

(Do not write above this line.)

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

<p>Counsel For The State Bar</p> <p>Jean Cha Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 228317</p>	<p>Case Number (s) 06-O-14500</p> <p style="text-align: center; font-size: 1.2em;">PUBLIC MATTER</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center;">FEB - 5 2009 </p> <p style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Lotfy Mrich 320 W G St #207 Ontario, CA 91762</p> <p>Bar # 202286</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Lotfy Mrich</p> <p>Bar # 202286</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **July 16, 1999**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



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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: **2 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 caused significant harm to his client because his misconduct led the court to dismiss his client's case.**
- (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:

Not Applicable.

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

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

Not Applicable.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **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:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **TWO 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 **30 DAYS**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

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

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason:
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
 - 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
 - No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

Continuing Legal Education

Respondent shall successfully complete six (6) hours of live-instruction continuing legal education (CLE) courses in the areas of law office management and/or attorney-client relations. Respondent shall provide proof of completion within six (6) months of the effective date of the disciplinary order imposed as a result of this stipulation re facts, conclusions of law and disposition to the Office of Probation of the State Bar of California.

The six (6) hours of continuing legal education courses shall not count toward Respondent's completion of California's Minimum Continuing Legal Education (MCLE) requirements.

Attachment language begins here (if any):

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

IN THE MATTER OF: **LOTFY MRICH**
CASE NUMBERS: **06-O-14500**

The Ruelas Matter Case No. 06-O-14500

Count I

Respondent admits that the following facts are true and that he is culpable of wilfully violating Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

FACTS.

1. Lotfy Mrich ("Respondent") was admitted to the practice of law in the State of California on July 16, 1999, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On August 24, 2004, Sonia Ruelas ("Ruelas") employed Respondent to represent her in a lawsuit against her former employer, Fleetwood Enterprises, Inc. ("Fleetwood"), and two former co-workers, Ismail Erazo ("Erazo") and Arturo Placencia ("Placencia"), for sexual harassment.
3. On September 14, 2005, Respondent filed a lawsuit against Ruelas's former employer and co-workers (the "lawsuit").
4. After filing the lawsuit, Respondent failed to serve Erazo and Placencia.
5. On December 8, 2005, the court issued an Order to Show Cause ("OSC") and set a hearing on the OSC for February 3, 2006 regarding why sanctions should not be imposed for failure to timely file proofs of service for defendants Erazo and Placencia. Respondent received the OSC and the notice of the hearing on the OSC.
6. On December 30, 2005, counsel for defendant Fleetwood, David Dow ("Dow"), served formal discovery on Respondent as attorney for Ruelas. The discovery request included Special Interrogatories (Set One) and a Request for Production of Documents (the "first discovery requests"). Respondent received the discovery requests.
7. On February 3, 2006, Respondent appeared at the OSC hearing. Respondent submitted a proof of service at the hearing. The court thereafter vacated the OSC.
8. Respondent failed to prepare and serve timely responses to the first discovery requests on behalf of Ruelas.

9. On February 14, 2006, Dow sent Respondent a letter notifying Respondent that Respondent had failed to timely serve responses to the first discovery requests and requested that Respondent immediately serve responses and documents or else Dow would file a motion to compel and for attorney's fees. Respondent received the letter.
10. On February 21, 2006, Respondent told his secretary, Linda Sandoval ("Sandoval"), to call Dow to request a one-week extension to serve responses on behalf of Ruelas to the first discovery requests. Dow informed Sandoval that he would delay filing his motion to compel for one week.
11. On March 3, 2006, at Respondent's request, Sandoval again called Dow to seek another one-week extension. Dow denied the request. Respondent then personally called Dow to inform Dow that Respondent would answer the first discovery requests and produce documents by March 8, 2006.
12. Respondent did not provide the documents or the answers to the first discovery requests by March 8, 2006 or at any time.
13. Respondent did not attempt to contact Ruelas or otherwise arrange to meet with Ruelas regarding answering Fleetwood's first discovery requests.
14. On March 23, 2006, Dow served additional discovery on Respondent as attorney for Ruelas. This additional discovery included Special Interrogatories (Set Two), Form Interrogatories, and Requests for Admissions (the "second discovery requests"). Respondent received the second discovery requests.
15. On April 3, 2006, Dow filed a Motion to Compel Discovery Responses and for Sanctions (the "first motion to compel") against Ruelas and Respondent for their failure to answer the first discovery requests and to produce documents. At the time Dow filed the first motion to compel, Respondent had neither answered Fleetwood's first discovery requests nor produced the requested documents. The hearing on Fleetwood's first motion to compel was schedule for May 22, 2006. Respondent received the first motion to compel and notice of hearing on the first motion to compel.
16. On April 7, 2006, the court in the lawsuit sanctioned Respondent in the amount of \$150.00 when it determined that the proof of service previously filed by Respondent was deficient. The court also reissued an OSC regarding additional sanctions for the deficient proof of service. The hearing for the OSC was set for April 28, 2006. Respondent received the OSC, the notice of the hearing on the OSC, and the order for sanctions.
17. The OSC hearing originally set for April 28, 2006 was continued to May 22, 2006. Respondent received notice of the continuance.
18. Respondent did not attempt to contact Ruelas or otherwise arrange to meet with Ruelas regarding answering Fleetwood's second discovery requests.
19. Respondent failed to timely serve responses to Fleetwood's second discovery requests on behalf of Ruelas.

20. On May 5, 2006, Dow filed a Motion to Compel Discovery and to Deem the Requests for Admissions as Admitted by the Plaintiff (the "second motion to compel"). This motion was based on Respondent's failure to timely answer or respond to Fleetwood's second discovery requests. The hearing on Fleetwood's second motion to compel was scheduled for June 22, 2006. Respondent received the second motion to compel and notice of hearing on the second motion to compel.

21. At the May 22, 2006 hearing, the court granted Fleetwood's first motion to compel, filed on March 26, 2006. Respondent appeared on behalf of Ruelas. The court awarded Fleetwood sanctions in the amount of \$2,350.00 jointly against Ruelas and Respondent and ordered Ruelas and Respondent to comply with Fleetwood's first discovery requests. The May 22, 2006, court order indicated that the \$2,350.00 sanctions were to be paid and that Ruelas was to comply with the first discovery requests on or before August 21, 2006. Respondent received notice of the ruling on the first Motion to Compel and the order for sanctions.

22. On June 22, 2006, a hearing was held on Fleetwood's second motion to compel. Respondent received notice of the hearing but failed to appear. At the hearing, the court granted defendant's second motion to compel and ordered that the requests for admissions be deemed admitted. The court ordered Respondent to answer Fleetwood's second discovery requests and awarded Fleetwood sanctions in the amount of \$1,040.00 against Respondent, to be paid on or before July 24, 2006. The court also issued another OSC regarding failure to file a proof of service. The hearing for the OSC was set for July 13, 2006. Respondent received the OSC, the notice of the hearing on the OSC, the ruling on defendant's second motion to compel, and the order for sanctions.

23. On July 13, 2006, Respondent failed to appear at the hearing on the OSC. The court imposed sanctions of \$250.00 against Respondent and issued an OSC regarding dismissal of the case against two of the unserved defendants, Erazo and Placencia. The hearing on the OSC was set for August 3, 2006. Respondent received the OSC and notice of the hearing.

24. Respondent failed to respond to Fleetwood's first discovery requests and produce documents as was ordered by the court on May 22, 2006.

25. On July 19, 2006, Fleetwood moved for evidentiary sanctions against Ruelas for failure to comply with the court's May 22, 2006 order. The hearing on Fleetwood's motion for evidentiary sanctions was scheduled for September 1, 2006. Respondent received the motion for evidentiary sanctions and notice of the hearing date.

26. Respondent failed to file any opposition or response of any kind on behalf of Ruelas to the motion for evidentiary sanctions.

27. On July 28, 2006, Fleetwood moved for summary judgment based on the facts deemed admitted as a result of the second motion to compel that was granted on June 22, 2006. The hearing on Fleetwood's motion for summary judgment was scheduled for October 17, 2006. Respondent received the motion for summary judgment and notice of the hearing date.

28. Respondent filed no opposition or response of any kind on behalf of Ruelas to Fleetwood's motion for summary judgment.

29. On August 3, 2006, Respondent failed to appear at the OSC hearing regarding dismissal as to the two unserved defendants, Erazo and Placencia. The court dismissed the action against the two unserved defendants and issued sanctions against Respondent for \$250.00 due on or before September 5, 2006. The court issued another OSC regarding additional sanctions of \$1,000.00 and the dismissal of the entire action. The hearing on the OSC was set for September 1, 2006. Respondent received the order of dismissal as to Erazo and Placencia, the OSC, notice of the hearing on the September 1, 2006 OSC, and the order for sanctions.

30. On September 1, 2006, the court continued the hearing on the OSC regarding additional sanctions of \$1,000.00 and the dismissal of the entire action to September 20, 2006. Respondent received notice of the hearing's continuance.

31. On September 20, 2006, the court granted Fleetwood's motion for evidentiary sanctions. Respondent was present at the hearing.

32. On October 17, 2006, the court granted Fleetwood's motion for summary judgment and dismissed the entire case. Respondent was present at the hearing.

33. As a result of Respondent's intentional, reckless, and repeated failure to perform, Ruelas lost her cause of action for sexual harassment against her former employer, Fleetwood, and former co-workers, Erazo and Placencia.

CONCLUSION OF LAW.

34. By failing to properly serve defendants, by failing to respond to Fleetwood's first and second discovery requests, by failing to respond to Fleetwood's motions, by failing to appear at court hearings, and by allowing Ruelas's case to be dismissed, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of Rule of Professional Conduct 3-110(A).

Count II

Respondent admits that the following facts are true and that he is culpable of wilfully violating Business and Professions Code section 6103, by wilfully disobeying or violating an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear.

FACTS.

35. The State Bar incorporates the stipulated facts contained in paragraphs 1 through 33 as though fully set forth at length.

36. During the course of Respondent's representation of Ruelas in the lawsuit, the court sanctioned Respondent at least seven (7) times totaling over \$4,340.00.

37. For each sanction, Respondent was either present at the hearing when the sanctions were ordered or was properly served with notice of the order for sanctions at his address of record in the lawsuit. Respondent received notice of each sanction order.

38. To date, Respondent has only paid \$950.00 of the over \$4,340.00 in court-ordered sanctions, and Respondent paid that amount only after he had learned that the State Bar had begun an investigation into Respondent's misconduct.

CONCLUSION OF LAW.

39. By failing to make court-ordered appearances, failing to respond to discovery as ordered by the court, and failing to pay court-ordered sanctions, Respondent failed to obey court orders in willful violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was January 12, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 12, 2009, the estimated prosecution costs in this matter are approximately \$1,983.00. Respondent acknowledges that this figure is an estimate only and that it might not include State Bar Court costs that will be included in any final cost assessment (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)), 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. It is also noted that if Respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision(c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

MITIGATING CIRCUMSTANCES.

Respondent has more than eight years of practice with no prior discipline. This mitigating factor is substantial. Std 1.2(e)(i); *In re Young* (1989) 49 Cal.3d 257, 269.

Respondent was going through a divorce proceeding at the time his misconduct occurred. Respondent's mother was suffering from a serious illness at the time of Respondent's misconduct. Moreover, Respondent's mother-in-law was also ill during the time of Respondent's misconduct and died shortly after the dismissal of Ruelas's matter. Mitigating weight is afforded because, according to Respondent, these familial problems caused Respondent extreme difficulties and directly contributed to Respondent's misconduct.

Mitigating weight is afforded because Respondent willingly admits his culpability and has cooperated in these proceedings. *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179.

OTHER CIRCUMSTANCES.

Not applicable.

AUTHORITIES SUPPORTING DISCIPLINE.

Where there is a violation of Rules of Professional Conduct rule 3-110(A), suspension or reproof is appropriate depending on the extent of the misconduct and the degree of harm to the client. (Std. 2.4(b).) Violation of Section 6103 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. (Std. 2.6(b).) The purposes of imposing sanctions for professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession. (Std. 1.3; *In re Morse* (1995) 11 Cal.4th 184, 205, Std. 1.3; *Tarver v. State Bar* (1984) 37 Cal.3d 122, 133, 207 Cal.Rptr. 302, 688 P.2d 911; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) In order to properly fulfill the purposes of lawyer discipline, we must review the nature and extent of the facts and circumstances surrounding the misconduct. The determination of discipline involves an analysis of the standards and a balancing of both the mitigating and aggravating circumstances. (Std. 1.6(b). *Segal v. State Bar* (1988) 44 Cal.3d 1077, 1089; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-11.)

In *In the Matter of Johnston*, (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr 585, the Review Department imposed a discipline of 60 days of actual suspension against Johnston for willfully failing to communicate with a client in violation of Business and Professions Code section 6068(m), recklessly failing to perform competently in violation of rule 3-110(A) of the Rules of Professional Conduct and holding himself out as entitled to practice law while he was on suspension for not paying his dues in violation of Business and Professions Code section 6106, and finally failing to cooperate with State Bar investigations in violation of Business and Professions Code section 6068(i).

In *Wren v. State Bar*, (1983) 34 Cal.3d 81, 90, the Supreme Court imposed a 45-day actual suspension on the attorney because he failed to communicate with a client, misrepresented the status of a case, failed and refused to perform, failed to use reasonable diligence, and gave false and misleading testimony during the disciplinary hearing.

In *Calvert v. State Bar*, (1991) 54 Cal.3d 765, the Supreme Court imposed a 60-day actual suspension on the attorney because, in a *single client matter*, she failed to perform competently, continued to represent the client when she knew that she did not have the time to do so, and improperly withdrew. The attorney in *Calvert* had a prior record of discipline where she had been suspended for 90 days for failure to perfect a mechanic's lien. *Id.* However, the Supreme Court also found mitigating circumstances in the attorney's favor because the attorney regularly represented minorities and women and had a substantial record of pro bono activities and community service. *Id.*, at 785.

In this case, Respondent likewise failed to perform competently. Respondent failed to appear at a number of hearings, failed to comply with various discovery requests, failed to file valid proofs of service

concerning two of the defendants, and failed to respond to dispositive motions on behalf of his client. The court sanctioned Respondent several times for these failures totaling \$4,340.00 and eventually issued orders that prevented the client from proving her case. Finally, the court granted the opposing party's motion for summary judgment. Moreover, Respondent failed to obey court orders by not complying with the court's discovery orders, orders to file proofs of services and orders to pay sanctions.

However, because Respondent did not intentionally misrepresent the status of his client's case or engage in unauthorized practice of law as was the case in *Johnston*, because Respondent does not have a prior record of misconduct, and because Respondent has several mitigating factors, a result that protects the public is achieved with a two-year suspension, stayed, with actual suspension for the first thirty (30) days. (Std. 1.2(e).) The stipulated discipline comports with the standards.

STATE BAR ETHICS SCHOOL.

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

In the Matter of
Lotfy Mrich

Case number(s):
06-O-14500

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
Fleetwood Enterprises, Inc. or its counsel	\$2,350.00	August 21, 2006
Fleetwood Enterprises, Inc. or its counsel	\$1,040.00	July 24, 2006

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **21 months after the effective date of the disciplinary Supreme Court Order imposed as a result of this stipulation.**

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
Fleetwood Enterprises, Inc. or its counsel	\$150.00	Monthly, with the payments due on the first day of each month commencing in the month following the effective date of the disciplinary Supreme Court Order issued as a result of this stipulation.

(Do not write above this line.)

In the Matter of Lotfy Mrich	Case number(s): 06-O-14500
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SIGNATURE OF THE PARTIES

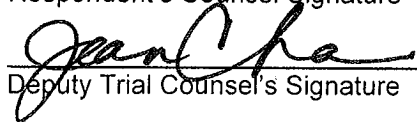
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

1/7/09
Date


Respondent's Signature

Lotfy Mrich
Print Name

1/12/2009
Date

Respondent's Counsel Signature

Deputy Trial Counsel's Signature

Print Name
Jean Cha
Print Name

(Do not write above this line.)

In the Matter Of Lotfy Mrich	Case Number(s): 06-O-14500
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ORDER

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

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

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

1-21-09 _____
Date Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 5, 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:

LOTFY MRICH
320 W "G" ST #207
ONTARIO, CA 91762

by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

by overnight mail at _____, California, addressed as follows:


by fax transmission, at fax number _____. No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Jean Hee Cha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 5, 2009.



Cristina Potter
Case Administrator
State Bar Court