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**State Bar Court of California
Hearing Department
San Francisco**

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| <p>Counsel For The State Bar</p> <p>Robin Brune Deputy Trial Counsel 180 Howard Street San Francisco, California 94105 (415) 538-2218</p> <p>Bar # 149481</p> | <p>Case Number (s) 06-O-11151; 06-O-12277; 07-O-10771; 07-O-14291</p> | <p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED <i>[Signature]</i></p> <p>JUL 15 2008</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p> |
| <p>Counsel For Respondent</p> <p>Steve Lewis, Esq. Lewis & Bacon 1050 Fulton Ave, Suite 125 Sacramento, California 95825 (916) 485-5005</p> <p>Bar # 63488</p> | <p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> | |
| <p>In the Matter Of: Tariq Kanwar</p> <p>Bar # 224988</p> <p>A Member of the State Bar of California (Respondent)</p> | | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 4, 2003**.
- (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 **17** 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):
- 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:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.**
- (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.**

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- (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. **See attachment.**
- (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. **See attachment.**
- (5) **Restitution:** Respondent paid \$ o n i n restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

See attachment.

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of **one year**.
- 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 **two**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **ninety days**.
- 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.
- (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:
- | | |
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| <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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: .

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- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, 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 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, 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: Tariq Kanwar

CASE NUMBER(S): 06-O-11151; 06-O-12277; 07-O-10771; 07-O-14291

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he/she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 06-O-11151 (William Charette)

William Charette ("Charette") was injured in a motor vehicle accident on January 17, 2003. On September 21, 2004, he retained the services of Innovative Legal Services ("ILS") to represent him in the personal injury case, and signed a contingency fee agreement with Innovative Legal Services. Respondent signed the fee agreement with Charette on behalf of Innovative Legal Services. When Charette signed the fee agreement with ILS, he met Adrian Watson. Watson identified himself as a law student and/or law clerk. Charette informed Watson that the statute of limitations on his personal injury claim would run on January 17, 2005, and that a complaint needed to be filed by that date.

On January 13, 2005, respondent filed the case *Charette v. Guerra*, case no. C05-00106 in the Richmond branch of the Contra Costa Superior Court. On January 20, 2005, the Richmond Court unfiled the action and forwarded it to the Martinez Court for filing, because it was an unlimited jurisdiction action. Later, on April 22, 2005, the Court ordered the action filed nunc pro tunc to January 13, 2005, the date the Richmond Court originally filed the complaint. The complaint, filed on behalf of client William Charette (hereinafter, "Charette") was for personal injury from a motor vehicle accident which occurred on January 17, 2003.

On January 24, 2005, the Court sent out a notice of a case management conference, set for June 9, 2005 at eight thirty a.m. in Department 22. The Court Clerk served respondent with a notice of the case management conference. He received the notice and was aware of its contents.

On March 28, 2005, the Court issued an Order to Show Cause ("OSC") against respondent why he should not be sanctioned for failure to file a proof of service of the complaint on the defendants. The Court set the OSC for April 18, 2005 at nine a.m. in Department 22. The court clerk served respondent with a notice of the OSC. He received the notice and was aware of its contents.

Respondent failed to appear for the April 18, 2005 OSC. The Court imposed sanctions of \$250.00 against respondent, to be paid by May 17, 2005. The Court issued a Minute Order

notifying respondent of the sanctions. The sanctions were held in abeyance pending respondent's further appearances at another OSC, which the court issued against respondent, for his failure to appear at the April 18, 2005 court appearance. The Court ordered respondent to file a response to the OSC five court days prior to the OSC hearing, which was set for May 17, 2005. The Court Clerk served respondent with notice of the sanctions and notice of the OSC for May 17, 2005. Respondent received the notice of the OSC and the notice of the sanctions and was aware of its contents.

On April 22, 2005, the Court continued the OSC originally set for May 17, 2005, to a new date of June 16, 2005. The Court clerk sent notice to respondent. Respondent received the Notice of Continuance and was aware of its contents.

On May 19, 2005, respondent filed a Case Management statement.

On June 16, 2005, respondent failed to appear at the continued OSC hearing. The Court reset the matter to July 21, 2005. The Court also stated that the stay was lifted on prior sanctions, and the \$250.00 in sanctions was now due by July 15, 2005. The Court Clerk served respondent with the Minute Orders detailing the sanctions and continued OSC date.

On July 1, 2005, respondent filed a case management statement for the July 21, 2005 hearing date.

On July 21, 2005, respondent failed to appear at the continued OSC for his failure to appear at the original April 18, 2005 hearing date (for his failure to file a proof of service). The Court imposed an additional sanction of \$150 and ordered that respondent pay it no later than August 22, 2005. The Court further ordered respondent to complete due diligence and an order for service by publication to be completed before October 6, 2005. The Court also set the matter for further case management conference for October 6, 2005. The Court Clerk served respondent with a copy of the Minute Orders specifying the sanctions and the October 6, 2005 case management conference. Respondent received the minute orders and was aware of their contents.

Respondent failed to complete due diligence and complete service by publication.

On July 27, 2005, respondent paid the \$250.00 that was due and payable by July 15, 2005. He paid it late.

On September 9, 2005, the Court issued a Notice of an OSC against respondent for his failure to pay the \$150 in sanctions ordered on July 21, 2005. The Court set the matter for October 6, 2005. The Court Clerk served respondent with the Notice. Respondent received the Notice and was aware of its contents.

On October 5, 2005, respondent faxed a letter to the court stating that he could not appear on October 6, 2005, because he had to appear in Yolo County Superior Court.

Respondent failed to appear in court on October 6, 2005. He sent another attorney, Amber Vierling, to make a special appearance on his behalf.

On October 6, 2005, the Court dismissed the case.

On January 5, 2006, the Court denied respondent's motion for reconsideration of the dismissal. In its ruling, the court stated that respondent did not pay the court ordered sanctions "until the court issued yet another Order to Show Cause."

Respondent failed to advise Charette of the various court appearances, the sanctions against him, and the dismissal of the case.

On May 10, 2005, Keri Shane, of respondent's office, wrote Charette and advised him that there were several letters from Farmer's Insurance, and that the court had ordered sanctions (but there was no mention that the sanctions were against respondent) and continued a case management conference and an Order to Show Cause. She also mentioned that there was a Notice of Failure to File Proof of Service filed by the court.

On June 21, 2005, Charette sent Adrian Watson a note, as follows: "Please put my case on the front burner and lets find a way to settle and get some closure on the issue. I was rear-ended and-and-and its been three years. Thank you."

On July 11, 2005, Keri Shane, of respondent's office, wrote Charette a letter and advised him that respondent had filed case management statements on May 19, 2005; and July 1, 2005. Shane, on behalf of respondent, failed to mention respondent's his failure to appear at the Order to Show Cause hearing, the imposition of sanctions against him, which were stayed, and his obligation to appear at another show cause hearing scheduled for July 21, 2005. Respondent did not keep Charette apprized of the status of his case.

On September 22, 2005, Keri Shane, of respondent's office, sent Charette a letter. In the letter, she advised that a letter had been received from Farmer's Insurance, and that the law firm had written a letter to Farmer's Insurance. Shane, on behalf of respondent, did not advise Charette that the court had issued an Order to Show Cause against respondent on September 9, 2005 for his failure to pay sanctions and that he was ordered to appear on October 6, 2005.

On October 18, 2005, Keri Shane, of respondent's office, sent Charette a letter advising him that there was a letter from Farmer's Insurance, and that respondent wrote a letter to Judge Joyce Cram regarding a court appearance, and several faxes were exchanged regarding a case management conference. Shane, on behalf of respondent, did not advise Charette that the Court dismissed the matter on October 6, 2005.

On December 6, 2005, Charette wrote to respondent, stating, "I have attempted to contact you by telephone of four occasions in the last several months to ascertain the status of my case." At this time, Charette did not know that his case had been dismissed. Charette requested the return of his file.

Charette received his file around the beginning of December, 2005. However, there was nothing in the file indicating what happened at the October 6, 2005 conference, when the case was dismissed. Charette gave his file to another attorney, Paul Zappettini. On December 19, 2005, Zappettini wrote to respondent at 2020 Hurley Way, Suite 185, Sacramento, California 95835, requesting the status of the case and advising he needed to know the status as Charette was asking him to take over the case. Zappettini wrote again on January 6, 2006, advising that he was not taking the case because he could not get information from respondent regarding the status of the case. Respondent failed to respond to Zappettini's inquiries, made on behalf of Charette.

On January 18, 2006, respondent wrote Charette a letter and advised that the court had

dismissed the case, and that his motion for reconsideration was denied.

On March 23, 2006, respondent and Charette entered into a letter agreement. The letter stated that respondent would pay Charette \$5,000, and also pay \$5,000 to reimburse the med-pay. The letter agreement was signed by Charette. The words at the bottom stated, "This preliminary agreement shall be superceded by a formal Mutual Waiver and Release Agreement incorporating the above terms."

On April 6, 2006, Charette signed a settlement agreement indicating that he would receive \$5,000. There was no mention of the med-pay payment of \$5,000 in the final settlement agreement.

Neither the letter agreement of March 23, 2006, nor the settlement agreement of April 6, 2006, informed Charette, in writing, that Charette could seek the advice of an independent lawyer of the Charette's choice regarding the settlement and that respondent would give Charette a reasonable opportunity to seek that advice. Respondent did not discuss the right to seek the advice of an independent attorney with Charette.

Conclusions of Law

1. By failing to file the proof of service as ordered by the Court, by failing to appear at the April 18, 2005 OSC; by failing to appear June 16, 2005 and July 21, 2005 at the court ordered OSC's and case management conferences; by failing to complete due diligence and service by publication; and by failing to take action which ultimately resulted in the case's dismissal, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).
2. By failing to appear at the April 18, 2005 OSC; by failing to appear June 16, 2005 and July 21, 2005 at the court ordered OSC's and case management conferences; by failing to pay the April 18, 2005/June 16, 2005 \$250 sanction and the July 21, 2005, \$150 sanction in a timely fashion; and by failing to complete due diligence and service by publication, respondent wilfully failed to abide by orders of the Court which he should do, in wilful violation of Business and Professions Code, section 6103.
3. By failing to advise Charette of the sanctions orders against him; his failures to appear at the Orders to Show Cause hearings; and by failing to advise Charette of the dismissal of the case in a timely fashion, respondent failed to keep his client reasonably informed of significant developments in a matter in which he agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).
4. By settling a claim or potential claim for respondent's liability to the client for respondent's professional malpractice, without informing Charette in writing that he may seek the advice of an independent lawyer of his choice regarding the settlement and giving the client a reasonable opportunity to seek that advice, respondent wilfully violated Rules of Professional Conduct, rule

3-400(B).

Case No. 06-O-12277 (Dennis Robinson)

Serafino Rotella, owner of Hi-tech Overhead Door, Inc., hired respondent to represent him in an ongoing dispute he had over the purchase of Dennis Robinson Door Company. Respondent employed a paralegal, Adrian Watson, who worked under respondent's supervision.

On August 9, 2004, Watson spoke to Dennis Robinson and advised him to hire an attorney because he would be filing suit against Robinson.

On September 2, 2004, Adrian Watson wrote a five page letter to attorney Jeffrey Ochrach, attorney for Mr. and Mrs. Robinson. In his letter, Watson addressed questions of delivery of service of Ochrach's service on "our client" In addition, Watson addressed matters of default, promissory notes and demands for payment, the financial dispute between the clients, detailed accounting of the facts according to respondent's client, and postures for litigation. At the close of the letter, Watson stated, "Please feel free to contact me directly at the address and telephone numbers shown above if you should have any questions, comments or concerns regarding this or any other correspondence." The letter was signed, "Very truly yours, Adrian Watson." At no time did Watson identify himself as a paralegal or law clerk.

On October 27, 2004, Adrian Watson wrote a two page letter Sumit Date, the new attorney for Mr. and Mrs. Robinson, addressing the substantive settlement negotiations and indicating that he would be filing suit. At no time did Watson identify himself as a paralegal, law clerk, but signed the letter "Adrain L Watson:"

During Rotella's deposition in the ensuing litigation, Rotella attended the deposition with Adrian Watson and another counsel, not respondent. Rotella erroneously identified Adrian Watson as his counsel, in response to a question. In fact, Adrian Watson is not licensed to practice law in California, and is not an attorney.

Conclusions of Law

1. By permitting Watson to contact and communicate with the opposing party, opposing party's counsel, and his own client, without Watson making it clear that he was a paralegal or law clerk, and not an attorney, respondent failed to supervise Watson, and thereby failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Case no. 07-O-10771 (Oren & Evelyn Burkette)

In October, 2004, Oren & Evelyn Burkette hired respondent and paid him \$2,500 to represent them in several legal matters, one of the matters involved a dispute over two promissory notes payable to the Burkettes, secured by real property.

On March 24, 2005, respondent filed suit on behalf of the Burkettes, entitled *Burkette v. Howard* case no. RG05204637, filed in Superior Court, County of Alameda.

On July 21, 2005, respondent appeared at a case management conference. The Court continued the matter to October 20, 2005.

On October 4, 2005, respondent filed a case management conference statement. Respondent sent an appearance counsel, William Parquette, to appear at the case management conference on his behalf. At the conclusion of the October 20, 2005 case management conference, the court continued the matter to January 26, 2006. Parquette was present in court and had notice of the case management conference, which he relayed to respondent. The parties were ordered by the court to get a copy of the case management conference order off of the court's website.

On January 26, 2006, respondent failed to appear at the case management conference. The court imposed a sanction of \$150 against respondent, and stayed the sanctions until the next case management conference, scheduled for March 16, 2006.

On March 16, 2006, respondent failed to appear at the scheduled case management conference. The Court imposed the previously stayed sanction of \$150, and ordered that respondent pay it within fourteen days. The Court continued the case management conference to April 20, 2006.

Respondent failed to appear for the April 20, 2006 case management conference. In the court's minute order for April 20, 2006 the court found that the January notice of the March 16, 2006 Order to Show Cause and case management conference was properly sent: "Notice was duly mailed by the clerk to plaintiff's attorney." Respondent then failed to appear on March 16, 2006. The Court also found that the court clerk mailed a copy on April 13, 2006 of notice of the April 20, 2006 hearing date, and that the court record showed sufficient notice to dismiss the suit.

On April 20, 2006, the Court dismissed the suit. The Court clerk duly served notice of the dismissal on the parties.

In August, 2005, the Burkettes paid respondent an additional \$15,216.67 for legal services. They paid him \$4,332.85 in November, 2005, and \$6,000 in December, 2005, and an additional \$1,000 in January, 2006.

Commencing in April, 2006, the Burkettes repeatedly sought to communicate with respondent regarding the status of their case, and were unable to do so. They called and left numerous messages, which were not returned.

On August 10, 2006, they visited respondent's law offices at 2020 Hurley Way, only to find that respondent had moved without telling them.

On September 11, 2006, they send a letter to respondent at the Hurley Way address, but the letters were returned by the postal service as non-deliverable.

On October 11, 2006, the Burkettes obtained respondent's new address through the internet and again wrote to him, at 8031 Freeport Blvd. Sacramento, California, 95832, again requesting the status of their legal matters. Respondent received the letters and failed to communicate with the Burkettes regarding the status of their case.

In February, 2007, the Burkettes enlisted the assistance of another attorney, Chris Barecellos, who advised them that the case had been dismissed.

In May, 2007, the Burkettes sued respondent for malpractice, in *Burkette vs Karwar*, case no. 07AS02173, filed in Superior Court, County of Sacramento. On October 3, 2007, the parties reached a settlement.

Conclusions of Law

1. By failing to attend the scheduled case management conferences, resulting in fines and the ultimate dismissal of the Burkette's case, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).
2. By failing to attend the scheduled case management conferences, as he was ordered to do, and by failing to pay the \$150 in sanctions as ordered by the court on March 16, 2006, respondent wilfully failed to abide by orders of the Court which he ought to do, in wilful violation of Business and Professions Code, section 6103.
3. By failing to communicate to the Burkettes after April, 2006; by failing to advise them of his failure to appear at the case management conferences, the dismissal of their suit, and the relocation of his offices; and by failing to respond to their written inquiry of October, 2006, respondent failed to keep his clients reasonably informed in a matter in which he agreed to provide legal services, and he failed to respond to their reasonable inquiries on the status of their case, in wilful violation of Business and Professions Code, section 6068(m).

Case no. 07-O-14291 (Maria Martinez)

On November 9, 2001, Maria Martinez, also known as Maria Rodriquez, hired one attorney, Steven Smith, to file a personal injury lawsuit against Steven Gwens for personal injury she sustained during a motor vehicle accident of November 6, 2001. Smith filed suit on behalf of Martinez in November, 2002, entitled, *Michael Martinez, Maria Rodriguez, Guillermo Velazquez and Antonia Velazquez vs. Steve Gwens* case no. 02AM09523, filed in Superior Court, County of Sacramento. Smith did not serve the complaint.

In June, 2004, Smith decided to close his practice and transferred Martinez's case to respondent, with the client's consent. Respondent agreed to continue the representation according to the terms of the original fee agreement between Martinez and Smith, for a contingency fee. On June 30, 2004, respondent had Martinez sign a substitution of attorney form, but he did not file the form with the court.

In September, 2004, respondent wrote to the Department of Motor Vehicles, to obtain information regarding a driver's license number, in an effort to locate the defendant.

In January, 2005, respondent's employee contacted Martinez to get some information regarding the license plate number of the defendant.

On April 2005, respondent wrote to Martinez and advised that they were trying to locate the defendant for service.

In July, 2005, respondent obtained some information from the DMV on an automobile license plate, in an effort to locate the defendant.

On July 18, 2005, respondent's office again wrote to respondent and advised her that she would be receiving updates on her case every thirty days.

On September 16, 2005, Martinez received another form letter from respondent's office stating that there are no recent updates.

Thereafter, respondent took no action on Martinez's case.

Martinez made several attempts to contact respondent, but was unable to do so. She left several telephone messages for respondent but he failed to return the calls.

On September 3, 2007, Martinez again telephoned respondent to obtain an update on the status of her case. She reached a disconnected telephone number. She then went to visit his office at 2020 Hurley Way, suite 185, in Sacramento. Respondent was no longer at the Hurley Way offices. Respondent did not advise Martinez when he relocated his office from Hurley Way in April, 2006. Martinez then obtained respondent's current address from the State Bar.

Conclusions of Law

1. By failing to file the substitution of attorney with the court; and by failing to take any further action on Martinez's case after September, 2005; and by failing to diligently pursue Martinez case, respondent failed to perform, in wilful violation of the Rules of Professional Conduct, rule 3-110(A).
2. By failing to advise Martinez when he relocated his offices from Hurley Way, respondent failed to keep his client reasonably informed of significant developments in a matter in which he agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was June 24, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 24, 2008, the costs in this matter are \$3,995.25. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.4(b) Wilful failure to perform or communicate not demonstrating a pattern shall result in reproof or suspension depending upon the extent and degree of harm.

Case law for abandonments warrant actual suspension. In *Lester v. State Bar* (1976) 17 Cal. 3d. 547, the attorney received six months actual suspension for failing to perform in four legal matters. He also failed to return unearned fees and misrepresented a matter. In *Sanchez v. State Bar* (1976) 18 Cal.3d. 280, the attorney failed to perform in two matters, failing to supervise staff which resulted in papers signed without his consent and two matters dismissed as a result of the attorney's malfeasance. *Sanchez* received three months of suspension. In *Stuart v. State Bar* (1985) 40 Cal. 3d. 838, the attorney failed to answer defense interrogatories, resulting in the dismissal of his client's case, and received thirty days of actual suspension. This is for one client matter. In *Franklin v. State Bar* (1986) 41 Cal. 3d. 700, the attorney abandoned two matters, resulting in a 45 day actual suspension. In *Brookman v. State Bar* (1988) 6 Cal.3d. 1004, the attorney abandoned two clients and had an improper business transaction (adverse interest) related to a 50,000 loan from a client. He received ninety days of suspension.

AGGRAVATING CIRCUMSTANCES.

Standard 1.2(b)(ii) multiple acts of wrongdoing
Standard 1.2(b)(iv) significant harm

PRIOR DISCIPLINE.

None

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

In this case, there are four clients affected by performance and communication issues. Mr. Charette lost his cause of action, which is significant harm. The Burkettes suffered a dismissal as well. Ms. Martinez has no relief despite hiring an respondent in 2004, four years ago.

MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(v) candor and cooperation
Standard 1.2(e)(iii) steps taken to atone for the misconduct.
Standard 1.2(e) (iv) character references

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Respondent has been cooperative in reaching a stipulation in this matter.
Respondent admitted wrongdoing in the Charette matter and took steps to remedy his misconduct prior to the involvement of the State Bar.
Respondent provided eleven character reference letters from professional colleagues, former clients, and friends.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Respondent performed pro bono service for the Valley High School Sacramento Youth Court Program, for the year 2006-2007, and received an award of excellence in the program for being an outstanding attorney advisor for the Valley Youth Court.

Respondent provided a transcript of a criminal proceeding in which a judge complimented him on his performance in the matter.

STATE BAR ETHICS SCHOOL.

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

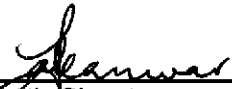
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| In the Matter of Tariq Kanwar | Case number(s): 06-O-11151; 06-O-12277; 07-O-10771; 07-O-14291 |
|----------------------------------|---|

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.

6-30-08
Date


Respondent's Signature

Tariq Kanwar
Print Name

6-30-08
Date


Respondent's Counsel Signature

Steven Lewis
Print Name

7/2/08
Date


Deputy Trial Counsel's Signature

Robin Brune
Print Name

(Do not write above this line.)

| | |
|----------------------------------|---|
| In the Matter Of Tariq Kanwar | Case Number(s): 06-O-11151; 06-O-12277; 07-O-10771; 07-O-14291 |
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ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The **effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date July 14, 2008

Pat McElroy
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on July 15, 2008, 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:

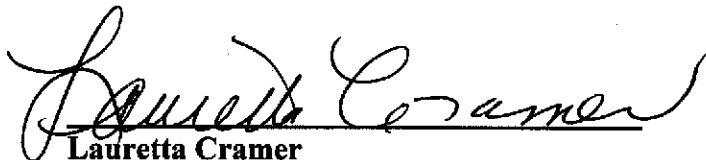
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**STEVEN ALLAN LEWIS
LEWIS & BACON
1050 FULTON AVE #125
SACRAMENTO, CA 95825**

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

ROBIN BRUNE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **July 15, 2008**.



Laretta Cramer
Case Administrator
State Bar Court