms. Mejia's request, and to abide by the final order if any there be. Respondent understands and agrees that his failure to write the letter, or to initiate or participate in fee arbitration upon Ms. Mejia's request, or to abide by the final order if any there be, may result in case number 03-O-12821 being reopened and further disciplinary action taken against him.

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the State Bar Act and/or Rules of Professional Conduct:

**Case No. 02-O-12537 (Gonzalez)**

Facts: In December 1998, Respondent took over representation of Juan Gonzalez in an immigration matter, and requested and was paid an additional \$500.00 in advanced attorney fees for the representation. Thereafter, Respondent failed to file a brief on Mr.

Gonzalez' behalf, despite two continuances to do so, and failed to refund unearned attorney fees to him.

Conclusions of Law: By recklessly failing to file a brief on Mr. Gonzalez' behalf in his immigration case, Respondent violated Rule of Professional Conduct 3-110(A), and by willfully failing to refund unearned attorney fees to him, Respondent violated Rule of Professional Conduct 3-700(D)(2).

**Case No. 02-O-14286 (Ayala)**

Facts: In 1997, Julio Ayala hired Respondent to represent him in a personal injury matter. Thereafter, Respondent took no action on Mr. Ayala's claim, and failed to return numerous telephone messages from him.

Conclusions of Law: By recklessly failing to perform the legal services for which Mr. Ayala employed him, Respondent violated Rule of Professional Conduct 3-110(A). By willfully failing to communicate with Mr. Ayala, Respondent violated Business and Professions Code section 6068(m).

**Case No. 02-O-14762 (Bartres)**

Facts: In 1996, Robert Bartres employed Respondent to represent him in a personal injury matter. Respondent filed suit on Mr. Bartres behalf, but failed to pursue the case thereafter. In May 1998, the case was dismissed because of Respondent's inaction; in November 1998, Respondent moved to set aside the dismissal based on his illness and emotional problems. The set aside motion was granted in February 1999. From February 1999 to October 1999, Respondent appeared at five status conferences in the case. However, thereafter, he again failed to pursue the case, and the case was dismissed again in May 2000.

Conclusions of Law: By recklessly failing to perform the legal services for which Mr. Bartres employed him, Respondent violated Rule of Professional Conduct 3-110(A).

**Case No. 03-O-1204 (Mazariegos)**

Facts: In March 2002, Benedicto Mazariegos hired Respondent to represent him in an immigration matter, and paid him \$4000.00 in advanced attorney fees. The next month, Respondent filed a request for an extension of time to file a brief on Mr. Mazariegos' behalf; the request was granted. However, Respondent failed to file the brief in a timely manner, or to appear at the status conference on November 6, 2002, and the immigration

court ordered Mr. Mazariegos to be deported. Thereafter, Respondent failed to return the unearned advanced fees to Mr. Mazariegos.

Conclusions of Law: By recklessly failing to perform the legal services for which Mr. Mazariegos employed him, Respondent violated Rule of Professional Conduct 3-110(A). By willfully failing to return unearned attorney fees to Mr. Mazariegos, Respondent violated Rule of Professional Conduct 3-700(D)(2).

**Case No. 03-O-3219 (Vitalio Vasquez)**

Facts: In 2000, Vitalio Vasquez employed Respondent to represent him in an immigration matter, and paid him \$3000.00 for the representation. Thereafter, Respondent failed to represent Mr. Vasquez' interests in the case, and failed to return unearned attorney fees to him.

Conclusions of Law: By recklessly failing to pursue Mr. Vasquez' interests in his immigration case, Respondent violated Rule of Professional Conduct 3-110(A), and by willfully failing to refund unearned attorney fees to him, Respondent violated Rule of Professional Conduct 3-700(D)(2).

**Case No. 03-O-3378 (Jose Hernandez Espinoza)**

Facts: In June 2001, Jose Hernandez Espinoza employed Respondent to represent him in an immigration matter, and paid him \$3000.00 for the representation. Thereafter, Respondent failed to represent Mr. Espinoza's interests in the case, and failed to return unearned attorney fees to him.

Conclusions of Law: By recklessly failing to pursue Mr. Espinoza's interests in his immigration case, Respondent violated Rule of Professional Conduct 3-110(A), and by willfully failing to refund unearned attorney fees to him, Respondent violated Rule of Professional Conduct 3-700(D)(2).

**Case No. 03-O-5123 (Edilia Rojas)**

Facts: In October 1998, Edilia Rojas employed Respondent to represent him in an immigration matter, and paid him \$6000.00 for the representation. Thereafter, Respondent performed some legal services on behalf of Mr. Rojas; however, he failed to file and process an appeal, as he had promised to do.



Conclusions of Law: By recklessly failing to pursue Mr. Rojas' appeal, Respondent failed to perform legal services competently, in violation of Rule of Professional Conduct 3-110(A).

**Case No. 04-O-10911 (Jose Jilberto Zavala)**

Facts: In July 2000, Jose Zavala employed Respondent to represent him in a criminal case and an immigration matter, and paid him \$1,500.00 in advanced attorney fees at that time. In November 2000, Mr. Zavala paid Respondent another \$2,000.00 for the representation. Thereafter, Respondent performed some services, but failed to obtain a continuance on the trial in the immigration matter set for February 2002, which Mr. Zavala had requested because he was involved in an automobile accident on the way to court. Thereafter, Mr. Zavala made several attempts to contact Respondent, who failed to return his calls. Respondent also failed to take any further steps to reset the trial date. On September 27, 2002, Mr. Zavala was arrested and deported. Respondent was immediately informed of the deportation, but failed to take any steps to correct it or to protect Mr. Zavala's appellate rights.

Conclusions of Law: By recklessly failing to pursue Mr. Zavala's interest in his immigration case, Respondent violated Rule of Professional Conduct 3-110(A), and by willfully failing to respond to his client's reasonable status inquiries or to inform him of a significant development in his case, Respondent violated Business and Professions Code section 6068(m).

**NEXUS BETWEEN MISCONDUCT AND MENTAL HEALTH DISORDER.**

Regarding the nexus between his mental health disorder and the misconduct set forth herein, if called as a witness, Respondent would testify to the facts set forth in his declaration attached hereto.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was May 12, 2004.

## AGGRAVATING CIRCUMSTANCES.

### FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct: The facts and conclusions set forth above involve multiple acts of misconduct to multiple clients.

Significant Harm: By the Respondent's afore stated misconduct, Messrs. Ayala and Bartres lost their causes of action entirely, and Mr. Zavala was deported from the United States.

## MITIGATING CIRCUMSTANCES.

### Facts supporting mitigating circumstances:

Candor/Cooperation: Through his counsel, Respondent has been completely candid and cooperative with the undersigned deputy trial counsel in resolving these cases.

### Additional Mitigating Circumstances.

No prior record: The State Bar considers the matters set forth herein as serious; however, the State Bar does note that Respondent has no prior record of discipline since being admitted in December 1984.

Assistance to Clients: Although he did not do so until after these State Bar proceedings were initiated, Respondent did provide assistance to his clients Gonzalez, Vasquez, Espinoza and Rojas by initiating ineffective assistance of counsel complaints on their behalf to secure new hearings for them. In addition, Respondent has written to Mr. Zavala through his new attorney, and has agreed to provide a declaration regarding ineffective assistance of counsel on Mr. Zavala's behalf, as well as refund Mr. Zavala the entire advanced fee of \$3,500.00 to assist in his further legal efforts, although Respondent did perform some legal services on Mr. Zavala's behalf.

Participation in Lawyer's Assistance Program: In February 2003, Respondent voluntarily signed a pre-enrollment assessment agreement with the State Bar's Lawyer Assistance Program (LAP). Respondent was then assessed and monitored for a period of time by the LAP. At the conclusion of the LAP evaluation, on April 23, 2003, Respondent met with its Evaluation Committee, and then voluntarily entered into a long-term participation agreement with LAP on May 28, 2003. He has been fully compliant with LAP from his first communication with the program to the present time.

**RESTITUTION.**

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below.

In accordance with the timetable set forth in the in the "Pilot Program Contract" to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

Juan Gonzalez, or the Client Security Fund if it has paid, in the principal amount of \$500.00, plus interest at the rate of 10% per annum from January 1, 1999, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Benedicto Mazariegos, or the Client Security Fund if it has paid, in the principal amount of \$4000.00, plus interest at the rate of 10% per annum from September 17, 2001, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Vitelio Vasquez, or the Client Security Fund if it has paid, in the principal amount of \$3000.00, plus interest at the rate of 10% per annum from June 1, 2002, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Jose Hernandez Espinoza, or the Client Security Fund if it has paid, in the principal amount of \$3000.00, plus interest at the rate of 10% per annum from June 1, 2001, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Jose Jilberto Zavala, or the Client Security Fund if it has paid, in the principal amount of \$3,500.00, plus interest at the rate of 10% per annum from October 1, 2002, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

**STATE BAR ETHICS SCHOOL.**

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

**OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

Participation in State Bar Lawyer's Assistance Program. As noted above, on May 28, 2003, Respondent voluntarily entered into a participation agreement with the LAP ("the

participation agreement”), which includes conditions regarding monitoring and treatment for five (5) years. Respondent shall comply with the terms of the participation agreement, as the participation agreement may be modified by Respondent and the LAP from time to time, and shall furnish satisfactory evidence of such compliance to the Probation Department. Respondent shall include in each quarterly report required herein satisfactory evidence of all such compliance made by him during that reporting period.

Fee arbitration in Rojas matter: Respondent hereby agrees to write to Mr. Rojas, within ninety days from the date he signs this stipulation, and therein to offer to initiate and participate in fee arbitration upon their request regarding their outstanding fee dispute with him. Respondent further agrees to initiate and participate in fee arbitration upon Mr. Rojas’ request, and to abide by the final order if any there be. Respondent understands and agrees that his failure to write the letter, or to initiate or participate in fee arbitration upon Mr. Rojas’ request, or to abide by the final order, if any there be, may constitute a violation of this stipulation.

ORDER

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

The stipulation as to facts and conclusions of law is APPROVED.

The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

*On page 5, The Karla Mejia matter should be case No. 03-0-03171, not 03-0-12821*

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

Date

3/17/04

Joan M. Bende  
Judge of the State Bar Court

## DECLARATION OF JORGE PORTUGAL

I, Jorge Portugal, hereby declare:

1. I am an attorney and active member of the California State Bar licensed to practice in all courts of the state. I am the respondent attorney in this action. I have personal knowledge of the statements contained in this declaration and if called upon to testify would and could so testify to each statement contained herein under penalty of perjury.

2. I have long suffered from depression. This condition was exacerbated in 1996 and remained intermittent through 2000. It became increasingly difficult for me to resolve cases that required confrontation. I sought therapy for this condition and when I received notices of formal discipline by the State Bar, my attorney recommended that I apply to the State Bar's Lawyer Assistance Program

3. I applied for and was accepted into the Lawyers Assistance Program in February 2003, and I have been compliant ever since. I have attempted to rectify the client matters for which I received complaints and am seeking to make my former clients whole through restitution. I am currently able to handle new client matters without incident.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 9/27/03, at San Francisco, California.

  
Jorge Portugal

**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 San Francisco, on November 1, 2007, I deposited a true copy of the following document(s):

**DECISION AND ORDER SEALING DOCUMENTS**

**SECOND AMENDED STIPULATION RE FACTS AND CONCLUSIONS OF LAW  
LODGED MAY 17, 2004 AND FILED AUGUST 21, 2007**

**ADDENDUM TO SECOND AMENDED STIPULATION RE FACTS AND CONCLUSIONS  
OF LAW LODGED JANUARY 3, 2005 AND FILED AUGUST 21, 2007**

**ADDENDUM TO STIPULATION RE FACTS AND CONCLUSIONS OF LAW FILE  
AUGUST 21, 2007**

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 San Francisco, California, addressed as follows:

**JORGE PORTUGAL L.  
LAW OFC JORGE PORTUGAL L  
870 MARKET ST  
SAN FRANCISCO, CA 94102**

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

**CYDNEY BATCHELOR, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **November 1, 2007**.

  
**Laurretta Cramer**  
Case Administrator  
State Bar Court