

(Do not write above this line.)

<b>State Bar Court of California</b> Hearing Department		
<b>PUBLIC MATTER</b>		
<b>Counsel For The State Bar</b> <b>Eli D. Morgenstern</b> Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar # 190560      Tel. (213) 765-1334	Case Number (s) <b>06-O-11423 - RAH</b>	(for Court's use)  <b>FILED</b>  <b>FEB 11 2010</b>  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<b>Patricia J. Grace, Esq.</b> <b>Law Office of Patricia Grace</b> 1912 N. Broadway, #200 Santa Ana, California 92706 Bar # 179981      Tel. (714) 536-2090	Submitted to: <b>Settlement Judge</b>	
In the Matter Of:  <b>IRA DAVID HAZELKORN</b>  Bar # 75607  A Member of the State Bar of California (Respondent)	<b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>DISBARMENT</b> (modified "Actual Suspension" form)  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 14, 1977.
- (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 (13) 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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

**Disbarment**  
(Printed: 021010)



(Do not write above this line.)

(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 <sup>ineligible to seek reinstatement to</sup> ~~actually suspended from~~ the practice of law ~~unless x 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 *\*\*until he repays all disciplinary costs, pursuant to Rule 662(c) of the Rules of Procedure of the State Bar of California. Respondent does not waive his right to request a waiver of costs. (see further discussion re: Costs on page 9.)*

**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)] *See Page 10 for explanation re: Respondent's Prior Record of Discipline.*
  - (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.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

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

Although the present misconduct is serious, Respondent has been a member of the State Bar since December 18, 1973, and has no prior record of discipline.

**D. Discipline: DISBARMENT**

- (1)  **Stayed Suspension:**

(Do not write above this line.)

- (a)  Respondent must be suspended from the practice of law for a period of
- 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 \_\_\_\_\_, 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 \_\_\_\_\_
- 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

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Disbarment

(Do not write above this line.)

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: **DISBARMENT**
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: **DISBARMENT**
- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Disbarment

(Do not write above this line.)

---

- (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**

<b>IN THE MATTER OF:</b>	<b>IRA DAVID HAZELKORN</b>
<b>CASE NUMBER:</b>	06-O-11423-RAH

**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 7, 1993, the California Supreme Court filed Order Number S032206 regarding disciplinary matters 91-C-04385 and 91-PM-07023 ("the Order") regarding Respondent. The Court ordered that the probation ordered in S014722 (88-J-13028) be revoked and that Respondent receive three years stayed suspension, three years probation with conditions, including two years actual suspension.
2. On May 7, 1993, the Court properly served Respondent with a copy of the Order at his official membership records address. Respondent received the Order.
3. The Order was effective June 6, 1993. Respondent has been actually suspended, as well as otherwise not entitled to practice law, since that date.
4. In or about March 2003, attorney Greg Montegna ("Montegna") was hired by Alfonso Rocha-Albertsen ("Rocha") and Hilario Cuellar Abundiz ("Cuellar") to represent them in a civil matter titled *John Lyddon v. Alfonso Rocha-Albertsen and Hilario Cuellar Abunbiz*, Kern County Superior Court case no. 249650 ("the state court matter"). John Lyddon ("Lyddon"), the plaintiff in the state court matter, was represented by attorney Roger Vehrs ("Vehrs"). Rocha and Cuellar are Mexican lawyers.
5. In or about March 2003, Montegna employed Respondent as a paralegal to assist him in his representation of Rocha and Cuellar in the state court matter. Montegna employed Respondent to help him with, among other things, conducting legal research and also preparing all the pleadings in the state court matter for Montegna's review and signature. At the time that he employed Respondent, Montegna knew that Respondent was not entitled to practice law in California. Rocha and Cuellar also knew that Respondent was not entitled to practice law in California.
6. On or about April 10, 2003, Respondent drafted two pleadings for Montegna's signature: (i) a notice of removal of the state court matter to federal court pursuant to 28 U.S.C. § 1441(b); and (ii)

Cuellar's consent to removal of action under 28 U.S.C. § 1441(b). In or about April 2003, Montegna signed the respective pleadings and caused them to be filed with the United States District Court, Eastern District of California.

7. On April 18, 2003, the state court matter was removed from the Kern County Superior Court to the United States District Court, Eastern District of California. The title of the matter was *Lyddon v. Rocha-Albertsen, et. al.*, case no. 1;03-CV-05502 OWW TAG (the "federal court matter"). The complaint in the federal court matter alleged that the defendants conspired to participate in the wrongful enforcement of an illegal and fraudulent promissory note against Lyddon. Lyddon continued to be represented by Vehrs after the state court matter was removed to federal court.

8. Since his admission to the State Bar of California, Montegna has practiced personal injury law, worker's compensation law, and real estate law. However, the only time that he represented a client in federal court was when he represented Rocha and Cuellar in the federal court matter; he has no expertise in federal court and little, or no knowledge, of federal civil procedure. After the state court matter was transferred to federal court, Respondent continued to prepare all pleadings, answers, and motions drafted on behalf of Rocha and Cuellar for Montegna's review and signature. These documents were signed by Montegna or attorney Diana Griffiths ("Griffiths"), who substituted into the federal court matter in 2004.

9. On July 7, 2003, Respondent wrote a letter to Rocha explaining that Rocha and Cuellar were to be personally served with the complaint in the federal court matter, and thus service of the complaint would not conform with the Hague Convention. The letter was written on Respondent's private letterhead. The letterhead contained only Respondent's office address and telephone number, but not the address or telephone number of Montegna. The letter noted that service of the complaint "does not change anything, other than advancing the case by five weeks. It does not affect our legal position, it does not change our strategy, and it does not give any advantage to Mr. Lyddon." Montegna did not review the letter before it was mailed to Rocha, did not authorize the quoted language above, and was not familiar with the Hague Convention.

10. On September 23, 2003, Respondent wrote a letter to Rocha and Cuellar. The letter was once again written on Respondent's private letter, which contained only Respondent's office address and telephone number. In the letter, Respondent wrote, "I want to file a motion to have the United States court do nothing on the case (motion for stay) until the Mexican case is resolved. I need the following information about case no. 168/2003 in order to file the motion . . ." In the letter, Respondent listed 15 categories of information that are needed for the motion for stay. Respondent developed the list of categories without any assistance from Montegna. Montegna had never filed a motion for stay as described in the letter, and did not review the letter before it was mailed.

11. On October 9, 2003, Respondent wrote a follow-up letter to the September 23, 2003. The letter was addressed to Rocha and Cuellar and again was written on Respondent's private letterhead. Montegna did not review the letter before it was mailed to Rocha and Cuellar. In the letter, Respondent wrote the following: "I wrote to the two of you on September 23, asking for information about your Mexican case. We cannot delay any longer. I need as much of the information as you have and I need it

right away. ¶ There are four (4) motions that I want to file by Monday. Two (2) of the motions should have been filed three weeks ago. We need to file them quickly or else Lyddon will ask the court to have us lose by default. I want to file the other (2) motions at the same time for strategic reasons. ¶ The information I asked for over two weeks ago is needed for one of the motions I want to file for strategic reasons.”

12. On August 13, 2004, Respondent wrote a letter to Rocha and Cuellar on his private letterhead. The letter notes a copy being sent to both Montegna and Griffiths. However, Montegna never received the letter; and Griffiths did not review it before it was mailed to Rocha and Cuellar and did not authorize the language that Respondent used in the letter. Among other things, the letter stated as follows: “I expect partial (but not complete) success on the motion if Ms. Griffiths is paid in advance to appear at the hearing and argue in favor of the motion.”

13. In the July 7, 2003, September 23, 2003, October 9, 2003, and August 13, 2004, letters, Respondent knowingly provided legal advice, analysis, and/or strategy at a time when he knew that he was not entitled to practice law in California.

### **Conclusions of Law**

By providing legal advice, analysis, and/or strategy in the July 7, 2003, September 23, 2003, October 9, 2003, and August 13, 2004 letters, Respondent engaged in the practice of law when he was not entitled to do so, in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California.

By performing the acts set forth in the immediately preceding paragraph when he knew that he was not entitled to do so, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 1, paragraph A(7), was February 10, 2010.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of February 10, 2010, the prosecution costs in this matter are approximately \$16,196.71. Respondent 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.

## AGGRAVATING CIRCUMSTANCES.

### 1. Prior Record of Discipline

A prior record of discipline is a serious aggravating circumstance. (Std. 1.2(b)(i).) Respondent has been a member of the State Bar since December 14, 1977. Respondent has been disciplined on five prior occasions.

On June 27, 1990, the California Supreme Court ordered (**S014722**) that Respondent be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year. The discipline arose from a reciprocal jurisdiction matter, **Case No. 88-J-13028**, arising out of the state of Ohio. Respondent was found to have misled a judge in a criminal case in or about 1981 by failing to disclose his client's true identity.

On October 29, 1991, the Supreme Court ordered (**S022593**) that Respondent be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that he be placed on probation for three years concurrent with that portion of probation imposed in S014722 remaining as of the effective date of the order with condition including a 5 month actual suspension that commenced retroactively on July 30, 1991. The discipline resulted from Respondent's stipulation in three client matters:

**In Case No. 90-O-14523**, Respondent stipulated to filing pleadings on September 8, 1989 and September 11, 1989, in a dissolution matter on behalf of a client when he was not entitled to practice for failure to pay membership fees, in willful violation of sections §§ 6068(a), 6106, 6125, and 6126.

**In Case No. 90-O-15515**, Respondent stipulated that in July 1990, he issued a check from his CTA to Los Pancho Restaurant which was returned for insufficient funds; that on July 21, 1990, he issued a check from his CTA against insufficient funds in the amount of \$1,900 for rent and a security deposit; that on July 24, 1990, he deposited two checks totaling \$2,000 into his CTA, and that the proceeds of the checks were personal loans made to Respondent. The aforementioned misconduct violated section 6106 and rule 4-100(A).

**In Case No. 91-O-00357**, Respondent stipulated to practicing law in July 1989 while he knew that he was suspended from practicing law for failure to pay membership fees, failing to advise his client that he was not authorized to practice law at the time he was hired, relocating his office in October 1989 without notifying his client, and failing to communicate with his client and failing to respond to her inquiries as to the status of her matter in violation of sections 6068(a), 6068(m), 6125, and 6127, and rules 3-500 and 3-700(A).

On November 10, 1992, the Supreme Court ordered (**S028485**) that Respondent be suspended for six months, that execution of the suspension be stayed, and that Respondent be placed on probation for 3.5 years concurrent with the period of probation imposed in S022593 (Case No. 90-O-14523), with

conditions including a 90 actual suspension. The discipline arose from Respondent's culpability in **Case No. 89-O-16758** for violating sections 6125 and 6127 by making an appearance in a criminal matter on behalf of a client in a criminal matter on October 5, 1989, while he was suspended for failure to pay bar membership fees.

On May 7, 1993, the Supreme Court ordered (**S014722**) that Respondent's probation ordered in S014722 (Case No. 88-J-13028) be revoked, and that Respondent be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years, with conditions including a two year actual suspension and until he complied with Standard 1.4(c)(ii). Respondent has not been entitled to practice law since June 6, 1993. The discipline arose out of the following matters:

In **Case No. 91-C-04385**, the State Bar Court found on February 20, 1991, Respondent was arrested at 1:15 a.m. for driving with a suspended license, and that on July 31, 1991, he was convicted of violating Veh. Code § 14601.1(a). The State Bar Court found that Respondent had twice before been convicted of Veh. Code § 14601.1(a): On September 11, 1990 and October 15, 1990. On February 20, 1991, Respondent was in violation of probation arising out of both convictions.

In **Case No. 91-P-07023**, Respondent was found to be in violation of the terms of probation imposed in S014722 (88-J-13028) by failing to timely file quarterly reports due on July 10, 1991, and October 10, 1991.

On March 18, 2002, the Supreme Court ordered (**S103262**) that Respondent be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on one year probation. The discipline arose from a conviction referral matter, **Case No. 00-C-12754**. On August 15, 2000, Respondent was convicted of violating Penal Code § 242, battery.

## **2. Multiple Acts of Misconduct**

Multiple acts of wrongdoing are an aggravating circumstance. (Std. 1.2(b)(ii).) Respondent knowingly held himself out as entitled to practice law and knowingly engaged in the unauthorized practice of law multiple times in 2003 and 2004 in the federal court matter.

## **MITIGATING CIRCUMSTANCES.**

### **1. Lack of Harm**

The clients of Montegna and Griffiths knew at all times that Respondent was not entitled to practice law. This fact supports the conclusion that the clients were not harmed by Respondent's misconduct. (Std. 1.2(e)(iii).)

## AUTHORITIES SUPPORTING DISCIPLINE.

### 1. Standards

Standard 1.6 of the Standards for Attorney Sanctions for Professional Misconduct (“Standards”) provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed must be the most severe of the applicable sanctions.

Standards 2.3 and 2.6(a) apply in this matter. The most severe sanction is found in Standard 2.3 which provides that culpability of a member of an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law. Here, Respondent knowingly engaged in the unauthorized practice of law on several occasions while working on the federal court matter. Moreover, Respondent has been disciplined on prior occasions for engaging in the unauthorized practice of law.

Standard 1.7(b) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline, the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate. Here, Respondent has been disciplined on five prior occasions. Respondent has not presented compelling mitigation warranting a departure from Standard 1.7(b).

### 2. Case Law

In *Morgan v. State Bar* (1990) 51 Cal.3d 598, the attorney had four prior disciplinary proceedings for misconduct involving misappropriations, the unauthorized practice of law, settling cases without authority, failing to perform competently, and failing to communicate with a client. (*Id.* at p. 601.) The attorney was before the Court again for engaging in the unauthorized practice of law (*Id.* at pp. 603-605) and obtaining a pecuniary interest adverse to a client, *to wit*, agreeing to pay the client's American Express Card balance in return for use of the client's Nordstrom's and Neiman-Marcus credit card (*Id.* at p. 605-606.) Observing that “this is the second time that [the attorney] has been found culpable of practicing law while under suspension,” the Supreme Court concluded that “[the attorney's] behavior demonstrates a pattern of professional misconduct and an indifference to this court's disciplinary orders. (*Id.* at p. 607.) Since the attorney's character evidence and community service did not constitute compelling mitigating circumstances, the Court applied Standard 1.7(b) and disbarred the attorney. (*Id.* at pp. 607-608.)

(Do not write above this line.)

In the Matter of <b>IRA DAVID HAZELKORN</b> Member #75607	Case number(s): 06-O-11423 - RAH
---	-------------------------------------

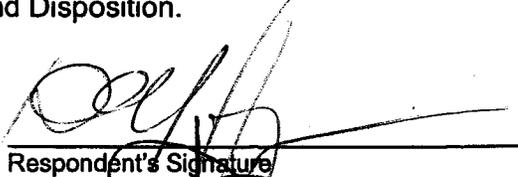
**SIGNATURE OF THE PARTIES**

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.

2/10/10  
Date

2/13/10  
Date

2/10/10  
Date

  
Respondent's Signature

  
Respondent's Counsel Signature

  
Deputy Trial Counsel's Signature

**IRA D. HAZELKORN**  
Print Name

**PATRICIA J. GRACE**  
Print Name

**ELI D. MORGENSTERN**  
Print Name

(Do not write above this line.)

In the Matter Of <b>IRA DAVID HAZELKORN</b> Member #75607	Case Number(s): <b>06-O-11423 - RAH</b>
---	--

**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.

See attachment for modifications to the stipulation.

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.)**

02-10-10  
Date

  
Judge of the State Bar Court

**RICHARD A. PLATEL**

Modifications to the stipulation: *RSF*

1. On page 2 of the stipulation, at paragraph A.(8), all form and inserted language next to the box with the "X" is deleted and in its place is inserted, "The court recommends that costs be awarded to the State Bar."
2. On page 2 of the stipulation, at paragraph B.(1), "Page 10" is deleted , and in its place is inserted "pages 10-11."
3. On page 3 of the stipulation, the sentence under "Additional mitigating circumstances" is deleted, as respondent has several prior records of discipline and was admitted on December 14, 1977.
4. On page 7 of the stipulation, numbered paragraph 1, line 2, "91-PM-07023" is deleted, and in its place is inserted "91-P-07023."
5. On page 7 of the stipulation, number paragraph 1, line 5, "and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii)" is inserted after "suspension."
6. On page 7 of the stipulation, numbered paragraph 3, the second sentence is deleted, and in its place is inserted, "Respondent has been actually suspended since that date. In addition, during most of the time since June 6, 1993, respondent has also been otherwise not entitled to practice law."
7. On page 8 of the stipulation, numbered paragraph 10, line 2, "letter" is deleted, and in its place is inserted "letterhead."
8. On page 8 of the stipulation, numbered paragraph 11, line 1, a comma and then "letter" is inserted after "September 23, 2003."
9. On page 9 of the stipulation, the first paragraph under the heading "Conclusions of Law," line 4, "in violation of Business and Professions Code section 6068, subdivision (a)" is inserted after "California."
10. On page 11 of the stipulation, line 1 at the top of the page, "days" is inserted after "90."
11. On page 11 of the stipulation, line 1 at the top of the page, "The Supreme Court ordered probation to commence retroactive to November 29, 1991, and the period of actual suspension to commence retroactive to July 30, 1991" is inserted after "suspension."
12. On page 11 of the stipulation, line 2 at the top of the page, "6127" is deleted, and in its place is inserted "6126."
13. On page 11 of the stipulation, line 1 of the first full paragraph, "(S014722)" is deleted, and in its place is inserted "(S032206)."
14. On page 12 of the stipulation, line 4 under the heading "Case Law," "authorized" is deleted, and in its place is inserted "unauthorized."
15. On page 12 of the stipulation, line 5 under the heading "Case Law," "605" is deleted, and in its place is inserted "604."

**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 February 11, 2010, 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:

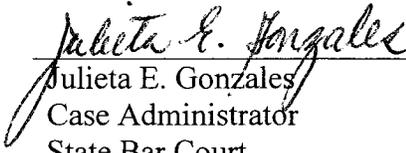
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PATRICIA J GRACE ATTORNEY AT LAW  
LAW OFC PATRICIA GRACE  
1912 N BROADWAY #200  
SANTA ANA, CA 92706

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 11, 2010.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court