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**State Bar Court of California
Hearing Department
Los Angeles**

Counsel For The State Bar Paul T. O'Brien State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 Bar # 171252	Case Number (s) 06-O-11558 <div align="center" style="font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	(for Court's use) <div align="center" style="font-size: 1.5em; font-weight: bold;">FILED</div> <div align="center" style="font-size: 1.2em;">DEC 12 2006</div> <div align="center" style="font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
In Pro Per Respondent John T. Coates 555 E Pacific Coast Hwy #218 Long Beach, CA 90806 Bar # 207175	Submitted to: STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: John T. Coates Bar # 207175 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 **June 2, 2000**.
- (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 12 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.)

Stayed Suspension

(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):

- costs added to membership fee for calendar year following effective date of discipline.
- 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 **05-O-00327-RAP**
 - (b) Date prior discipline effective **April 12, 2005**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **3-110(A), 6068(m) and 6068(i)**
 - (d) Degree of prior discipline **Public Reproval**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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.

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

Stayed Suspension

- (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 \$ 450.00 on January 20, 2006 in restitution to **Caroline Gunawan and Conrade Cooke** 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

D. Discipline:

- (1) **Stayed Suspension:**
 - (a) Respondent must be suspended from the practice of law for a period of **2 (two) 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **2 (two) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.

(Do not write above this line.)

No Ethics School recommended. Reason: **Respondent attended State Bar Ethics School on April 14, 2005 in connection with case number 05-O-00327-RAP.**

(8) 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.

(9) The following conditions are attached hereto and incorporated:

Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason: **Respondent took and passed the MPRE on August 4, 2006 in connection with case number 05-O-00327-RAP.**

(2) **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JOHN T. COATES

CASE NUMBER(S): 06-O-11558

FACTS AND CONCLUSIONS OF LAW.

1. On April 12, 2005, Respondent was publicly reprovved in Case No. 05-O-00327-RAP for a period of one year ("the reprovral"). As a condition of his reprovral, Respondent was required to comply with the provisions of the State Bar Act and Rules of Professional Conduct. On May 15, 2006, the reprovral was modified by the State Bar Court to extend the reprovral period to September 2, 2006.

2. On January 3, 2005, Caroline Gunawan ("Gunawan") and her employer, Conway Cooke of Cooke & Associates ("Cooke"), employed Respondent to represent her in applying for an extension of her H-1B visa ("the application"). Her then-current visa was set to expire on February 1, 2005.

3. On January 5, 2005, Cooke paid Respondent \$450 as attorneys fees and \$185 as advanced costs for filing the application. The check for \$185 was made payable to the USCIS (United States Citizenship and Immigration Services).

4. Between January 6 and June 9, 2005, Gunawan made multiple attempts to contact Respondent, in order to obtain status information about the application. Respondent did not provide any response to Gunawan until June 9, 2005, upon his receipt of a fax from USCIS of a

copy of a rejection of her application. Respondent correctly informed her that the application had been rejected due to a failure to include a \$750 processing fee and an I-129W petition.

5. On June 13, 2005, Gunawan provided Respondent with a check for \$750 for the processing fee, made payable to the USCIS, in order to resubmit the application. Again, the check was issued by Cooke.

6. Thereafter, Respondent did not re-submit the application with the I-129W and the check for \$750.

7. Between June 14 and August 24, 2005, Gunawan made three more calls to Respondent's office in order to obtain status information about the application. Respondent did not provide any response to Gunawan until August 24, 2005. He informed her at that time that the initial check for \$185 to file the application had been returned as stale dated, more than 90 days old.

8. On August 25, 2005, Gunawan provided Respondent with a new check for \$185 for the filing fee for the application.

9. Thereafter, Respondent did not re-submit the application with the I-129W and the checks for \$185 and \$750.

10. Between October 14 and October 20, 2005, Gunawan learned that the \$750 check from Cooke had not been negotiated. As a result, she made several calls to Respondent in order to obtain status information about the application. Respondent replied with assurances that he would send the USCIS a letter on October 24, 2005, confirming that Gunawan's application was originally filed in January 2005, and requesting a receipt for the \$750.

11. Respondent did not send the USCIS the promised letter. Instead, on October 20, Respondent sent a letter to Gunawan assuring her that she need not worry, as the application had been filed and the payment had been submitted. In fact, Respondent merely assumed that Gunawan's application had been properly resubmitted, along with the checks, and at no time did he exercise reasonable diligence in confirming that his office staff had properly performed its assigned tasks.

12. On October 21, 2005, Cooke sent a letter to Respondent by facsimile, requesting all the paperwork filed with the INS (USCIS) in furtherance of the application, as well as reminding Respondent that he agreed to obtain a receipt from the USCIS for the \$750 paid for the processing fee. Respondent received the fax letter.

13. On November 1, 2005, Gunawan employed new counsel, Daniel Hanlon and Hanlon & Greene ("Hanlon"), to take over the processing of her H-1B visa application from Respondent. Between November 2, 2005 and January 11, 2006, Hanlon sent Respondent three letters in an effort to obtain information about the then-current status of the application and to obtain Gunawan's file. Respondent received each of the three letters, but did not respond until January 12, 2006, when he called and scheduled an appointment to meet with Hanlon.

14. On January 20, 2006, Respondent met with Hanlon, admitted his failure to complete the services he had been employed to perform, refunded the \$450 advanced attorneys fees and \$185 filing fee, and agreed to cooperate in any attempt to reopen the application for Gunawan's H-1B visa. Gunawan had been unaware until that time that Respondent had not, in fact, re-filed the application after it was rejected.

CONCLUSIONS OF LAW

15. By not submitting a completed I-129W petition and a check for \$750 with Gunawan's original application; by not timely informing Gunawan ro Cooke that the application filing fee had been rejected; by not re-submitting the application and completed I-129W with the checks for \$185 and \$450; by not adequately supervising his office staff to ensure it had properly performed assigned tasks; and by not exercising any reasonable diligence before erroneously representing to his clients that the application had been resubmitted, Respondent failed to perform services with competence, in wilful violation of rule 3-110(A), Rules of Professional Conduct.

16. By not providing his clients with the paperwork they requested from his file, Respondent failed to provide documents reasonably necessary to stay informed about significant developments in the processing of the application, in wilful violation of rule 3-500, Rules of Professional Conduct.

17. By violating rules 3-110(A) and 3-500, Rules of Professional Conduct, Respondent failed to comply with all conditions of his reproval in Case No. 05-O-00327, et al., in wilful violation of rule 1-110, Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was October 20, 2006.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 20, 2006, the estimated prosecution costs in this matter are approximately \$1,983.00. Respondent acknowledges that this figure is an estimate only and that it does not

include State Bar Court costs which will be included in any final cost assessment. 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.

STANDARDS FOR ATTORNEY SANCTIONS

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. See *Snyder v. State Bar* (1990) 49 Cal.3d 1302. Also, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the protection of public confidence in the legal profession.

Standard 1.7(a) supports an increase of the level of discipline from the discipline imposed in a prior proceeding. [Respondent was publicly reprovved in 2005 for failing to perform services with competence in two immigration matters, and for violating the terms of an agreement in lieu of discipline by failing to attend Ethics School in a timely manner.]

Standard 2.4(b) calls for reprobval or suspension for failing to communicate with a client, depending on the extent of the misconduct and the degree of harm to the client. [Respondent's misconduct delayed his clients' visa application, but did not cause other harm.]

OTHER AUTHORITIES SUPPORTING DISCIPLINE

In the Matter of Aguiluz (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32: A two year suspension, stayed, was ordered where an attorney failed to perform and abandoned a client's case. [While the respondent in that matter had no prior record of discipline, there were other aggravating factors not present here, and less in the way of mitigation.]

In the Matter of Respondent G (Review Dept. 1992) 2 Cal State Bar Ct. Rptr. 175: A private reprobval was imposed where the violation was deemed a minor incident of failure to perform services with competence (but which was followed by the respondent's candor and cooperation).

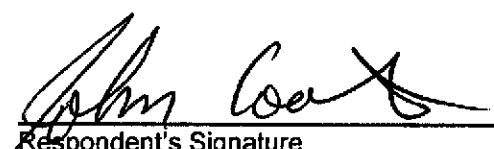
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In the Matter of John T. Coates	Case number(s): 06-O-11558
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SIGNATURE OF THE PARTIES

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

11/10/06
Date


Respondent's Signature


John T. Coates
Print Name

Date

Respondent's Counsel Signature

Print Name

11/27/06
Date


Deputy Trial Counsel's Signature

Paul T. O'Brien
Print Name

(Do not write above this line.)

In the Matter of John T. Coates	Case number(s): 06-0-11558
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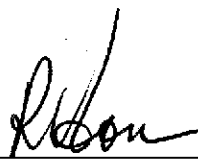
ORDER

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

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

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

12/8/06
Date


RICHARD A. HONN
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 December 12, 2006, 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:

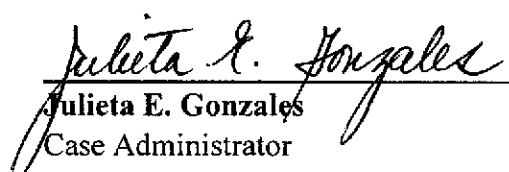
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOHN T COATES ESQ
555 E PACIFIC COAST HWY #218
LONG BEACH, CA 90806**

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

Paul T. O'Brien, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **December 12, 2006**.



Julieta E. Gonzales
Case Administrator
State Bar Court