

ORIGINAL

State Bar Court of California**Hearing Department
Los Angeles
ACTUAL SUSPENSION****PUBLIC MATTER**

Counsel For The State Bar Anthony J. Garcia Deputy Trial Counsel Off ice of the Chief Trial Counsel 1149 S. Hill Street, 10th fl. Los Angeles, CA 90015 Telephone: (213) 765-1089 Bar # 171419	Case Number(s): 07-0-10929 07-0-11069 07-0-12497 07-0-14079 10-0-03813 10-0-05646	For Court use only <div style="text-align: center;"> FILED JAN 09 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Arthur L. Margolis Margolis & Margolis 2000 Riverside Dr. Los Angeles, CA 900139 Telephone: (323) 953-8996 Bar # 57703	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: John Herman Feiner Bar # 89201 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 November 29, 1979.
- (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 14 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):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013, 2014. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are 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.

(Do not write above this line.)

- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (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 is accepting responsibility for his actions at this early stage of the 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.

(Effective January 1, 2011)

Actual Suspension

- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of 2 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 one year, 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 six months.
- 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: Pays restitution, as defined in the attached Financial Conditions, in full and provides proof of those payments to the Probation Department of the California State Bar.

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 the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(Do not write above this line.)

- (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 5.162(A) & (E), 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:** Respondent will be given credit for restitution payments that he has paid to Baird that may not be reflected in this Stipulation when, and if, he presents proof of those payments to the Probation Department of the California State Bar.

(Do not write above this line.)

In the Matter of: JOHN HERMAN FEINER Member No.: 89201	Case Number(s): 07-O-10929, 07-O-11069, 07-O-12497, 07-O-14079, 10-O-03813, 10-O-05646
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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
Susan Baird	\$ 10,856.00	January 31, 2007
Linda Dickerson	\$ 27,891.36	April 11, 2007
Deborah Loesser	\$10,486.64	April 11, 2007
Alan Schaffer	\$ 7,500.00	January 31, 2007
Savitri Sannassee	\$ 25,000.00	December 31, 2009
Eva Taylor	\$ 10,500.00	March 12, 2010
	=====	
	\$ 92,234.00	

- ☐ 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 reprobation), 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

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

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 certified public accountant or other financial professional approved by the Office of Probation, certifying that:

c. Client
Funds
Certificate

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- ☐ 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.

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

IN THE MATTER OF: John Herman Feiner

CASE NUMBER(S): 07-O-10929, 07-O-11069, 07-O-12497, 07-O-14079, 10-O-3813,
10-O-5646

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. 07-O-10929 (Complainant: Susan Baird)

FACTS:

1. On December 12, 2006, Susan Baird, an Ohio resident, contacted Respondent about representing Robert Pearson. Mr. Pearson had been arrested on criminal charges and was incarcerated in Ohio. That same day, Ms. Baird paid Respondent \$20,000 as an advance fee for his legal services.
2. In January 2007, Ms. Baird learned that Respondent was not licensed in Ohio and terminated his employment. When his employment was terminated, Respondent assured Ms. Baird that he would refund her entire unearned fee.
3. To date, Respondent has refunded \$9,144 to Ms. Baird, and still owes her \$10, 856.

CONCLUSION OF LAW

4. By failing to refund Ms. Baird's unearned fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of California Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 07-O-11069 (Complainant: Melvin Dickerson)

FACTS

5. On October 20, 2006, Melvin Dickerson ("Melvin"), a Virginia resident, was arrested on criminal charges.
6. On October 30, 2006, Linda Dickerson, Melvin's mother, contacted Crime Attorneys, Respondent's law firm, and hired Respondent to represent Melvin in his criminal matter.
7. On October 30, 2006, Linda Dickerson paid Respondent \$25,000 as an advance fee for representing Melvin in his criminal matter.
8. On November 21, 2006, Linda Dickerson learned that Melvin's wife, Wendy Dickerson ("Wendy"), was indicted for criminal misconduct.
9. On November 24, 2006, Linda Dickerson contacted Crime Attorneys again and hired Respondent to represent Wendy in her criminal matter. Respondent informed Linda Dickerson that he would charge Wendy \$25,000 to represent her in her criminal matter.
10. On November 25, 2006 Linda Dickerson paid \$11,000 to Respondent as partial payment of his advance fee for representing Wendy in her criminal matter.
11. On December 1, 2006, in California, the Orange County Superior Court assumed jurisdiction over Respondent's law practice in case no 06-CC-01619, *In the matter of the Assumption of Jurisdiction over the Law Practice of John Herman Feiner*, ("Orange County court"). In an interim order, the Orange County court assumed jurisdiction over Respondent's law practice including both his Orange County and Woodland Hills offices. The court ordered the State Bar to seize all client files located at

Respondent's offices, and to store them in a secure location. Melvin's and Wendy's files were among the files that the State Bar seized from Respondent's office.

12. On December 6, 2006, Deborah Loesser, Wendy's mother, paid Respondent \$14,000, the remaining balance of Respondent's advance fee for representing Wendy in her criminal matter.

13. On December 19, 2006, the Orange County court issued a permanent order assuming jurisdiction over Respondent's law practice at both the Orange County and Woodland Hills offices. The permanent order authorized the State Bar to seize all client files located at Respondent's offices, and to store them in a secure location. Melvin's and Wendy's files were among the files that the State Bar seized from Respondent's offices.

14. Melvin and Wendy were both clients that Respondent had originally obtained because they contacted Crime Attorneys, but after December 2006, Melvin and Wendy signed agreements that indicated that they were currently represented by the Law Offices of John Feiner.

15. On March 8, 2007, Respondent appeared in the Fluvanna County, Virginia, Circuit Court ("Fluvanna court"). Respondent told the Fluvanna court that the Orange County court order allowed him to appear in cases that he had not obtained through Crime Attorneys. Respondent told the Fluvanna court that Melvin and Wendy retained him independently of Crime Attorneys.

16. On April 6, 2007, Respondent appeared in the Fluvanna court on behalf of Melvin and Wendy and stated that the Orange County court order had been modified so that Respondent could represent Melvin and Wendy because they were not clients that he had obtained through Crime Attorneys.

17. When Respondent told the Fluvanna court that he could represent Melvin and Wendy because they were not clients that he had obtained through Crime Attorneys, Respondent failed to inform the court that both Melvin and Wendy were clients that he had originally obtained through Crime Attorneys, and that after December 2006, Melvin and Wendy signed agreements that indicated that they were currently represented by the Law Offices of John Feiner.

18. On April 6, 2007, the Fluvanna County Circuit Court removed Respondent from Melvin's and Wendy's criminal matters.

19. When the Orange County court assumed jurisdiction over Respondent's law practice on December 1, 2006, it ordered the State Bar to seize Respondent's files, including Melvin's and Wendy's files. When the Orange County court ordered the State Bar to seize Melvin's and Wendy's files, it effectively terminated Respondent's representation of Melvin and Wendy. As a result Respondent was not entitled to any of Melvin's and/or Wendy's advance fee.

20. On or about April 11, 2007, Melvin and Wendy demanded that Respondent refund their unearned fee.

21. To date, Respondent has not refunded any of the unearned fees that he owes to Melvin and Wendy.

CONCLUSIONS OF LAW

22. By failing to tell the Fluvanna County court that Melvin and Wendy were originally clients that Respondent obtained through Crime Attorneys and that they agreed to be represented by the Law Office of John Feiner after December 2006, Respondent omitted a material fact in his statement to the court and thereby willfully violated California Business and Professions Code section 6068(d).

23. By failing to refund the unearned fee owed to Melvin and Wendy, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of California Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 07-O-12497 (Complainant: Alan Schaffer)

FACTS

24. On November 17, 2006, Carol Brooks contacted Crime Attorneys and hired Respondent to represent her son-in-law, Alan Schaffer, in a criminal matter. Ms. Brooks paid Respondent \$10,000 as

an advance fee for his legal services. The court set a hearing date of December 1, 2006, in Mr. Schaffer's criminal matter.

25. On December 1, 2006, the Orange County Court assumed jurisdiction over Respondent's law practice, ordered the State Bar to seize all client files located at Respondent's offices, and to store them in a secure location. Mr. Schaffer's file was among the files that the State Bar seized from Respondent's office.

26. Respondent never appeared in court or performed any work on Mr. Schaffer's behalf.

27. In January 2007, Ms. Brooks contacted Respondent, on Mr. Schaffer's behalf, and demanded that he refund Mr. Schaffer's entire advance fee.

28. On January 9, 2007, Respondent sent a letter to Ms. Brooks confirming that Respondent intended to refund Mr. Schaffer's entire advance fee.

29. To date, Respondent has refunded \$2,500 of Mr. Schaffer's unearned fee and still owes \$7,500.

CONCLUSION OF LAW

30. By failing to refund Mr. Schaffer's unearned fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of California Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 07-O-14079 (Complainant: State Bar Investigation)

FACTS

31. On December 1, 2006, the Orange County Superior Court assumed jurisdiction over Respondent's law practice, including both his Orange County and Woodland Hills offices, in case no. 06-CC-01619, *In the matter of the Assumption of Jurisdiction over the Law Practice of John Herman Feiner*, ("Orange County court"). On that date, it issued an interim order.

32. The Orange County court's interim order, among other things, froze all client trust and law practice bank accounts maintained in Respondent's name or in the name of any law corporation or legal partnership maintained by John Feiner including, but not limited to, Crime Attorneys. Respondent was present in court and had actual notice of the Orange County court order.

33. On or about December 19, 2006, the Orange County court entered a permanent order assuming jurisdiction over Respondent's law practice.

34. The Orange County court's permanent order also froze all client trust and law practice bank accounts maintained in Respondent's name or in the name of any law corporation or legal partnership maintained by Respondent including, but not limited to, Crime Attorneys. The order specifically froze Bank of America account no. *****-2382 ("Bank of America account"), among others. Respondent had actual notice of the Orange County Court order.

35. Between December 1, 2006, and December 22, 2006, in approximately 67 separate transactions, Respondent withdrew, or debited, funds totaling \$41,696.35 from the frozen Bank of America account. When Respondent withdrew and/or debited funds from the frozen Bank of America account he knew that the Orange County court had frozen that account and that Respondent was barred from withdrawing and/or debiting funds from that account.

36. On or about October 1, 2007, the Orange County court found that Respondent had violated its order regarding the Bank of America account. The Orange County Court held Respondent in contempt of court for his violations of its orders and fined him \$1,000.

37. In its order of October 1, 2007, the Orange County court also found that Respondent was in contempt because Respondent had contacted his former client, Omar Garcia, and told him that he was going to receive a letter from the California State Bar and that he could ignore it because Respondent had won in court and the Orange County court order was void. The court also found that Respondent's statement to Omar Garcia was not true because the Orange County court order was valid.

CONCLUSIONS OF LAW

38. By withdrawing or debiting funds totaling \$41,696.35 from the frozen Bank of America account between on or about December 1, 2006 and December 22, 2006, in approximately 67 separate transactions, Respondent disobeyed or violated 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 in willful violation of California Business and Professions Code section 6103.

39. By misrepresenting to Omar Garcia, after December 1, 2006, that the Orange County court order was void, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of California Business and Professions Code section 6106.

Case No. 10-O-03813 (Complainant: Chandra Sannasie)

FACTS

40. In October 2008, Chandra Sannasie was convicted of federal criminal misconduct. The court sentenced Ms. Sannasie to serve two years in federal prison.

41. Ms. Sannasie failed to report to federal prison on the date that the court ordered her to report to prison.

42. On or about December 29, 2008, Savitri Sannassee ("Savitri"), Ms. Sannasie's mother, hired Respondent to obtain a humanitarian release that would alter, shorten, or terminate Ms. Sannasie's order of imprisonment. Savitri told Respondent that Ms. Sannasie was in Roosevelt Hospital in New York City suffering from amnesia, among other things. Ms. Sannasie had been taken to Roosevelt Hospital after she had collapsed in a coffee shop. Savitri paid Respondent \$25,000 as an advance fee for his legal services.

43. On December 31, 2008, Respondent called Savitri and told her that he would contact the federal marshals, tell them where Ms. Sannasie was located, and inform them of Ms. Sannasie's condition.

44. Savitri informed Respondent that it was important that he act quickly because the federal marshals had told her that Ms. Sannasie was facing an additional two year prison sentence due to her failure to report to prison.

45. On January 15, 2009, Ms. Sannasie was transferred to Trenton Psychiatric Hospital where she stayed for about six months.

46. In about June 2009, the Trenton Psychiatric Hospital found that Ms. Sannasie had recovered to a sufficient degree that she could be released to the federal marshals.

47. On June 2, 2009, the federal marshals took Ms. Sannasie into custody and transferred her to the Federal Medical Center for Women in Texas where she served the remainder of her sentence.

48. In December 2009, Savitri contacted Respondent, terminated Respondent's employment and asked for a refund of her unearned fee.

49. As of December 2009, Respondent had not completed the work he was hired to perform and had not earned the \$25,000 advance fee that Savitri paid him to work on Ms. Sannasie's case.

50. To date, Respondent has not refunded Ms. Sannassee's unearned fee.

CONCLUSION OF LAW

51. By not refunding any money to Ms. Sannassee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of California Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 10-O-05646 (Complainant: Warren Taylor)

FACTS

52. On November 13, 2009, in Washington state federal district court, Warren Taylor was convicted of criminal misconduct. The court set Mr. Taylor's sentencing on March 22, 2010.

53. On January 10, 2010, Eva Taylor ("Eva"), Mr. Taylor's mother, hired Respondent to represent Mr. Taylor. Respondent agreed either to file a motion for a new trial or to appeal Mr. Taylor's conviction. Eva paid Respondent \$15,000 as an advance fee for his legal services.

54. In or about February 2010, Respondent hired attorney Thomas Dunn to research Mr. Taylor's case. Respondent paid Mr. Dunn \$4,500 for his work.

55. Respondent did not earn any of the remaining \$10,500 that Eva had paid him to represent Mr. Taylor.

56. In February 2010, Mr. Dunn advised Respondent and Mr. Taylor that the best course of action would be to file an appeal.

57. On March 12, 2010, Mr. Taylor terminated Respondent's employment and demanded a refund of his unearned fee.

58. On March 22, 2010, the federal court sentenced Mr. Taylor to serve 192 months in prison.

CONCLUSIONS OF LAW

59. By not refunding \$10,500 to Mr. Taylor, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of California Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was December 15, 2011.

AUTHORITIES SUPPORTING DISCIPLINE

Standards

Standard 2.3, which states that culpability of a member of an act of moral turpitude, fraud or intentional dishonesty shall result in actual suspension or disbarment depending on the extent of harm, the magnitude of the misconduct, and the degree to which it relates to the practice of law.

Standard 2.6 which states that a member's culpability of violating Business and Professions Code, sections 6067 through 6068 and/or sections 6103 through 6105 shall result in disbarment or suspension depending on the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

Standard 2.10 states a member's culpability of a wilful violation of the Rules of Professional Conduct ("Rule") not specified in the prior Standards (this definition includes Rule 3-700(D)(1)) shall result in reproof or suspension according to the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

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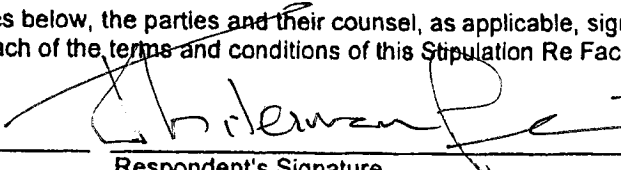
In the Matter of:
John Herman Feiner

Case number(s):
07-0-10929, 07-0-11069, 07-0-12497,
07-0-14079, 10-0-03813, 10-0-05646

SIGNATURE OF THE PARTIES

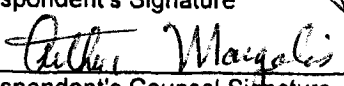
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

12-13-11
Date


Respondent's Signature

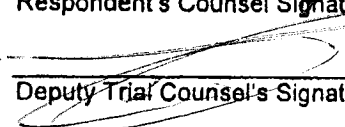
JOHN HERMAN FEINER
Print Name

12/14/11
Date


Respondent's Counsel Signature

ARTHUR L. MARGOLIS
Print Name

12/15/11
Date


Deputy Trial Counsel's Signature

ANTHONY J. GARCIA
Print Name

(Do not write above this line.)

In the Matter of: John Herman Feiner	Case Number(s): 07-0-10929, 07-0-11069, 07-0-12497, 07-0-14079, 10-0-03813, 10-0-05646
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ACTUAL SUSPENSION ORDER

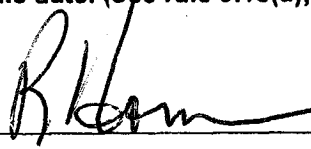
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ 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.)**

Date

1/5/12



Judge of the State Bar Court

RICHARD A. TUCKER

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 January 9, 2012, 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:

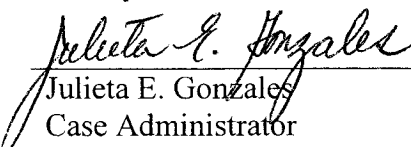
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR L MARGOLIS ESQ
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

Anthony J. Garcia, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 9, 2012.



Julieta E. Gonzales
Case Administrator
State Bar Court