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<b>State Bar Court of California</b> Hearing Department Los Angeles		kwiktag® 078 540 133 
Counsel For The State Bar  <b>Ashod Mooradian</b> Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004  Bar # 194283	Case Number (s) 06-O-13050; 06-O-13099; 08-C-11149; 07-C-11950; 08-C-11095; 08-C-11676 (Cons.) [Investigative Matters: 06-O-15329; 06-O-15011; 07-O-14925]	(for Court's use)  <div style="text-align: center;"> <b>FILED</b>                       MAR - 4 2009 <i>YJC</i>                       STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES                 </div>  <div style="text-align: center; font-size: 1.5em;"> <b>PUBLIC MATTER</b> </div>
In Pro Per Respondent  <b>Gregg S. Laughlin</b> 311 Fernleaf Avenue Corona Del Mar, CA 92625  Bar # 193567	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: <b>GREGG STEVEN LAUGHLIN</b>  Bar # 193567  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 16, 1997**.
- (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 **30** 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."

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- (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: **three(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
  - (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. **Respondent's misconduct harmed a client, the public and the administration of justice. First, Respondent caused a mistrial in a criminal proceeding where he was defense counsel to a defendant facing a possible life sentence. Second, Respondent has acknowledged two of his convictions involved moral turpitude and as an officer of the court these convictions have detrimentally affected public confidence and respect for the administration of justice. Further, Respondent's disobedience of court orders, whether as a legal representative or as a party, demonstrates a lapse in character and a disrespect for the legal system that directly relates to an attorney's fitness to practice law and serve as an officer of the court.**
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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. **Respondent has stipulated to misconduct in two filed matters, four conviction referral matters and three investigative matters. Specifically, in all of these matters Respondent has acknowledged committing two violations of Rules of Professional Conduct ("rule" or "rules"), rule 3-110(A), three violations of rule 3-700(A)(2), one violation of rule 3-700(D)(2) and five violations of Business and Professions Code, section 6068(i). In addition, Respondent has stipulated that the facts and circumstances involving two of his convictions involved moral turpitude and the other two convictions involved other misconduct warranting discipline.**
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None.

**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. **Respondent cooperated in this proceeding generally and has stipulated to extensive facts, conclusions of law and level of discipline. Respondent's candor regarding the seriousness of his misconduct was also instrumental in allowing this matter to be resolved by stipulation.**
- (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**

**Respondent has undertaken significant efforts, since March 2008, to address his problems with alcohol addiction. Respondent, as verified through random testing, has remained alcohol-free since March 2008 through the present. Further, Respondent's current efforts also indicate that it is reasonable to believe that his substance abuse will no longer impact his professional life.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **Four (4) 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 **two (2) 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 **two (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:  
 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 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: **November 8, 2007.**

(5)  **Other Conditions:**

#### "AA" CONDITION:

1) Satisfactory proof of attendance of meetings shall include the name of Respondent's sponsor (if Respondent has a sponsor), address, telephone number, and any other contact information (e.g. fax, e-mail, etc.). Respondent is to provide this information to the Office of Probation within ten days of the effective date of the discipline and within ten days of any change in sponsor and/or the sponsor's address and/or telephone number and/or any other contact information.

2) Satisfactory proof of attendance of meetings shall also include the name of the meeting, the location of the meeting, and the signature or initials of the meeting secretary or other representative willing to assist the Office of Probation in confirming Respondent's attendance.

3) It is not satisfactory proof of attendance for Respondent to sign as the verifier of Respondent's proof of attendance.

**FEE ARBITRATION:** Respondent shall submit to Fee Arbitration with Kevin Chase, concerning Respondent's representation of Mr. Chase in case number 06-O-15011 as follows:

1) Within forty (40) days after the effective date of the Supreme Court order in this matter, Respondent agrees to provide the Office of Probation with a copy of the letter sent offering to initiate, pay any costs and fees associated with the fee arbitration, and participate in fee arbitration with Kevin Chase, along with proof of mailing, such as "Delivery Confirmation" or "Signature Confirmation" services provided by the US Postal Service or equivalent services provided by any other entity, such as UPS, FedEx, DHL, etc..

- 2) Respondent agrees to advise the Office of Probation, in writing, of any request to participate in fee arbitration made by Kevin Chase within fifteen (15) days after any such request. Respondent agrees to provide the Office of Probation with any information requested to verify Respondent's compliance, including submission of any written request for fee arbitration or the submission of a declaration from any individual setting forth the date arbitration was requested.
- 4) Respondent agrees to initiate fee arbitration within fourteen (14) days of any request, including making any payment required by the organization conducting the fee arbitration. Respondent agrees to fully and promptly participate in the fee arbitration as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration with respect to Kevin Chase.
- 5) Within thirty (30) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, Respondent agrees to provide a copy of said award, judgment or stipulated award to the Office of Probation.
- 6) Respondent agrees to abide by any award, judgment or stipulated award of any such fee arbitrator. Respondent also agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth a deadline for any payment, Respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award.
- 7) If the State Bar Client Security Fund has reimbursed any of the above individuals for all or any portion of any award, judgment or stipulated award pursuant to fee arbitration, respondent agrees to pay restitution to the Client Security Fund of the amount paid, plus applicable interest and costs, in accordance with Business and Professions Code section 6140.5. To the extent the Client Security Fund has paid only principal amounts, respondent will still be liable for interest payments to such individuals. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d).
- 8) If the fee arbitration proceeding results in an award to Kevin Chase, Respondent waives any objections related to the Office of the Chief Trial Counsel, Client Security Fund or State Bar Court notification to Kevin Chase regarding assistance in obtaining restitution or payment from the Client Security Fund or from Respondent.
- 9) Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court ordering Respondent to pay back the full amount of attorneys' fees paid to Respondent by each of the individuals listed plus 10% interest from the date Respondent received the fees.

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

**IN THE MATTER OF:** GREGG S. LAUGHLIN

**CASE NUMBER(S):** 06-O-13050; 06-O-13099; 08-C-11149;  
07-C-11950; 08-C-11095; 08-C-11676(Cons.);  
[Investigative Matters: 06-O-15329; 06-O-15011;  
07-O-14925]

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

The parties waive any variance between the Notice of Disciplinary Charges regarding case numbers 06-O-13050; 06-O-13099, filed on July 30, 2007, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**B. 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 in each specified case:

**06-O-13050 - Facts:**

1. In or about November 2005, Valente Martinez employed Respondent to represent his brother-in-law, Mariano Mendez ("Mendez"), in a criminal case, *People v. Mendez*, Orange County Superior Court case no. 05WF1393. Valente Martinez paid Respondent \$10,000.00 in attorney's fees, and \$500.00 in costs for purposes of employing an investigator. The \$10,000 in fees was paid to Respondent to represent Mendez through trial.
2. On or about May 17, 2006, Mendez' trial began. A jury was thereafter selected, opening statements were given, testimony commenced, and the trial proceeded from day-to-day. On or about May 25, 2006, Respondent notified the Court that he was too ill to appear in court that day. Respondent was ordered by the court, by way of a telephone call from its clerk, to appear on May 30, 2006, at 10:30 a.m. Respondent confirmed with the clerk that he would be present. On or about May 25, 2006, attorney Frank Davis made a special appearance on Mendez' behalf, in Respondent's absence, in order to trail the case to Tuesday, May 30, 2006.



3. On or about May 30, 2006, the court called *People v. Mendez* to resume trial, but Respondent did not appear. Respondent did not notify either the court or his client that he would not appear, and did not arrange for substitute counsel to appear on his behalf.
4. On or about May 31, 2006, the court again called *People v. Mendez* for further proceedings, and, again, Respondent did not appear. Attorney Cynthia Sandberg of the Public Defender's office made a special appearance on Mendez' behalf.
5. Thereafter, the court was informed that Respondent had been found unconscious on the floor of his home, and had been transported to the hospital. Respondent had voluntarily taken an overdose of prescription medications, for which he did not possess a prescription, and other controlled substances. On or about June 1, 2006, Judge Richard King, presiding over *People v. Mendez*, declared a mistrial. All told, Respondent attended six of eight days of trial proceedings in *People v. Mendez*.
6. On or about September 8, 2006, the State Bar investigator assigned to case number 06-O-13050 sent a letter to Respondent, outlining the allegations raised in connection with Respondent's representation of Mendez, and requesting that Respondent respond in writing by September 22, 2006 to the allegations. Respondent received the investigator's September 8, 2006, letter, but did not respond in writing or in any manner.
7. On or about October 26, 2006, the investigator sent a second letter to Respondent, again requesting a response to the allegations related to his representation of Mendez. The investigator's letter requested Respondent's reply by November 9, 2006. Although he received the investigator's October 26, 2006, letter, Respondent failed to respond in any manner.

**06-O-13050 - Conclusions of Law:**

8. By failing to appear in court for an ongoing trial, with a jury already selected and seated, by failing to contact the court to give notice that he was unable to appear, by failing to inform his client that he was unable to appear, and by failing to make arrangements for other counsel to appear at his client's trial, thereby causing a mistrial to be declared, Respondent failed to perform the legal services for which he was employed with competence in wilful violation of *Rules of Professional Conduct*, rule 3-110(A).
9. By not appearing for trial on or about May 25, 2006, and May 30, 2006, and by not arranging for counsel to appear on his client's behalf, or otherwise request the court to further trail or continue the trial, and by not returning any portion of the \$10,000 paid by Martinez for Mendez's representation as advanced fees, although he did not complete the services for which he was employed and had not therefore earned the advanced fees, Respondent failed upon termination of employment to

take reasonable steps to avoid foreseeable prejudice to his client in wilful violation of *Rules of Professional Conduct*, rule 3-700(A)(2).

10. By failing to respond in writing or otherwise to the investigator's September 8, 2006, and October 26, 2006, letters concerning allegations of misconduct in connection with his representation of Mendez, Respondent failed to cooperate and participate in a State Bar investigation of allegations of misconduct against Respondent in wilful violation of *Business and Professions Code*, section 6068(i).

**06-O-13099 - Facts:**

11. On or about December 22, 2005, Juan Henriquez (Juan) employed Respondent to represent his son, Mario Armando Henriquez (Mario) in a criminal matter, *People v. Henriquez*, Orange County Superior Court case no. 05CF3921. Juan paid Respondent \$3,500. Juan informed Respondent that a hearing was scheduled for January 6, 2006.
12. On or about January 6, 2006, Respondent was not present in court for the scheduled hearing in the Henriquez' case. Respondent called the Court to inform them that he would not be appearing and agreed to allow the public defender to make the appearance in his place. The matter was put over to January 11, 2006. Juan informed Respondent of the new hearing date.
13. On or about January 11, 2006, Respondent again failed to appear in court at the scheduled hearing time in Mario's case. Respondent appeared in court later that same morning and was informed that his client had taken a plea communicated to him by the Public Defender.
14. Thereafter, Respondent did not perform any legal services on Mario's behalf, and earned no portion of the advanced fee paid to him. Mario was represented by a Deputy Public Defender at both hearings prior to Respondent's termination, and for the duration of the case.
15. In or about May 2006, Juan orally asked Respondent to return the \$3,500 in unearned, advanced attorneys' fees. Respondent acknowledged that he had not earned the fees and agreed to make the refund.
16. On or about May 23, 2006, Juan sent Respondent a written request for the return of the \$3,500 paid as advanced attorneys' fees. Respondent did not respond to Henriquez' letter. Respondent did not return any portion of the unearned fees to Juan Henriquez.
17. On or about July 25, 2006, the State Bar investigator assigned to case no. 06-O-13099 sent a letter to Respondent, outlining the allegations in connection with Respondent's employment by Juan and Mario, and requesting that Respondent respond to the allegations in writing by August 8, 2006. Respondent received the

investigator's July 25, 2006, letter, and did not respond to it in writing or in any other manner.

18. On or about September 8, 2006, the investigator sent a second letter to Respondent, again requesting a response to the allegations of misconduct in case no. 06-O-13099. Respondent received the September 8, 2006, letter, but did not respond in writing or in any manner to the September 8, 2006 letter.

**06-O-13099 - Conclusions of Law:**

19. By not informing Mario that he would not be representing him in his criminal matter, by failing to inform Juan that he would not represent his son in his criminal matter, and by not appearing for two scheduled hearings, Respondent failed to perform the services for which he was employed with competence in wilful violation of *Rules of Professional Conduct*, rule 3-110(A).
20. By not returning any portion of the \$3,500 in advanced fees paid to him by Juan for representing Mario, although providing no services of value to Mario, Respondent failed to refund promptly any portion of an advanced fee that was not earned upon termination of his services in wilful violation of *Rules of Professional Conduct*, rule 3-700(D)(2).
21. By failing to respond in writing or otherwise to the investigator's July 25, 2006, and September 8, 2006, letters, concerning allegations of misconduct in connection with his representation of Mario, Respondent failed to cooperate and participate in a State Bar investigation of allegations of misconduct against Respondent in wilful violation of *Business and Professions Code*, section 6068(i).

**08-C-11095 - Facts:**

22. This is a proceeding pursuant to sections 6101 and 6102 of the *Business and Professions Code* and rule 9.10 of the *California Rules of Court*.
23. On December 26, 2003, at approximately 9:00 pm, Respondent was driving his vehicle and struck a parked vehicle near the intersection of Park Avenue and 6<sup>th</sup> Street in the City of Long Beach, California.
24. Long Beach Police Officer P. Munson, #5932, was dispatched to the scene at approximately 9:26 pm. Upon arrival saw Respondent's vehicle on the west side of Park Avenue, south of 6<sup>th</sup> Street, facing south with major damage to the front passenger side of the vehicle. Officer Munson also observed that another vehicle on the west side of Park Avenue, south of 6<sup>th</sup> Street, facing north, which was partially pushed onto the sidewalk, with major damage to the driver's side door and left rear quarter panel.

25. The owner of the other vehicle, Leonardo De Oca ("De Oca") stated to Officer Munson that earlier in the evening he had parked his vehicle on Park Avenue, in front of his home. Later, while he was inside his home, he heard the sound of a loud collision out front. Then, De Oca then came outside and saw that his parked vehicle had been struck by Respondent's vehicle.
26. Next, De Oca saw Respondent exit his vehicle and begin to speak on a cellular phone. De Oca saw that there was no one else was in Respondent's vehicle.
27. De Oca asked Respondent if he was "OK". Respondent ignored De Oca's question and said nothing in reply. Then, Respondent began to walk north on Park Avenue, away from the scene of the accident. De Oca yelled "Stop!" With that, Respondent began to run westbound on 6<sup>th</sup> Street and out of sight.
28. Officer Munson then requested assistance and Officer M. Mattia, #5964, was dispatched to the scene. Upon arrival at the scene, Officer Mattia was advised by several individuals that a traffic collision has just occurred and that the driver of one of the vehicles (*i.e.*, Respondent) had just fled westbound on 6<sup>th</sup> Street on foot. As Officer Mattia traveled further westbound on 6<sup>th</sup> Street and again was advised by a citizen that a person was seen running southbound on Roycroft Avenue.
29. Officer Mattia finally caught up with Respondent, who was standing on the east curb of Roycroft Avenue. Officer Mattia exited his patrol vehicle and approached Respondent who spontaneously stated, "I just got into a little accident." Believing that Respondent had just fled the scene of an accident, Respondent was placed in handcuffs pending further investigation. As Officer Mattia escorted Respondent to the front of his patrol vehicle, he noticed that Respondent had a strong odor of alcohol emitting from his body and breath. Officer Mattia asked Respondent if he had been drinking alcohol and Respondent replied, "I had two Belvederes (Vodka) at Spagatennies."
30. Then Officer Munson advised Officer Mattia that De Oca could identify the driver of the vehicle that struck his vehicle on Park Avenue. De Oca was then transported to Officer Mattia's location by another officer who then positively identified Respondent as the driver of the vehicle.
31. Officer Mattia, after noticing that Respondent was having trouble maintaining his balance, had a staggered gait and a flushed face, administered a Standard Field Sobriety Test (SFST) to determine if Respondent was under the influence of an alcoholic beverage to the extent that Respondent could not safely operate a motor vehicle. After the SFST, Officer Mattia concluded that Respondent was under the influence of an alcoholic beverage to the extent that he could not safely operate a motor vehicle and was placed under arrest.

32. Later, Respondent elected to be given a "breath test" where Respondent blew a 0.14% BAC at 10:26 pm and 0.15 BAC at 10:27 pm.
33. On December 31, 2003, Respondent was charged in *People v. Gregg Steven Laughlin*, case number 03LL01965, with three counts, namely:
  - a. violation of *Vehicle Code*, section 233152(a) [willfully and unlawfully driving a motor vehicle while under the influence of alcohol], a misdemeanor ("Count 1");
  - b. violation of *Vehicle Code*, section 23152(b) [willfully and unlawfully driving a motor vehicle while having 0.08% or more, by weight of alcohol in Respondent's blood], a misdemeanor ("Count 2"); and
  - c. violation of *Vehicle Code*, section 20002(A)(2) [knowingly and unlawfully being the driver of a vehicle which was involved in an accident, resulting in damage to property], a misdemeanor ("Count 3").
34. On January 7, 2004, Respondent, who was representing himself, waived further arraignment and pled not guilty to all three counts.
35. On September 15, 2004, Respondent withdrew his earlier plea and pled *nolo contendere* to Counts 2 and 3. Count was dismissed and on that same date Respondent was convicted of violating:
  - a. ***Vehicle Code*, section 23152(b)** [willfully and unlawfully driving a motor vehicle while having 0.08% or more, by weight of alcohol in Respondent's blood], a misdemeanor; and
  - b. ***Vehicle Code*, section 20002(A)(2)** [knowingly and unlawfully being the driver of a vehicle which was involved in an accident, resulting in damage to property], a misdemeanor.
36. Respondent was also placed on summary probation for a period of three (3) years and ordered to pay fines, fees, penalties, twenty-eight (28) days of community service, participate and successfully complete a three month First-Offender alcohol and other drug education and counseling program and restitution.
37. On May 19, 2008, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a decision on the following issues: "...the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violations of *Vehicle Code* sections 23152(b) and 20002(a)(2), of which [Respondent] was convicted, involved moral turpitude or other misconduct warranting discipline." Respondent received notice of the May 19, 2008 order at his official membership records address.

**08-C-11095 - Conclusion of Law:**

38. The facts and circumstances surrounding Respondent's convictions for violating *Vehicle Code* section 23152(b), a misdemeanor and *Vehicle Code* section 20002(a)(2), a misdemeanor, involved moral turpitude.

**08-C-11149 - Facts:**

39. This is a proceeding pursuant to sections 6101 and 6102 of the *Business and Professions Code* and rule 9.10 of the *California Rules of Court*.
40. On May 17, 2005, at approximately 8:00 am, a motorcycle was traveling eastbound on 2<sup>nd</sup> Street, in the City of Long Beach, California, intending to make a left turn onto Studebaker Road. At the intersection of 2<sup>nd</sup> Street and Studebaker Road, there were two left-turn lanes, an inside and outside lane.
41. As the motorcycle approached the intersection of 2<sup>nd</sup> Street and Studebaker Road the light was red and many vehicles were backed up and waiting for the light to turn green.
42. Then, the motorcycle driver proceeded to make his way between inside and outside left-turn lanes in order to reach the front of the queue of vehicles waiting to turn left onto Studebaker Road. Respondent was among the vehicles that were in the outside left-turn lane waiting to make a left onto Studebaker Road.
43. As Respondent was waiting in his vehicle for the light to turn green, he decided that he wanted to dump some sugar from a bowl he had in his car, onto the street.
44. Then, Respondent opened his car door slightly and at that same moment the motorcycle was passing Respondent's car. The motorcycle driver's knee struck the edge of Respondent's vehicle's open door and he lost control of his motorcycle. The motorcycle then careened off and striking two other vehicles also waiting in the inside and outside left-turn lanes.
45. Respondent, however, did not know that the motorcycle driver was next to his vehicle at the time he opened his door and had no warning that the motorcycle was approaching from behind.
46. The motorcycle driver suffered a substantial laceration to his right knee and was later transported from the scene to a hospital by ambulance.
47. The police officer at the scene, Officer Quaack, #640, based on the statements of the motorcycle driver, Respondent and the drivers of the other vehicle damaged by the careening motorcycle, concluded that Respondent was at fault and cited Respondent for violation of *Vehicle Code* section 22517.

48. On May 25, 2005, Respondent was charged in *People v. Gregg Steven Laughlin*, case number 05LL03705, with two counts, namely:
- a. violation of *Vehicle Code*, section 14601.2(a) [willfully and unlawfully driving a motor vehicle upon a highway at a time when his driving privilege was suspended or revoked for a conviction of Vehicle Code section 23152 or 23153 and when he had knowledge of such suspension or revocation], a misdemeanor (“Count 1”); and
  - b. violation of *Vehicle Code*, section 22517 [willfully and unlawfully opening a door of a vehicle on the side available to moving traffic when it was not reasonably safe to do so, and when it could not be done without interfering with the movement of such traffic], a misdemeanor (“Count 2”).
49. On August 5, 2005, Respondent, who was representing himself, pled not guilty to both counts. On November 17, 2005, by stipulation the Court orders the complaint amended by interlineations to add a violation of Vehicle Code section 12500 [Unlicensed Driver], a misdemeanor, as “Count 3”. Count 1 was dismissed.
50. On November 17, 2005, Respondent withdrew his earlier plea and pled *nolo contendere* to Counts 2 and 3 and was convicted of violating:
- a. violation of *Vehicle Code*, section 22517 [willfully and unlawfully opening a door of a vehicle on the side available to moving traffic when it was not reasonably safe to do so, and when it could not be done without interfering with the movement of such traffic], a misdemeanor; and
  - b. violation of *Vehicle Code*, section 12500(a) [Unlicensed Driver], misdemeanor.
51. Respondent was also placed on summary probation for a period of one (1) year and ordered to pay fines, fees, penalties and restitution.
52. On July 28, 2008, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a decision on the following issues: “...whether the facts and circumstances surrounding the [misdemeanor violation of Vehicle Code, section 12500(a)] involved moral turpitude or other misconduct warranting discipline, and if so found, the discipline to be imposed or recommended.” Respondent received notice of the July 28, 2008 order at his official membership records address.

**08-C-11149 - Conclusion of Law:**

53. The facts and circumstances surrounding Respondent’s conviction for violating *Vehicle Code* section 12500(a), a misdemeanor, involved other misconduct warranting discipline.

**07-C-11950 - Facts:**

54. On December 29, 2006, a plain-clothes Loss Prevention Officer for Fry's Electronics in Fountain Valley, California, observed Respondent approaching and selecting a Sony Voice Recorder ("Recorder") with a value of approximately \$150.00 from a display.
55. Then, Respondent was observed moving with the Recorder to a different part of the store, removing the Recorder from its packaging, placing the Recorder into his left jacket pocket and discarding the Recorder's packaging onto a shelf.
56. Next, Respondent was observed to continue shopping, selecting various unrelated items from other aisles and placing them into his cart. Then, stopping in another aisle, Respondent removed the Recorder from his left jacket pocket and placing the Recorder inside his right sock.
57. Then, in another part of the store Respondent approached and selected a pack of Eveready Batteries ("Batteries") with a value of approximately \$9.00 from a display. Respondent concealed the Batteries in his right jacket pocket. Respondent proceeded to the checkout register and paid for the unrelated items in his cart.
58. Respondent passed several open and manned registers never attempting to pay for the concealed Recorder and Batteries and exited the store through the main door. Then, approximately ten (10) feet outside of Fry's, two Fry's Loss Prevention Officers approached Respondent and identified themselves verbally and with a badge.
59. One of the Loss Prevention Officers asked Respondent to return the unpaid merchandise in his possession. Respondent immediately reached into his jacket right pocket and handed over the Batteries and then reached into his right sock and handed over the Recorder. Respondent was then escorted to the Fry's Loss Prevention Office with further incident and the local police department was called regarding the incident.
60. At approximately 5:30 pm, Officer Frahm, #253, arrived at Fry's Electronics and arrested Respondent for petty theft, then transported him to the Orange County Jail.
61. On February 16, 2007, Respondent was charged in *People v. Gregg Steven Laughlin*, case number FVPD 06-6886, with one count, of a violation of *Penal Code*, section 484(a) - 488 [Petty Theft], a misdemeanor.
62. On February 21, 2007, Respondent, who was representing himself, pled not guilty.



63. On July 11, 2007, Respondent withdrew his earlier plea and pled guilty. Respondent was convicted of violating *Penal Code, section 484(a) - 488* [Petty Theft], a misdemeanor. As part of his plea and on the same date, Respondent completed a "General Misdemeanor Guilty Plea Form", where at paragraph 12 [Factual basis for Plea], in his own hand, Respondent wrote "On 12-29-06, I willfully & unlawfully stole a digital audio recorder and batteries from Fry's Electronics in Fountain Valley, Orange County."
64. Respondent was also placed on summary probation for a period of three (3) years and ordered to pay fines, fees, penalties, restitution, complete ten (10) days as a CalTrans volunteer, to stay-away from Fry's Electronics, in Westminster and serve one (1) day OC jail.
65. On September 6, 2007, the Review Department of the State Bar Court issued an Order to Show Cause ordering the parties to show cause in writing on or before October 1, 2007, why Respondent should or should not be placed on interim suspension pending final disposition of the State Bar proceeding. Respondent received notice of the September 6, 2007 order at his official membership records address.
66. On September 26, 2007, the State Bar filed its *Response to Order to Show Cause* recommending that the Court order an interim suspension. Respondent did not file any response on his own behalf.
67. On October 3, 2007, the Review Department of the State Bar Court ordered Respondent's interim suspension, effective November 8, 2007 pending final disposition of the State Bar proceeding. Respondent received notice of the October 3, 2007 order at his official membership records address.
68. On November 9, 2008, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a decision on the following issues: the discipline to be imposed. Respondent received notice of the November 9, 2008 order at his official membership records address.

**07-C-11950 - Conclusion of Law:**

69. The facts and circumstances surrounding Respondent's convictions for violating *Penal Code, section 484(a) - 488* [Petty Theft], a misdemeanor, involved moral turpitude.

**08-C-11676 - Facts:**

70. On December 30, 2006, after being released from custody for his arrest for petty theft at Fry's Electronics discussed above, Respondent was driving westbound on the 91 Freeway and was stopped by Officer Tolen, #17998, of the California

Highway Patrol, near Alameda Street. Officer Tolen requested Respondent's license and Respondent provided it to the Officer.

71. Officer Tolen, after running Respondent's license, discovered that his license had been suspended effective September 20, 2006. Officer Tolen then asked Respondent if he was aware that his driving privilege had been suspended? Respondent replied "Which court did I not show up to?" Officer Tolen then provided Respondent with written notice of his suspension with DMV form DL310, confiscated Respondent's driver's license and had Respondent's car towed from the scene.
72. Officer Tolen also issued Respondent a citation for three infractions, driving without a seatbelt, driving a vehicle with expired registration and having no proof of insurance and one misdemeanor driving with a suspended license.
73. On February 21, 2007, Respondent was charged in *People v. Gregg Steven Laughlin*, case number 7CP01084, with four counts, namely:
  - a. violation of *Vehicle Code* section 14601.1(a) [unlawfully driving a motor vehicle upon a highway at a time when his driving privilege was suspended for failure to appear and when he had knowledge of such suspension], a misdemeanor ("Count 1");
  - b. violation of *Vehicle Code*, section 27315(d)(1) [unlawfully operate a private passenger motor vehicle], an infraction ("Count 2");
  - c. violation of *Vehicle Code*, section 4000(a)(1) [unlawfully drive, move and leave standing upon a highway a motor vehicle which had not been registered and for which the appropriate fees had not been paid], an infraction ("Count 3"); and
  - d. violation of *Vehicle Code*, section 16028(a) [without evidence of financial responsibility, drive upon a highway a motor vehicle required to be registered], an infraction ("Count 4").
74. On April 3, 2007, Respondent, who was representing himself, pled not guilty to Counts 1 through 4.
75. On May 16, 2007, on People's motion, the Court orders the complaint amended by interlineations to add a violation of *Vehicle Code*, section 12500(a) [Unlicensed Driver], a misdemeanor ("Count 5"). Then, Respondent pleads *nolo contendere* to Count 5 and the Court accepted this plea.
76. On May 31, 2007, Counts 1 through 4 are dismissed in the interests of justice pursuant to *Penal Code*, section 1385. In addition, Respondent was placed on summary probation for a period of two (2) years and ordered to pay fines, fees, penalties and restitution.

77. On May 19, 2008, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a decision on the following issues: "...a decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of *Vehicle Code* section 12500(a), of which [Respondent] was convicted, involved moral turpitude or other misconduct warranting discipline."

**08-C-11676 - Conclusion of Law:**

78. The facts and circumstances surrounding Respondent's conviction for violating *Vehicle Code* section 12500(a), a misdemeanor, involved other misconduct warranting discipline.

**06-O-15329 (Investigative Matter) - Facts:**

79. On or about December 5, 2006, the State Bar opened an investigation, case number 06-O-15329, pursuant to a complaint filed by Christopher Szabo ("the Szabo matter").
80. On or about December 28, 2006, and February 2, 2007, a State Bar investigator sent letters to Respondent regarding the allegations in the Szabo matter requesting written responses by January 12, 2007, and February 15, 2007, respectively. Respondent received the letters.
81. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Szabo matter by January 12, 2007, and February 15, 2007, respectively.
82. The Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

**06-O-15329 (Investigative Matter) - Conclusions of Law:**

83. By not providing a timely and responsive written response to the allegations in the Szabo matter or otherwise cooperating in the investigation of the Szabo matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of *Business and Professions Code*, section 6068(i).

**06-O-15011 (Investigative Matter) - Facts:**

84. In or about October 2005, Kevin Chase's ("Chase") girlfriend Brooke Brown ("Brown"), employed Respondent to represent Chase in a criminal matter. Brown, on behalf of Chase, paid Respondent \$5,000 in cash as advanced attorney fees.

85. Thereafter, Respondent effectively withdrew from representation of Chase by failing to perform any legal services on behalf of Chase, and by failing to return any portion of the \$5,000 advanced attorney fees Brown paid to him on behalf of Chase.
86. On or about November 2, 2006, the State Bar opened an investigation, case number 06-O-15011, pursuant to a complaint filed by Kevin Chase ("the Chase matter").
87. On or about November 20, 2006, December 27, 2006, and June 4, 2007, a State Bar investigator sent letters to Respondent regarding the allegations in the Chase matter requesting written responses by December 5, 2006, January 12, 2007, and June 18, 2007, respectively. Respondent received the letters.
88. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Chase matter by December 5, 2006, January 12, 2007, and June 18, 2007, respectively.
89. The Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

**06-O-15011 (Investigative Matter) – Conclusions of Law:**

90. By failing to provide the necessary legal services with respect to Chase's matter, by failing to inform Chase of his intent to withdraw from employment, and to take any other steps to avoid prejudice to his client, Respondent wilfully failed, upon termination of employment, to take reasonable steps to avoid reasonable foreseeable prejudice to his client in wilful violation of *Rules of Professional Conduct*, rule 3-700(A)(2).
91. By not providing a timely and responsive written response to the allegations in the Chase matter or otherwise cooperating in the investigation of the Chase matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of *Business and Professions Code*, section 6068(i).

**07-O-14925 (Investigative Matter) - Facts:**

92. On or about October 10, 2007, John Schratz's ("Schratz") girlfriend Priscilla Collinsworth ("Collinsworth") employed Respondent to represent Schratz in a criminal matter. Collinsworth, on behalf of Schratz, paid Respondent \$400 in cash as a deposit towards \$3,000 in attorney fees.
93. On or about October 10, 2007, Respondent appeared with Schratz at his arraignment as Schratz's retained attorney.

94. On or about October 18, 2007, Respondent appeared with Schratz at a pre-trial disposition hearing.
95. On or about November 8, 2007, Respondent was placed on interim suspension after a conviction for petty theft.
96. On or about November 30, 2007, Respondent was relieved by the Court as attorney of record for Schratz.
97. Thereafter, Respondent effectively withdrew from representation of Schratz by failing to perform any legal services on behalf of Schratz, and by failing to return any portion of the \$400 advanced attorney fees Collinsworth paid to him on behalf of Schratz.
98. On or about December 17, 2007, the State Bar opened an investigation, case number 07-O-14925, pursuant to a complaint filed by John Schratz ("the Schratz matter").
99. On or about February 25, 2008, and March 17, 2008, a State Bar investigator sent letters to Respondent regarding the allegations in the Schratz matter requesting written responses by March 10, 2008, and March 31, 2008, respectively. Respondent received the letters.
100. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Schratz matter by March 10, 2008, and March 31, 2008, respectively.
101. The Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

**07-O-14925 (Investigative Matter) - Conclusions of Law:**

102. By failing to provide the necessary legal services with respect to Schratz's matter, by failing to inform Schratz of his intent to withdraw from employment, and to take any other steps to avoid prejudice to his client, Respondent wilfully failed, upon termination of employment, to take reasonable steps to avoid reasonable foreseeable prejudice to his client in wilful violation of *Rules of Professional Conduct*, rule 3-700(A)(2).
103. By not providing a timely and responsive written response to the allegations in the Schratz matter or otherwise cooperating in the investigation of the Schratz matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of *Business and Professions Code*, section 6068(i).

## C. AUTHORITIES SUPPORTING DISCIPLINE.

### Standards:

The *Standards for Attorney Sanctions for Professional Misconduct* (“Standard” or “Standards”) applies to the fixing of a final disciplinary sanction after a member of the State Bar has been found culpable of or has acknowledged culpability of professional misconduct in a proceeding conducted by the State Bar of California. The following Standards are applicable to the matters discussed herein involving Respondent:

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.”

*Business and Professions Code*, section 6101(a) provides, “Conviction of a felony or misdemeanor, involving moral turpitude, constitutes a cause for disbarment or suspension.” Moreover, “the record of conviction shall be conclusive evidence of guilt of the crime of which he or she has been convicted.”

Standard 2.4(a) provides that culpability of a member of a pattern of wilfully failing to perform services demonstrating the member's abandonment of the causes in which he or she was retained shall result in disbarment.

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

Standard 2.6 provides that culpability of a member of a violation of any of the following provisions of the *Business and Professions Code* shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3:...(a) Sections 6067 and 6068....

Standard 2.10 provides that the culpability of a member for violation of any provision of the *Business and Professions Code* or any *Rule of Professional Conduct* not specified in the Standards shall result in reproof or suspension, according to the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Standard 3.2 provides that conviction of a crime of moral turpitude, either inherently, or in the facts and circumstances surrounding the crime's commission, shall result in disbarment, unless compelling mitigating circumstances clearly predominate. Even in those cases, the discipline shall not be less than a two-year actual suspension.

Standard 3.4 says that final conviction of a crime not involving moral turpitude but which does involve other misconduct warranting discipline shall result in a sanction appropriate to the nature and extent of the misconduct.

Respondent has stipulated to committing two violations of *Rules of Professional Conduct* ("rule" or "rules"), rule 3-110(A), three violations of rule 3-700(A)(2), one violation of rule 3-700(D)(2) and five violations of *Business and Professions Code*, section 6068(i) in five client matters. In addition, Respondent has stipulated that the facts and circumstances involving two of his convictions involved moral turpitude and the other two convictions involved other misconduct warranting discipline. Pursuant to the applicable Standards listed above, the range of discipline for Respondent's acknowledged misconduct is suspension or disbarment.

In addition, Standard 1.2(b) provides for a greater degree of sanction than set forth in the standards where aggravating circumstances exist. As discussed above, aggravating circumstances acknowledged to be found in these consolidated matters are: 1) Respondent's misconduct harmed significantly a client, the public or the administration of justice [Standard 1.2(b)(iii)]; and 2) Respondent's acknowledged misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct [Standard 1.2(b)(ii)]. In *In re Kelley* (1990) 52 Cal.3d 487, the Court held that disobedience of court orders, whether as a legal representative or as a party, demonstrates a lapse in character and a disrespect for the legal system that directly relates to an attorney's fitness to practice law and serve as an officer of the court. *Id.* at 495. Likewise, in *Barnum v. State Bar* (1990) 52 Cal.3d 104, the Court stated "Of greater concern is Petitioner's wilful violation of court orders. Other than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbecoming an attorney." *Id.* at 112.

However, Standard 1.2(e) provides for a more lenient degree of sanction than set forth in the Standards where mitigating circumstances exist. As discussed above, Respondent cooperated in this proceeding generally and has stipulated to extensive facts, conclusions of law and level of discipline. Respondent's candor regarding the seriousness of his misconduct was also instrumental in allowing this matter to be resolved by stipulation. Also, Respondent has undertaken significant efforts, since March 2008, to address his problems with alcohol addiction. Respondent, as verified through random testing, has remained alcohol-free since March 2008 through the present. Further, Respondent's current efforts also indicate that his substance abuse will no longer impact his professional life.

Therefore, of the Standards discussed, the most severe sanction is found in Standard 3.2 which provides that conviction of a crime of moral turpitude, shall result in disbarment, unless compelling mitigating circumstances clearly predominate and even then, the discipline shall not be less than a two-year actual suspension.

Caselaw:

In fashioning the appropriate level of discipline, the Standards are the starting point. Consideration must also be given to whether the recommended discipline is consistent with or disproportional to prior decisions of the California Supreme Court and the Review Department of the State Bar Court.

In *Cannon v. State Bar* (1990) 51 Cal.3d 1103, the attorney was found culpable in five separate matters of committing serious misconduct, much of which involved moral turpitude. Specifically, the attorney's misconduct also included an improper withdrawal from representation, a failure to refund unearned fees, a failure to perform with competence and a failure to communicate with his client. The Supreme Court found a complete absence of substantial mitigating circumstances despite the attorney's lack of a prior record. In fact, the attorney under question had only been admitted to the practice of law for six years before the first misconduct occurred. In aggravation, the Court noted the attorney's repeated refusal to return unearned fees even after clients obtained arbitration awards and judgments against him, as well as the attorney's indifference toward the welfare of his clients. Ultimately, the Supreme Court ordered that the attorney be disbarred.

In *In the Matter of Peterson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 73, the attorney had abandoned three client matters, deceived two of those clients as to the status of their matters, and failed to participate in the State Bar investigation. In aggravation, the attorney committed multiple acts of misconduct surrounded by repeated deceit resulting in significant harm to his clients. Although the attorney had no prior record and had only been in practice for six years when the misconduct began, no mitigation was found by the court. The Review Department recommended that the attorney be suspended from the practice of law for three years, stayed, with three years' probation, including one-year actual suspension.

Comparison/Analysis:

Like the attorneys in *Cannon* and *Peterson*, Respondent has committed misconduct in several separate matters. However, Respondent has a total of nine separate matters, four of which involve criminal convictions. Thus, the number of Respondent's disciplinary matters is significantly more than the five matters at issue in *Cannon* or the three matters at issue in *Peterson*.

Further, Respondent like the attorney in *Peterson* is also culpable for several instances of failing to cooperate with the State Bar's investigation. However, Respondent's failure to cooperate is more extensive involving five of his nine matters.

Further, like the attorney in *Cannon*, Respondent has committed moral turpitude in two of his matters. In addition, one of Respondent's convictions (i.e., the petty theft conviction) was determined to be of sufficient seriousness that the Review Department ordered Respondent's interim suspension pending the final resolution of that matter.



However, while *Cannon* is similar in many other respects including the specific types of misconduct committed (e.g., improper withdrawal from representation, a failure to perform with competence, etc.), the attorney in *Cannon* refused to make his client's whole even though they obtained arbitration awards and judgments against him. Here, Respondent, has stipulated to paying restitution to two clients and offering fee arbitration to another client. Also, as discussed above, Respondent has also made significant steps toward recovery and the reordering of his life such that it is reasonable to believe that the conduct that led to discipline here will not recur in the future.

In summary, in comparing these matters with the instant matters, it is clear that Respondent's discipline for the misconduct committed herein must be more severe than in *Peterson*, but less severe than the disbarment ordered in *Cannon*.

Therefore, the discipline appropriate for Respondent's misconduct herein is: 1) a four-year stayed suspension; 2) a two-year actual suspension (with credit for interim suspension period); 3) a two-year probation on the terms and conditions described in this Stipulation; 4) compliance with *California Rules of Court*, rule 9.20; 5) successfully completion of the State Bar Ethics School, Client Trust Accounting School and the MPRE. In addition, Respondent's suspension will continue until he is able to demonstrate rehabilitation, present fitness to practice law and general learning and ability in law pursuant to Standard 1.4(c)(ii) and until Respondent pays restitution as described in the attached financial conditions and until Respondent pays any Court ordered disciplinary costs and any other terms or conditions imposed by the Court in approving this settlement that it deems fair, just and appropriate.

#### **D. PENDING PROCEEDINGS.**

The disclosure date referred to on page one, paragraph A. (7) was February 25, 2009.

#### **E. COSTS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of February 25, 2009, the estimated prosecution costs in this matter are approximately \$12,791.54. Respondent acknowledges that this figure is an estimate only. 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6068.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in *Business and Professions Code*, section 6140.7 and as a money judgment unless relief has been granted under the *Rules of Procedure of the State Bar of California*. (*Rules Proc. of State Bar*, rule 286.)

In the Matter of  
GREGG STEVEN LAUGHLIN

Case number(s):  
06-O-13050; 06-O-13099; 08-C-11149;  
07-C-11950; 08-C-11095; 08-C-11676(Cons.)  
[Investigative Matters: 06-O-15329; 06-O-15011;  
07-O-14925]

### Substance Abuse Conditions

- a.  Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b.  Respondent must attend at least **four (4)** meetings per month of:
- Alcoholics Anonymous
  - Narcotics Anonymous
  - The Other Bar
  - Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10<sup>th</sup>) day of the following month, during the condition or probation period.

- c.  Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d.  Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e.  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.

f. **Additional Terms:**

During the period of time when Respondent is subject to probation for his underlying criminal conviction ("criminal probation"), Respondent may comply with the requirements of paragraph "c" above by providing to the Office of Probation of the State Bar of California a copy of the screening report containing an analysis of Respondent's blood and/or urine testing performed in connection with Respondent's criminal probation. However, nothing in this term is meant to alter any of the requirements of paragraph "c" above. Any report provided to the Office of Probation by Respondent must comply with all provisions of paragraph "c" above, including but not limited to, type of testing laboratory allowed, licensure of testing laboratory, manner in which specimen is provided to the laboratory, requirements designed to ensure specimen integrity, contents of the screening report, the time within which the screening report must be provided to the Office of Probation and that the screening report contain an analysis of a specimen obtained not more than ten(10) days previously.

In the Matter of <b>GREGG STEVEN LAUGHLIN</b>	Case number(s): <b>06-O-13050; 06-O-13099; 08-C-11149; 07-C-11950; 08-C-11095; 08-C-11676(Cons.) [Investigative Matters: 06-O-15329; 06-O-15011; 07-O-14925]</b>
A Member of the State Bar	

**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
Valente Martinez or Mariano Mendez	\$5,500.00	December 26, 2006
Juan Henriquez	\$3,500.00	May 23, 2006

- 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 reproval), 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:
- a. 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**

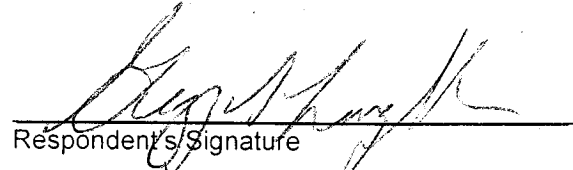
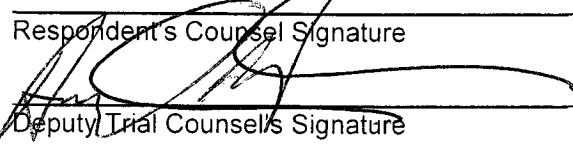
- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of <b>GREGG STEVEN LAUGHLIN</b>	Case number(s): 06-O-13050; 06-O-13099; 08-C-11149; 07-C-11950; 08-C-11095; 08-C-11676(Cons.) [Investigative Matters: 06-O-15329; 06-O-15011; 07-O-14925]
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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.

<u>2/25/09</u> Date	 Respondent's Signature	<u>GREGG STEVEN LAUGHLIN</u> Print Name
<u>                    </u> Date	<u>                    </u> Respondent's Counsel Signature	<u>                    </u> Print Name
<u>2/25/09</u> Date	 Deputy Trial Counsel's Signature	<u>ASHOD MOORADIAN</u> Print Name

(Do not write above this line.)

In the Matter Of <b>GREGG STEVEN LAUGHLIN</b>	Case Number(s): 06-O-13050; 06-O-13099; 08-C-11149; 07-C-11950; 08-C-11095; 08-C-11676(Cons.) [Investigative Matters: 06-O-15329; 06-O-15011; 07-O-14925]
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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.

- (1) Paragraph E (i) [p.5] is deleted as unnecessary and potentially confusing. Respondent is already subject to an obligation to petition for reinstatement pursuant to standard 1.4(c)(ii). (see PD (3)(a)(i) [p.4].)
- (2) Respondent is to receive credit toward his period of actual suspension for the period of his interim suspension. (see P F (4) [p.6].) That credit will not reduce the period of his probation.
- (3) The court declines the State Bar's request of March 3, 2009, to emphasize the binding effect of certain conditions of the stipulation as unnecessary and potentially confusing.

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.)

March 4, 2009  
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 March 4, 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:

**GREGG S. LAUGHLIN  
LAUGHLIN LAW GROUP, INC  
311 FERNLEAF AVE  
CORONA DEL MAR, CA 92625**

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

**ASHOD MOORADIAN, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 4, 2009.



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Tammy Cleaver  
Case Administrator  
State Bar Court