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State Bar Court of California
Hearing Department
Los Angeles

PUBLIC MATTER

Counsel For The State Bar Melanie J. Lawrence 1149 South Hill Street Los Angeles, CA 90015 Bar # 230102	Case Number (s) 06-O-11330 <div style="text-align: center;"> FILED JUN 10 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	(for Court's use)
In Pro Per Respondent Scott Alonso Reed 2870 Los Feliz Pl. #159 Los Angeles, CA 90039 Bar # 185913	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Scott Alonso Reed Bar # 185913 A Member of the State Bar of California (Respondent)		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 10, 1996**.
- (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 **15** 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: **3 billing cycles following the effective date of the Supreme Court Order.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

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

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☒ State Bar Court case # of prior case **04-O-10602**
- (b) ☒ Date prior discipline effective **January 15, 2006.**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rule 3-110(A), Rule 4-100(B)(1), Rule 3-700(D)(1), B&PC section 6068(m), B&PC section 6106, B&PC section 6068(i).**
- (d) ☒ Degree of prior discipline **90 days actual suspension**
- (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.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

See stipulation attachment for discussion of Matter of Sklar (1993) 2 Cal. State Bar Ct. Rptr. 602, related to the aggravation to be attributed to Respondent's prior record of discipline.

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☒ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☒ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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 stipulation attachment.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **2 years**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **3 years**, 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 **2 years**.

- i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

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:
- | | |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input checked="" 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 954-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☒ **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, 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 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, 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:**

Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

Medical Conditions

- a. ☒ Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. ☐ Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of _____ times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for _____ days or months or _____ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. ☐ Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Respondent will participate in the LAP Program at least until February 2012.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Scott Alonso Reed

CASE NUMBER(S): ET AL. 06-O-11330

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND
STIPULATED FACTS AND CULPABILITY:**

The parties waive any variance between the First Amended Notice of Disciplinary Charges filed on November 13, 2008, and the facts and/or conclusions of law contained in this stipulation and waive the issuance of another Amended Notice of Disciplinary Charges. The parties further waive the right to the filing of another Amended Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending First Amended Notice of Disciplinary Charges.

FACTS AND CONCLUSIONS OF LAW.

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

Facts:

1. On May 20, 1986, attorney John Michael Kelly ("Kelly") prepared the Last Will & Testament of Marion Aletha Kim ("Kim"). Kim's signature on the will was witnessed at that time by Kelly and Erin Collins, and their Affidavit was notarized by Frances Cohen. Kim died on or about December 30, 1999.
2. In 2001 Hortencia Orozco Anderson ("Anderson"), employed Respondent to file a Petition for Probate of Kim's will ("the Kim probate matter"). Prior to that, Respondent had no experience with probating wills. Anderson was referred to Respondent by her son Victor Macias ("Macias") with whom Respondent had a personal relationship. Throughout 2002 and 2003 Respondent did not contact Anderson. During that same period, Respondent had intermittent contact with Macias and at times, Macias inquired as to the status of the Kim probate matter.
3. On February 7, 2003, Respondent filed a Petition for Probate of Will and for Letters Testamentary ("Petition"), for the Estate of Marion Aletha Kim, on behalf of Anderson, in the Los Angeles Superior Court, case no. BP077787. The Petition was ostensibly signed by Anderson under penalty of perjury. However, Anderson did not sign the document filed with the court. Rather, without Anderson's knowledge or permission, Respondent placed, or caused to be placed, Anderson's signature on the Petition.
4. When the Petition was filed on or about February 7, 2003, the court set a hearing date for March 18, 2003. On or about March 18, 2003, Respondent appeared in court and was given seven

Probate Notes to clear before the court would grant the Petition. The Kim Probate matter was continued by the court to April 22, 2003.

5. On April 22, 2003, Respondent appeared in court before the Honorable H. Ronald Hauptman, Judge Pro Tem, and was given the same seven Probate Notes to clear before the court would grant the Petition. The Kim probate matter was continued by the court to June 3, 2003.

6. On April 22, 2003, Respondent filed, or caused to be filed, a "Supplemental Petition for Probate of Will and for Letters Testamentary" ("Supplemental Petition") in the Kim probate matter, ostensibly signed by Anderson under penalty of perjury. Anderson did not sign the document filed with the court. Rather, without Anderson's knowledge or permission, Respondent placed, or caused to be placed, Anderson's signature on the Supplemental Petition.

7. By June 3, 2003, there were still outstanding Probate Notes. Respondent did not appear before the court on June 3, 2003, and the Honorable H. Ronald Hauptman, Judge Pro Tem, denied the Kim probate matter without prejudice.

8. At some point during 2003, Respondent provided Anderson, through Macias, with the client file he maintained concerning the Kim probate matter. The client file contained, inter alia, four documents, that Respondent created or caused to be created in an attempt to mislead Anderson concerning the history and status of the Kim probate matter. Those documents included:

- a) Proof of Subscribing Witness form bearing no case number, file stamped Los Angeles Superior Court, dated May 19, 2002, for the Estate of Kim. The Proof form purports to have been signed under penalty of perjury on May 11, 2002, by attorney J. Michael Kelly of San Francisco, CA. Kelly did not sign the form. Rather, without Kelly's knowledge or permission, Respondent placed or caused to be placed, Kelly's signature on the form. The file stamp shows a date prior to the filing of the Petition. Respondent placed or caused to be placed, the file stamp on the form. The form is not part of the court file in the Kim probate matter.
- b) An Order for Probate form bearing the case no. BP077787, file stamped Los Angeles Superior Court, dated December 12, 2002, for the Estate of Kim. The Order form is not part of the court file in the Kim probate matter. The Order form purports to have been signed by purported Judge "Ronald H. Hauptman." The file stamp shows a date prior to the filing of the Kim Petition. Respondent placed or caused to be placed, the file stamp on the form. Respondent placed or caused to be placed, the signature of purported Judge "Ronald H. Hauptman" on the form. There is no lawyer or judge named "Hauptman" in California.
- c) A Letters of Administration form bearing case no. BP07787, file stamped Los Angeles Superior Court, dated February 26, 2003, for the Estate of Kim. Respondent placed, or caused to be placed, the file stamp on the form. The Letters form purports to have been signed by Hortensia O. Anderson. Anderson did not sign the form. Rather, without Anderson's knowledge or permission, Respondent placed or caused to be placed, Anderson's signature on the form. The Letters form is not part of the court file in the Kim probate matter.
- d) A Petition for Probate form, with attached Will, bearing no case number, both file stamped Los Angeles Superior Court, dated May 8, 2002, and signed by Respondent. Respondent

placed, or caused to be placed, the file stamp on the petition and attached will. The file stamp date predates the filing of the Kim probate Petition and is not part of the court file in the Kim probate matter.

9. Also included in the client file Respondent provided Anderson, through Macias, were numerous documents purporting to evidence correspondence between Respondent and the "Office of Probation and Administration, State of Michigan" regarding a request to probate property located in Michigan in the Kim probate matter. Those documents were not authentic and were created by Respondent in his further attempt to mislead Anderson concerning the history and status of the Kim probate matter.

10. On November 22, 2005, Anderson substituted attorney Richard Eckardt ("Eckardt") in place of Respondent in the Kim probate matter.

11. On August 8, 2006, Respondent sent a letter to the State Bar in response to an investigator's inquiry about Kelly's signature on the Proof of Subscribing Witness form. Respondent represented to the State Bar that he contacted Kelly's office to request his signature, spoke with Kelly's staff, and sent the Proof form to Kelly's office for his signature. Respondent further represented to the State Bar that he received the signed Proof form back by mail and filed it with the court. Kelly did not at any time receive the Proof form and did not sign the form and Respondent did not receive it back from Kelly, signed, by mail.

Conclusions of Law:

By failing to communicate with Anderson from 2001 to the end of 2003, by delaying the filing of the Petition for Probate of Kim's will from 2001 until February 2003, by failing to clear the Probate Notes from March 18, 2003 and April 22, 2003, and by failing to appear on June 3, 2003, causing the court to dismiss the Kim probate matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

In attempting to mislead his client by falsifying the signature of attorney Kelly, falsifying the signature of Judge Hauptman, falsifying Los Angeles Superior Court filing stamps, creating documents regarding a request to probate property located in Michigan in the Kim probate matter, Respondent committed an act or acts involving moral turpitude, dishonesty, or corruption in violation of Business and Professions Code section 6106.

By misrepresenting to the State Bar that he had actually obtained Kelly's signature on the Proof of Subscribing Witness form, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code section 6106.

By filing a Petition for Probate on February 7, 2003, that bore the false signature of his client ostensibly signed under penalty of perjury and by filing a Supplemental Petition on April 22, 2003, that bore the false signature of his client ostensibly signed under penalty of perjury, Respondent employed means inconsistent with the truth and sought to mislead the Court by an artifice or false statement of fact in violation of Business and Professions Code section 6068(d).

AUTHORITIES SUPPORTING DISCIPLINE.

A. Standards for Attorney Sanctions For Professional Misconduct

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 1.6(a) states that where two or more acts of professional misconduct are charged and different sanctions are prescribed by the standards for the acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

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

Standard 2.3 applies to violations of Business and Professions Code section 6106. It requires actual suspension or disbarment depending on the extent to which a victim is harmed and depending on the magnitude of the act as it relates to the member's practice of law.

Standard 2.6 applies to violations of Business and Professions Code section 6068. It requires actual suspension or disbarment depending on the extent to which a victim is harmed and depending on the magnitude of the act as it relates to the member's practice of law.

B. Case Law

In *Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602 the Court held that "the aggravating force of prior discipline is generally diminished if the misconduct underlying it occurred during the same time period." (*Id.* at 619.) Where the misconduct involved in the current proceedings was contemporaneous with the misconduct in the prior case, the Court considers the totality of the findings in the two cases to determine what the discipline would have been "had all the charged misconduct in this period been brought as one case." (*Id.*)

The gravamen of the misconduct in this matter occurred between 2002 and 2003 with one additional act, in August 2006. The acts of misconduct in Respondent's prior discipline occurred with regard to one client, between 2002-2004. So, the aggravating force of his prior discipline is generally diminished under *Sklar* and the acts in his prior as well as in the instant matter have been considered together.

In *Matter of Katz* (1995) 3 Cal. State Bar Ct. Rptr. 430, an attorney endorsed a client's false financial statement in connection with the client's purchase of a business, misrepresented that a client's company was a successful business, filed a bankruptcy petition for a client in bad faith, failed to obey a court order and failed to maintain the respect due the bankruptcy courts by repeatedly failing to appear as counsel of record at hearings and court ordered meetings. The attorney had one prior record of discipline for violating B&PC section 6106 when he knowingly wrote 13 NSF checks over a one and a half year period. He also demonstrated indifference and lacked insight into his misconduct. There were no factors in mitigation. Katz was actually suspended for two years.

In *Matter of Johnson* (2000) 4 Cal. State Bar Ct. Rptr. 179, an attorney was found culpable of misconduct by failing to comply with conditions of a public reproof and in five client matters including for failing to perform competently, failing to respond to reasonable client inquiries and making false statements to a client. In one of the client matters he was also culpable of moral turpitude for signing his client's name to a declaration without her knowledge. At trial, in one of the matters in his defense the attorney offered verification forms that purported to bear the client's signature. But, the signatures were not that of the client and the court found the forms were signed by manipulated means involving dishonesty and were offered intentionally to mislead – an act of moral turpitude in aggravation. The respondent received slight mitigation credit for two character witnesses and entering into a factual stipulation.

Aggravating Factors

The misconduct evidences multiple acts of wrongdoing.

Mitigating Factors

Respondent suffered extreme difficulties in his personal life during the time period of the misconduct. Between the beginning of 2002 and the spring of 2004, Respondent served as sole care giver for his ailing mother who had suffered a stroke and from breast cancer.

Respondent has established an extraordinary demonstration of good character from a wide range of references in the legal and general communities who are aware of the full extent of his misconduct.

Respondent has cooperated with the State Bar in reaching a factual stipulation which includes an admission of wrongdoing.

Respondent suffered from extreme emotion difficulties at the time of the misconduct which expert testimony establishes was directly responsible for the misconduct. Respondent has been participating in the Lawyer's Assistance Program since February 2007 and will continue to do so. He has also regularly and continuously seen a therapist who has opined that Respondent has made "substantial progress" and "there will be no reoccurrence of his past inappropriate behaviors."

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was May 11, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 8, 2009, the prosecution costs in this matter are estimated at \$4,920. 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.

(Do not write above this line.)

In the Matter of
Scott Alonso Reed

Case number(s):
06-O-11330

SIGNATURE OF THE PARTIES

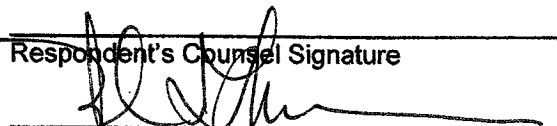
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

5/12/09
Date


Respondent's Signature

Scott Alonso Reed
Print Name

5/18/09
Date


Deputy Trial Counsel's Signature

Print Name
Melanie J. Lawrence
Print Name

(Do not write above this line.)

In the Matter Of Scott Alonso Reed	Case Number(s): 06-O-11330
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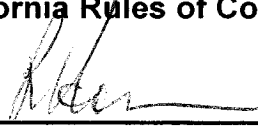
ORDER

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.)**

6-4-09
Date


Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 10, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

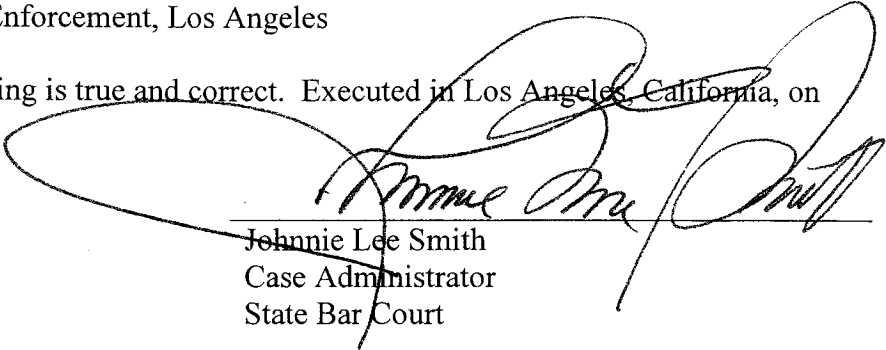
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SCOTT A. REED
2870 LOS FELIZ PL #159
LOS ANGELES, CA 90039

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

Melanie J. Lawrence, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 10, 2009.



Johnnie Lee Smith
Case Administrator
State Bar Court