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**State Bar Court of California
Hearing Department
San Francisco**

Counsel For The State Bar Mark Hartman Deputy Trial Counsel 180 Howard Street, 7th Floor San Francisco, CA 94105 Telephone: (415) 538-2558 Bar # 114915	Case Number (s) 07-O-10786-LMA	(for Court's use) <p align="center">PUBLIC MATTER</p> <p align="center">FILED <i>AS</i></p> <p align="center">JAN 25 2008</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
In Pro Per Respondent George A. Juarez 3527 Mt. Diablo Blvd., Suite 322 Lafayette, CA 94549 Telephone: (925) 295-0064	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
Bar # 75295 In the Matter Of: GEORGE JUAREZ Bar # 75295 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 on **July 14, 1977**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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- (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. **See pages 6 to 8.**
- (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. **Respondent practiced law for approximately 28 years without discipline before the start of his misconduct. See page 8.**
- (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 has engaged in extensive pro bono work, community activities, and service on committees of the State Bar. See page 8.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
 - (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
 - (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproof:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **one year**.
- (2) During the condition period attached to the reproof, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

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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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.
- No MPRE recommended. Reason: **The MPRE requirement does not apply to the current case.**
- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

In the Matter of GEORGE JUAREZ, No. 75295, A Member of the State Bar.	Case No. 07-O-10786-LMA STIPULATION RE FACTS AND CONCLUSIONS OF LAW
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DISMISSAL

The State Bar dismisses Count One in the Notice of Disciplinary Charges (“NDC”) filed in State Bar case number 07-O-10786-LMA (“the current case”).

WAIVER OF VARIANCE BETWEEN NDC AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the NDC and the facts and/or conclusions of law contained in this stipulation. Additionally the parties waive the issuance of an amended NDC. The parties further waive the right to the filing of an amended NDC and to a formal hearing on any charge not included in the current NDC.

FACTS

1. Prior to December 2003, Jennifer Michaelis (“Michaelis”) and respondent were friends.
2. On December 1, 2003, Michaelis was involved in a minor motor vehicle accident when her car was rear-ended by another motor vehicle.
3. On February 18, 2004, Michaelis sent respondent an e-mail requesting that respondent represent her regarding the accident.
4. On March 5, 2004, respondent met with Michaelis to discuss her case. At the conclusion of the meeting, respondent agreed to represent Michaelis in negotiating her case against her insurer, Allstate. Respondent agreed to, and did, represent Michaelis without compensation.
5. From March 2004 through March 2005, respondent communicated with Allstate and Michaelis regarding Michaelis’s claims and responded to Michaelis’s requests for status updates.
6. In March 2005, respondent arranged to meet with Michaelis on March 30, 2005, to discuss her case and to provide Michaelis with a status update on her case.

7. On March 30, 2005, Michaelis went to meet respondent, but respondent failed to appear and failed to provide a status update.
8. Respondent then arranged to meet Michaelis on April 1, 2005 to discuss her case and to provide her with a status update on her case.
9. On April 1, 2005, Michaelis went to meet respondent, but respondent again failed to appear and failed to provide a status update.
10. After April 2005, respondent continued to represent Michaelis, communicated with Allstate regarding Michaelis's claim, and responded to Michaelis's requests for status updates.
11. In June 2006, respondent stopped representing Michaelis after Allstate denied her claim.
12. On July 20, 2006, Michaelis sent respondent a letter requesting that respondent provide her with a copy of her client file.
13. Respondent did not reply to Michaelis's letter of June 20, 2006, and did not promptly provide her with a copy of her client file.
14. On January 12, 2007, Michaelis filed a complaint with the State Bar of California about respondent's handling of her case.
15. On March 28, 2007, State Bar Investigator Amanda Gormley ("Gormley") sent respondent a letter regarding respondent's handling of Michaelis's case. Gormley requested that respondent reply in writing to specified allegations of misconduct on or before April 9, 2007.
16. Respondent failed to reply to Gormley's letter of March 28, 2007.
17. On April 26, 2007, Gormley sent respondent a second letter regarding respondent's handling of Michaelis's case. Gormley requested that respondent reply in writing to specified allegations of misconduct on or before May 7, 2007.
18. Respondent failed to respond to Gormley's letter of April 26, 2007.

CONCLUSIONS OF LAW

1. Respondent wilfully violated section 6068, subdivision (m) of the Business and Professions Code by failing to keep a client reasonably informed of significant developments insofar as he failed to appear at scheduled meetings with Michaelis on March 30 and April 1, 2005, and to update her about the status of her case.

2. Respondent wilfully violated rule 3-700(D)(1) of the Rules of Professional Conduct by failing, upon termination of employment, to release promptly to a client, at the client's request, all the client's papers and property insofar as he did not promptly release Michaelis's client file to her upon her request of July 20, 2006, after his employment had terminated.

3. Respondent wilfully violated section 6068, subdivision (i) of the Business and Professions Code by failing to cooperate and participate in a disciplinary investigation pending against respondent insofar as he did not provide a written response to Gormley's letters about his handling of Michaelis's case.

AGGRAVATION

Respondent committed multiple acts of misconduct.

MITIGATION

Respondent practiced law for approximately 28 years without discipline before the start of his misconduct. Also, respondent has engaged in extensive pro bono work, community activities, and service on committees of the State Bar.

ETHICS SCHOOL

The Minimum Continuing Legal Education ("MCLE") credit given for participation in Ethics School shall be counted toward the MCLE hours required for attorneys generally.

DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION OR PROCEEDING

On December 17, 2007, Deputy Trial Counsel Mark Hartman ("Hartman") faxed a disclosure letter to respondent. In this letter, Hartman advised respondent of any pending investigation or proceeding not resolved by this stipulation.

ESTIMATED PROSECUTION COST

The estimated prosecution cost of the current cases is \$4,404.60. This sum is only an estimate. If this stipulation is rejected or if relief from the this stipulation is granted, the prosecution cost of the current case may increase because of the cost of further proceedings.

SUPPORTING AUTHORITY

The Rules of Procedure of the State Bar, Title IV, Standards for Attorney Sanctions for Professional Misconduct ("standards"), standards 1.3, 2.4(b), 2.6, 2.10, and 1.6 apply to the current case. Standard 1.3 provides: "The primary purposes of disciplinary proceedings . . . 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."

Standard 2.4(b) provides that a failure 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." Pursuant to this standard, respondent's wilful violation of section 6068, subdivision (m) of the Business and Professions Code calls for reproof or suspension.

Section 2.6 provides that the violation of any provision of section 6068 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." Pursuant to this standard, respondent's wilful violation of section 6068, subdivision (i) of the Business and Professions Code requires disbarment or suspension.

Standard 2.10 provides that "wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to 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." Pursuant to this standard, respondent's wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct warrants reproof or suspension.

Standard 1.6(a) provides that if two or more ethical violations occur in a disciplinary case and if the standards prescribe different sanctions for these violations, "the sanction imposed shall be the more or most severe of the different applicable sanctions." Pursuant to this standard, respondent's ethical violations in the current case require at least suspension.

Similar cases can indicate appropriate discipline. (*In re Morse* (1995) 11 Cal.4th 184, 205, 207-208; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

In the Matter of Aguiluz (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32 ("*In the Matter of Aguiluz*") is instructive. In a single case, Aguiluz intentionally ignored instructions from his clients, abandoned their case without notifying them, failed to return their file, and failed to shield their rights from foreseeable prejudice. (*Id.* at p. 43.) Aguiluz received little mitigation for his seven years of discipline-free practice in California. (*Id.* at p. 44.) The review department gave significant mitigation credit to Aguiluz for his leadership of minority bar associations, service as a delegate to the State Bar Conference of Delegates, work as a pro tempore judge, and emotional stress. (*Ibid.*) In aggravation, Aguiluz lacked insight into the consequences of his misconduct and harmed his clients. (*Id.* at pp. 44-45.) The review

department recommended a one-year stayed suspension and a two-year probation. (*Id.* at p. 46.) The Supreme Court adopted the review department's recommendation.

Respondent's acts of misconduct are less serious than Aguiluz's. Respondent failed to give two status updates to his client, to send her file to her promptly upon her request, and to cooperate with the State Bar's investigation.

Respondent has less aggravation than Aguiluz. Like Aguiluz, respondent committed multiple acts of wrongdoing. Unlike Aguiluz, respondent does not lack insight into his misconduct.

Respondent has more mitigation than Aguiluz. Most significantly, respondent practiced law for approximately 28 years without discipline before the start of his misconduct. Respondent's extensive pro bono work, community activities, and service on committees of the State Bar is comparable to Aguiluz's leadership of minority bar associations, service as a delegate to the State Bar Conference of Delegates, and work as a pro tempore judge. Unlike Aguiluz, respondent did not commit misconduct while under emotional stress.

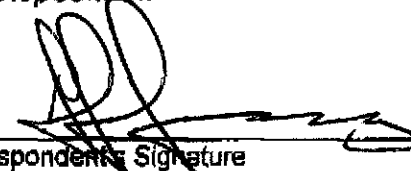
The standards and *In the Matter of Aguiluz* support the stipulated discipline in the current case: a public reproof.

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In the Matter of GEORGE JUAREZ, Nó. 75295, A Member of the State Bar.	Case number(s): 07-O-10786-LMA
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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>1/2/08</u> Date	 Respondent's Signature	<u>George Juarez</u> Print Name
<u>1/9/08</u> Date	 Respondent's Counsel Signature	 Print Name
<u>1/9/08</u> Date	<u>Mark Hartman</u> Deputy Trial Counsel's Signature	<u>Mark Hartman</u> Print Name

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In the Matter Of GEORGE JUAREZ, No. 75295, A Member of the State Bar.	Case Number(s): 07-O-10786-LMA
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ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department 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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

1-23-08
Date

Angie Holt
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 San Francisco, on January 25, 2008, 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:

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**GEORGE A. JUAREZ
3527 MT DIABLO BLVD STE 322
LAFAYETTE, CA 94549**

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

MARK HARTMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **January 25, 2008**.



Laine Silber
Case Administrator
State Bar Court