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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
<p>Counsel For The State Bar</p> <p>Michael J. Glass Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1254</p> <p>Bar # 102700</p>	<p>Case Number(s): 06-O-15034; 07-O-11030; 08-O-11087</p>	<p>For Court use only</p> <div style="text-align: center; margin-top: 20px;"> <p>FILED</p> <p>MAY 04 2011</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
<p>In Pro Per Respondent</p> <p>Paul F. Fegen 9025 Wilshire Blvd., Ste. 500 Beverly Hills, CA 90211 (310) 286-1111</p> <p>Bar # 31680</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Paul F. Fegen</p> <p>Bar # 31680</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 June 6, 1961.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) 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."

(Effective January 1, 2011)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
- (a) ☒ State Bar Court case # of prior case Case No. 04-O-11253
- (b) ☒ Date prior discipline effective November 12, 2005
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: rule 3-110(A); rule 3-700(A)(2); B&P Code section 6068(m); and B&P Code section 6106.
- (d) ☒ Degree of prior discipline 2 year stayed suspension, 3 years probation with conditions, including a 60 day actual suspension.
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
- (a) Case No. 05-O-01082; (b) September 21, 2006; (c) rule 3-110(A); rule 3-700(A)(2); B&P Code section 6068(m); B&P Code sections 6125; 6126; and 6068(a). (d) 2 year stayed suspension, 3 years probation with conditions, including a 30 day actual suspension. (a) 08-PM-12588; (b) June 3, 2009; (c) B&P section 6093(b) (d) 2 year stayed suspension, 2 years probation with conditions, including a 6 month actual suspension, with credit for inactive enrollment since October 6, 2008, and until restitution is paid.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. In Case Nos. 06-O-15034, 07-O-11030, and 08-O-11087, Respondent engaged in multiple acts of misconduct as described on Attachment Pages 1-3.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Respondent practiced law for 44 years (1961 to 2005) with an unblemished record. Respondent also originated a subleasing concept (called "Fegen Suites") which revolutionized the practice of law for solo practitioners and small firms by providing the amenities of a large law firm at a nominal shared cost. At its height, Respondent had 250 leased floors totalling 7.5 million square feet in 26 states with 600 employees and 10,000 tenants. Respondent provided concessions to newly admitted attorneys by allowing them to establish themselves for as low as \$50 per month.

Respondent was also honored for his contributions to the legal profession with a Los Angeles City Council Resolution signed by Los Angeles Mayor Tom Bradley.

Respondent suffered significant business and emotional pressures which led to his losing his business, home, and savings.

Respondent, age 76, has been cooperative, candid and forthright with the State Bar. During the period of the stipulated misconduct, Respondent was distracted from his law practice, which he left in favor of pursuing an emerging career as a professional magician for private parties and charities.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) ☐ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:	PAUL F. FEGEN
CASE NUMBER(S):	06-O-15034; 07-O-11030; 08-O-11087

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.

Case No. 06-O-15034 (State Bar Investigation)

FACTS:

1. On June 15, 2005, Respondent filed a Complaint in the Orange County Superior Court, on behalf of his client, Stephanie Chen entitled *Stephanie Chen vs. Thrifty Car Rental, et al.*, Case No.05CC07255("the Chen case").
2. In the Chen case, Respondent failed to appear at a Case Management Conference on November 28, 2005. As a result of Respondent's failure to appear at the Case Management Conference, an Order to Show Cause Re Dismissal was scheduled for January 3, 2006. Respondent failed to appear at the Order to Show Cause Re Dismissal on January 3, 2006, and the court dismissed the Chen case.
3. On June 22, 2006, Respondent filed a Motion to Vacate the Dismissal of the Chen case. In Respondent's Declaration, Respondent indicated that he had failed to appear at the Case Management Conference and Order to Show Cause Re Dismissal due to personal problems regarding the foreclosure of his home, misplacement of the file, and calendaring errors.
4. On July 17, 2006, the court granted Respondent's Motion to Vacate the Dismissal of the Chen case.

CONCLUSIONS OF LAW:

5. By failing to advise the court that Respondent could not appear, or by failing to arrange to have other counsel appear on Respondent's behalf at the Case Management Conference and Order to Show Cause Re Dismissal, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 07-O-11030 (State Bar Investigation)

FACTS:

1. On February 24, 2006, Respondent filed a Complaint in the Los Angeles Superior Court, on behalf of his client, Patricia Cordova ("Ms. Cordova"), entitled Patricia Cordova v. Thomas Valeutti, et al., Case No. BC348033 ("the Cordova Case").
2. Respondent failed to timely respond to discovery directed to his client, Ms. Cordova. The defendant's counsel filed various motions to compel the responses. The motions were granted and on September 18, 2006, sanctions were imposed against Respondent and Ms. Cordova in the amount of \$670.00. Respondent provided defendant's counsel with the responses at the hearing on September 18, 2006. On January 2, 2007, sanctions were imposed against Respondent and Ms. Cordova in the amount of \$500.00. Respondent provided defendant's counsel with the responses at the hearing on January 2, 2007.
3. Respondent failed to inform Ms. Cordova that any sanctions had been imposed against her.
4. Although Respondent made a payment of \$500 to defendant's counsel with regard to the sanctions, Respondent failed to pay the \$670 balance due on the sanctions owed to defendant's counsel.

CONCLUSIONS OF LAW:

5. By failing to inform Ms. Cordova that sanctions had been imposed against her on September 18, 2007, and on January 2, 2007, Respondent failed to inform his client of a significant development in a matter for which he had agreed to provide legal services in violation of Business and Professions Code section 6068(m).
6. By failing to pay the complete amount of the sanctions ordered against him to date, Respondent wilfully disobeyed a court order requiring him to do an act connected with or in the courts of Respondent's profession which he ought in good faith have done in violation of Business and Professions Code section 6103.

Case No. 08-O-11087 (State Bar Investigation)

FACTS:

1. In or about January 2007, Greg Ruji ("Mr. Ruji") and Napavan Ravirlyapnyo ("Ms. Ravirlyapnyo") employed Respondent to represent them in a lawsuit filed against them, in the Los Angeles County Superior Court, entitled *James J. Tabacca v. Greg Ruji, et al.*, Case No. PC039791 ("the Ruji case").
2. On October 18, 2007, Respondent failed to appear at a court ordered Mandatory Settlement Conference. On December 12, 2007, Respondent failed to appear at an Order to Show Cause Re Sanctions.

CONCLUSIONS OF LAW:

7. By failing to appear at the Court Ordered Mandatory Settlement Conference on October 18, 2007, and by failing to appear at the Order to Show Cause Re Sanctions on December 12, 2007, Respondent wilfully disobeyed a court order requiring him to do an act connected with or in the courts of Respondent's profession which he ought in good faith have done in violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was April 26, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.7(b) provides that "If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

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

Standard 2.6 provides, in pertinent part, 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;
- (b) Sections 6103 through 6105;..."

Under Standard 1.2(b), "Circumstances which shall be considered aggravating include:

- (i) the existence of prior record of discipline and the nature and extent of that record (see also standard 1.7);
- (ii) that the current misconduct found or acknowledged by the member evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct;

In regard to application of standard 1.7(b), in *Gary v. State Bar* (1988) 44 Cal. 3d 820, the Court noted that disbarment was appropriate when Respondent had three prior impositions of discipline. In *Gary*, Respondent was found culpable of misconduct in two client matters involving failure to perform. Respondent was admitted to the Bar in 1971. He received a private reproof in 1978 for commingling and failure to return trust funds to a client. In 1981, Respondent received 2 years probation for wilful neglect, failure to return unearned fees to a client, and misappropriation of \$650 from another client. In 1985, Respondent received 2 years probation and a 9 month actual suspension for misappropriation of

\$2,667.00 from a client and violation of probation for not abstaining from alcohol or participating in an alcohol recovery program.

In *Gary, id.* at 828-829, the court noted that "Each of the prior disciplinary orders provided him an opportunity to reform his conduct to the ethical strictures of the profession. His culpability [here] sadly indicates either his unwillingness or inability to do so."

In *Greenbaum v. State Bar* (1987) 43 Cal. 3d 543, 551, the court upheld a finding of disbarment by the Review Department based on standard 1.7(b) where a Respondent was found to have three prior impositions of discipline. In *Greenbaum*, the Respondent was admitted in 1968. In 1976, Respondent received 4 years probation and 3 months actual suspension for misappropriation of \$11,000.00. In 1980, Respondent received an additional 2 years of probation for commingling \$1,200.00 and \$35.00. In the third matter, between 1977 and 1980, Respondent was found culpable of failing to account and commingling in a probate matter. The Hearing Panel recommended a 1 year actual suspension. The Review Department recommended discipline consisting of disbarment based on standard 1.7(b) as this was Respondent's third imposition of discipline. The Supreme Court upheld the Review Department's recommendation of disbarment.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 26, 2011, the prosecution costs in this matter are \$6, 255.54. 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.

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In the Matter of:
Paul F. Fegen

Case number(s):
06-O-15034; 07-O-11030; 08-O-11087

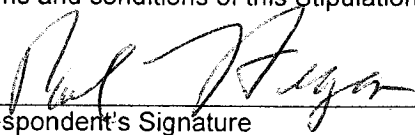
SIGNATURE OF THE PARTIES

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 Facts, Conclusions of Law, and Disposition.

April 26, 2011

Date

Respondent's Signature



Paul F. Fegen

Print Name

Date

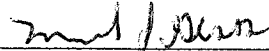
Respondent's Counsel Signature

Print Name

April 26, 2011

Date

Deputy Trial Counsel's Signature



Michael J. Glass

Print Name

(Do not write above this line.)

In the Matter of: Paul F. Fegen	Case Number(s): 06-O-15034; 07-O-11030; 08-O-11087
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DISBARMENT ORDER

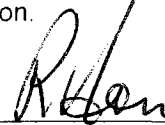
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ 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 5.58(E) & (F), 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.)**

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

5/3/11
Date


Judge of the State Bar Court
RICHARD A. FAGAN

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 May 4, 2011, 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:

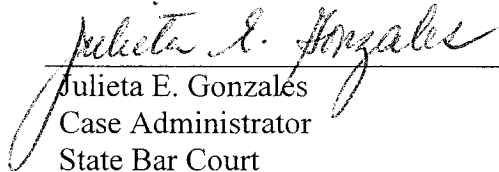
☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL F FEGEN ESQ
9025 WILSHIRE BLVD STE 500
BEVERLY HILLS, CA 90211

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

Michael J. Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 4, 2011.



Julieta E. Gonzales
Case Administrator
State Bar Court