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State Bar Court of California
Hearing Department
Los Angeles

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<p>Counsel For The State Bar</p> <p>Eli D. Morgenstern, DTC The State Bar of California Office of the Chief Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 Tel: (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number (s)</p> <p>07 O 13557; 07 O 14433 08 O 12387; 08 O 13602 08 O 14731; 09 O 10347 09 O 12497; 10 O 00005 10 O 01923; 10 O 04550 10 O 02350; 10 O 07111</p>	<p>(for Court's use)</p> <p align="center">FILED <i>Y/C</i> JAN 28 2011</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center">PUBLIC MATTER</p>
<p>Counsel For Respondent</p> <p>Arthur L. Margolis, Esq. Margolis & Margolis LLP 2000 Riverside Drive Los Angeles, CA 90039 Tel: (323)</p> <p>Bar # 57703</p>	<p>Submitted to: Assigned 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:</p> <p>Paul Frederick Opel</p> <p>Bar # 101874</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 December 1, 1981.
- (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 27 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 284, Rules of Procedure.
 - ☒ costs to be paid in equal amounts prior to February 1 for the following ~~membership years~~ 3 billing cycles following the effective date of the Superior Court Order. See Page 24 for further discussion re: Costs (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. See Page 24 for further discussion re: Harm.
- (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 Page 24 for further discussion re: Multiple/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. See Page 24 for further discussion re: No Prior Discipline.
- (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. See Page 24 for further discussion re: Candor/Cooperation.
- (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. See Page 25 for further discussion re: Remorse.
- (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

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be placed on probation for a period of four (4) 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 one (1) year.
- 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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> 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:**

In the Matter of
Paul Frederick Opel

A Member of the State Bar

Case number(s):

07 O 13557; 07 O 14433; 08 O 12387; 08 O 13602;
08 O 14731; 09 O 10347; 09 O 12497; 10 O 00005;
10 O 01923; 10 O 04550; 10 O 02350; 10 O 07111

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
Karina Villegas	\$60.00	n/a
Alfonso Dominguez	\$2,286	n/a
Severiano Hernandez	\$865.00	n/a
Antonio Morales	\$2,500	n/a
Dilia Cabrera	\$3,000	n/a
Melchor Sillas	\$12,500	n/a
Jesus Luna	\$2,500	n/a
Esther Farran	\$6,500	n/a
Agustina Garcia	\$5,000	n/a

- ☐ 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
Karina Villegas	\$60	by 15 th day of each month
Alfonso Dominguez	\$200.00	by 15 th day of each month
Severiano Hernandez	\$200.00	by 15 th day of each month
Antonio Morales	\$200.00	by 15 th day of each month
Dilia Cabrera	\$200.00	by 15 th day of each month
Melchor Sillas	\$200.00	by 15 th day of each month
Jesus Luna	\$200.00	by 15 th day of each month

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

Esther Farran	\$200.00	month by 15 th day of each month
Agustina Garcia	\$200.00	by 15 th day of each month

c. Client Funds Certificate

☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:

- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
- b. Respondent has kept and maintained the following:
 - i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
 - i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

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

In the Matter of
Paul Frederick Opel

A Member of the State Bar

Case number(s):

07 O 13557; 07 O 14433; 08 O 12387; 08 O 13602;
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10 O 01923; 10 O 04550; 10 O 02350; 10 O 07111

Law Office Management Conditions

- a. ☒ Within days/**nine (9)** months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PAUL FREDERICK OPEL

CASE NUMBERS: 07-O-13557, 07-O-14433, 08-O-12387, 08-O-13602,
08-O-14731, 09-O-10347, 09-O-12497, 10-O-00005,
10-O-01923, 10-O-04550, 10-O-02350, 10-O-07111

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 Rules of Professional Conduct.

Case No. 07-O-13557

Facts

1. On November 30, 2006, Maria Olvera Lopez ("Lopez") employed Respondent to pursue a personal injury claim on behalf of her minor daughter, Jennifer Lopez ("Jennifer"), arising out of an automobile accident which occurred on November 10, 2006 (the "automobile accident"). Respondent and Lopez agreed that Respondent would be compensated by a contingency fee of 33 1/3 percent if Jennifer's claims were settled prior to the filing of a lawsuit.

2. The driver of the other vehicle involved in the automobile accident was insured by Geico Direct ("Geico").

3. In or about March 2007, prior to filing a lawsuit, Respondent settled Jennifer's personal injury claim with Geico in the amount of \$5,386.95.

4. On April 2, 2007, Respondent received a settlement check from Geico in the sum of \$5,386.95.

5. On April 23, 2007, Respondent deposited, or caused to be deposited, Jennifer's settlement check in the sum of \$5,386.95 in his client trust account at Bank of America, account number xxxxx-41449 (the "CTA").¹

6. After subtracting Respondent's contingency fee, Respondent was required to maintain in the CTA the approximate sum of \$3591.30 on behalf of Jennifer.

7. On June 12, 2007, before Respondent had disbursed any funds to, or on behalf of, Jennifer, the balance in the CTA was \$22.

¹ The complete account number has been omitted due to privacy concerns.

8. The trust account deficiency was due to the mishandling of the account by Respondent's office manager, Ulysses Maldonado ("Maldonado").

9. Respondent failed to adequately supervise Maldonado, and Respondent's lack of supervision resulted in the misappropriation of \$3,569.30 of Jennifer's funds.

10. In or about 2009, Respondent paid Lopez \$5,386.95.

Conclusions of Law

By failing to maintain Jennifer's funds in the CTA, Respondent failed to maintain the balance of funds received for the benefit of a client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

By failing to adequately supervise his employee, Respondent permitted his employee to misappropriate Jennifer's funds, and therefore, his grossly negligent conduct constituted an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

Case No. 07-O-14433

Facts

1. On August 9, 2007, Anthony and Karina Villegas (collectively the "Villegases") met with Ulysses Maldonado ("Maldonado"), Respondent's office manager, and employed Respondent to represent them in a real estate dispute. On or about August 13, 2007, Karina Villegas ("Karina") provided Maldonado with a check made payable to "Legal Assistance Corp." in the sum of \$5,776, which represented the total amount of Respondent's legal fees and costs.

2. On August 13, 2007, Karina spoke with Maldonado on the telephone and informed him that she was terminating Respondent's employment and requested a refund of the \$5,776 that she had paid to him. Maldonado stated that he needed to speak with Respondent regarding Karina's request for a refund.

3. Respondent did not perform any services of value on behalf of the Villegases. Respondent did not earn any portion of the \$5,776 that the Villegases paid for his legal services.

4. On August 30, 2007, September 14, 2007, September 19, 2007, and October 10, 2007, attorney Israel Garcia ("Garcia") mailed letters to Respondent on behalf of the Villegases demanding that Respondent provide the Villegases with a full refund of the \$5,776 that they paid for Respondent's legal services. Respondent did not receive Garcia's letters because, due to his failure to supervise Maldonado, Maldonado was able to prevent Respondent from knowing about Garcia's letters, and therefore, Respondent did not respond to the letters or otherwise provide the Villegases with an accounting or a refund of any portion of the \$5,776 that they paid him for his legal services.

5. On or about February 22, 2010, Respondent issued a check to the Villegases in the sum of \$5,716. To date, Respondent has not provided the Villegases with the balance of the \$60 that he owes to them.

Conclusions of Law

By failing to adequately supervise his employee who prevented him from receiving the Villegases' request for a refund of the \$5,776 that they paid for his legal services, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 08-O-12387

Facts

1. On September 23, 2006, Raul and Yolanda Sivitos (collectively the "Sivitoses") employed Respondent to represent them in a civil dispute involving a contractor. Yolanda Sivitos paid Respondent a total of \$7,186 in advanced fees for his legal services by way of several checks made payable to "Legal Assistance Corp."
2. On November 30, 2006, Respondent filed a complaint on behalf of the Sivitoses in a matter titled, *Raul Sivitos, et. al. v. Mario Sandoval, et. al.*, Los Angeles County Superior Court case number TC020557 (the "Sivitos civil matter").
3. On March 6, 2007, Respondent filed a request for entry of judgment on behalf of the Sivitoses in the Sivitos civil matter.
4. On June 22, 2007, Respondent appeared in court on behalf of the Sivitoses in the Sivitos civil matter. The court in the Sivitos civil matter set an order to show cause re dismissal and/or monetary sanctions ("OSC") against Respondent for on or about August 30, 2007. The court advised Respondent that if the default judgment in the Sivitos civil matter was filed prior to on or about August 30, 2007, the OSC would be taken off calendar.
5. On August 30, 2007, Respondent appeared at the OSC. Since the default judgment in the Sivitos civil matter had not been filed, the court sanctioned Respondent \$1,000.
6. At no time did Respondent report the sanction to the State Bar.
7. On September 26, 2007, a default judgment was filed in the Sivitos civil matter in the sum of \$40,000.
8. Respondent failed to adequately supervise his office, and Ulysses Maldonado ("Maldonado"), Respondent's office manager, without Respondent's knowledge, prevented many client communications to reach Respondent, including requests for accountings and refunds. On May 30, 2008, Yolanda Sivitos telephoned Respondent's receptionist requesting an accounting. The receptionist stated that Respondent would provide an accounting to Sivitos on May 31, 2008. Respondent's failure to supervise Maldonado allowed Maldonado to prevent Respondent from knowing about the request for accounting. Therefore, at no time did Respondent provide the Sivitoses with an accounting.
9. On June 20, 2008, Respondent substituted out of the Sivitos civil matter.

10. On September 22, 2009, Respondent mailed the State Bar an accounting indicating that he owed the Sivitoses a refund in the sum of \$1,861.

11. On November 3, 2009, Respondent issued a check made payable to Yolanda Sivitos in the sum of \$1,816.

Conclusions of Law

Through his negligence in supervising his employee, Respondent failed to provide Sivitos with an accounting, and he thereby failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in wilful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By failing to report the August 30, 2007 sanction to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in wilful violation of Business and Professions Code section 6068(o)(3).

Case No. 08-O-13602

Facts

1. On August 2, 2007, Alfonso Dominguez ("Dominguez") employed Respondent to terminate child support proceedings in Texas on the grounds that the Texas ordered support had been paid through the District Attorney's office in Los Angeles, California. Dominguez paid Respondent a total of \$2,286 in advanced fees.

2. On December 24, 2007, April 14, 2008, and May 2, 2008, Dominguez telephoned Respondent and left messages with Respondent's receptionist requesting an update on his case. Respondent received the messages. Respondent did not respond to them.

3. On May 22, 2008, Dominguez mailed Respondent a letter via certified mail, return receipt requested, terminating Respondent's employment. Dominguez also requested that Respondent provide him with an accounting and his client file. Respondent did not receive the letter because, due to his failure to supervise Ulysses Maldonado ("Maldonado"), his office manager, Maldonado was able to prevent Respondent from knowing about Dominguez's letter, and therefore, Respondent did not respond or provide Dominguez with an accounting. Respondent did not release the client file to Dominguez or inform Dominguez how he could obtain his file.

4. On July 8, 2008, attorney Martha E. Romero ("Romero") mailed Respondent a letter on behalf of Dominguez demanding a refund of the \$2,286 that Dominguez paid to Respondent and the release of Dominguez's file. Due to Respondent's failure to supervise Maldonado, Maldonado was able to prevent Respondent from knowing about Romero's letter, and therefore, Respondent did not respond or provide an accounting or refund any portion of the \$2,286 that Dominguez paid to him.

5. On August 22, 2008, Dominguez collected his client file from Respondent. The original pay check stubs that Dominguez had provided to Respondent were not included in the documents that

Respondent provided to Dominguez. Respondent retained the original pay check stubs received from Dominguez despite Dominguez's request for all his papers.

6. On August 22, 2008, Dominguez signed a document prepared by Respondent which provided that Dominguez acknowledged that by signing the document he released Respondent from liability.

7. At no time did Respondent inform Dominguez in writing that Dominguez may seek the advice of an independent lawyer of his choice regarding the release, and at no time did Respondent give Dominguez a reasonable opportunity to seek that advice.

8. On September 22, 2009, in response to a State Bar letter, Respondent the State Bar with an accounting indicating that he owed Dominguez a refund in the sum of \$733.50.

9. To date, Respondent has not provided Dominguez with a refund of any portion of the \$2,286 that Dominguez paid to him.

Conclusions of Law

By failing to respond to Dominguez's telephone calls, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services.

By failing to adequately supervise his employee who prevented Respondent from receiving Dominguez's request for an accounting, Respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in wilful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By failing to adequately supervise his employee who prevented Respondent from receiving Dominguez's request for a refund, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

By failing to provide Dominguez with his entire client file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

By causing Dominguez to sign the document releasing Respondent from liability, Respondent settled a claim or potential claim for Respondent's liability to the client for Respondent's professional malpractice, without informing the client in writing that the client may seek the advice of an independent lawyer of the client's choice regarding the settlement and giving the client a reasonable opportunity to seek that advice, in wilful violation of rule 3-400(B) of the Rules of Professional Conduct.

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Facts

1. In or about 2007, Severiano Hernandez ("Hernandez") employed Respondent to file a lawsuit on his behalf against an individual named Martin Julian ("Julian"), and a second lawsuit against Sylmar Trucking ("Sylmar"). Hernandez paid Respondent a total of \$5,856 in attorney fees and costs.

2. At no time did Respondent file lawsuits against Julian or Sylmar.

3. On September 2, 2008, attorney Leonard Pena ("Pena") mailed a letter to Respondent on Hernandez's behalf terminating Respondent's employment and requesting an accounting of the \$5,856 that Hernandez paid to Respondent and the client file. Respondent did not receive the letter because, due to his failure to supervise Ulysses Maldonado ("Maldonado"), his office manager, Maldonado was able to prevent Respondent from knowing about Pena's letter, and therefore, Respondent did not respond to the letter or otherwise provide Hernandez with an accounting, or any portion of the fees and costs that Hernandez paid to Respondent, or the client file.

4. At no time did Respondent release Hernandez's client file to Hernandez or Pena or inform them how they could receive the file.

5. On September 16, 2008, Pena sent Respondent a letter via facsimile demanding that Respondent return the \$5,865 that Hernandez paid to him. Respondent did not receive the letter because, due to his failure to supervise Maldonado, Maldonado was able to prevent Respondent from knowing about the letter, and therefore, Respondent did not provide Hernandez with an accounting or a refund of any of the \$5,865 that Hernandez paid to Respondent.

6. Respondent did not earn any portion of the \$5,865 that Hernandez paid to him.

7. On November 12, 2009, Respondent refunded to Hernandez the sum of \$5,000. At no time has Respondent refunded the remaining \$865 or provided an accounting to claim that he has earned any fees or incurred any costs.

Conclusions of Law

By failing adequately supervise his employee who prevented Respondent from receiving Hernandez or Pena's requests for an accounting, Respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in wilful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By failing to adequately supervise his employee who prevented Respondent from receiving Hernandez or Pena's requests for a refund of the \$5,865 that Hernandez paid to him, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

By failing to adequately supervise his employee who prevented Respondent from receiving Hernandez or Pena's request for Hernandez's file, Respondent failed to release promptly, upon

termination of employment, to the client, at the request of the client, all the client papers and property, in wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

Case No. 09-O-10347

1. On December 17, 2007, Antonio Morales ("Morales") employed Respondent for a flat fee of \$5,000 to pursue a civil action for false arrest on his behalf. On December 17, 2007, Morales paid \$2,500 as an initial payment for Respondent's legal services. At no time did Morales speak or meet with Respondent. Morales spoke and met only with Ulysses Maldonado ("Maldonado"), Respondent's office manager, and Anthony Jones, a person who worked at Respondent's office.

2. Between December 17, 2007, and July 2008, neither Respondent nor Maldonado or any other person associated with Respondent's law office communicated with Morales. Respondent took no action on behalf of Morales to pursue his civil claim.

3. In July 2008, Morales telephoned Maldonado and advised him that he was terminating Respondent's employment and requested a refund of the \$2,500 that he had paid for Respondent's legal services. Thereafter, Morales met with Maldonado on two separate occasions for the purpose of collecting a refund of the \$2,500 that he had paid for Respondent's legal services. Due to Respondent's failure to supervise Maldonado, Maldonado was able to conceal from Respondent Morales' termination of the firm and request for a refund. At no time did Morales receive a refund of any portion of the \$2,500.

4. Between July 2008, and November 4, 2008, Morales telephoned Respondent's receptionist and scheduled a meeting with Respondent. Respondent was not informed of the scheduled meeting because, due to his failure to supervise Maldonado, Maldonado was able to prevent Respondent from knowing about the appointment. When Morales appeared for the meeting, he met with Maldonado instead of Respondent. Maldonado did not provide Morales with an accounting or refund of any portion of the \$2,500 that Morales had paid for Respondent's legal services.

5. On November 4, 2008, Morales mailed Respondent a letter by certified mail requesting a return of the \$2,500 that he had paid to Respondent for his legal services. Respondent did not receive the letter because, due to his failure to supervise Maldonado, Maldonado was able to prevent Respondent from knowing about the letter. Respondent did not respond to the letter or otherwise provide Morales with an accounting or a refund of any portion of the \$2,500 that Morales paid for his legal services.

6. Respondent did not provide any services of value for Morales. Respondent did not earn any portion of the \$2,500 that Morales paid to him.

7. At no time has Respondent provided Morales with a refund of any portion of the \$2,500 that he paid to Respondent for his legal services.

8. At no time has Respondent provided Morales with an itemized statement accounting for the \$2,500 that Morales paid for Respondent's legal services.

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Conclusions of Law

By not performing any services of value for Morales, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By inadequately supervising his employee who prevented him from receiving Morales' request for an accounting, Respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in wilful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By inadequately supervising his employee who prevented him from receiving Morales' request for a refund, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 09-O-12497

Facts

1. On May 28, 2008, Dilia Cabrera ("Cabrera"), met with Ulysses Maldonado ("Maldonado"), Respondent's office manager, and employed Respondent to represent her brother, Alfonso Perez Samoya ("Samoya"), in a criminal matter titled, *People of State of California v. Alfonso Angel Perez Samoya*, Los Angeles County Superior Court case number TA097168 (the "Samoya criminal matter"). On or about May 31, 2008, Cabrera provided Maldonado with a check made payable to "Legal Assistance Corp." in the sum of \$3,000.
2. On June 2, 2008, Cabrera met with Respondent in order to discuss the Samoya criminal matter. Respondent represented that he would represent Samoya at the preliminary hearing for the Samoya criminal matter which was scheduled for on or about June 4, 2008.
3. On June 4, 2008, Respondent failed to appear at the preliminary hearing in the Samoya criminal matter. A public defender appeared at the preliminary hearing in the Samoya criminal matter on behalf of Samoya.
4. On June 5, 2008, Cabrera terminated Respondent and requested a refund of the \$3,000 that she had paid for his legal services. Due to Respondent's failure to adequately supervise Maldonado, Maldonado was able to prevent Respondent from knowing about the termination and request for a refund.
5. Respondent did not provide any services of value on behalf of Samoya in the Samoya criminal matter. Respondent did not earn any portion of the \$3,000 that Cabrera paid to him for his representation of Samoya in the Samoya criminal matter.
6. Between June 9, 2008, and June 11, 2008, Cabrera telephoned Respondent and left messages with his receptionist requesting that Respondent refund the \$3,000 that she had paid for his legal services. Respondent did not receive those messages because, due to his failure to supervise Maldonado, Maldonado was able to prevent Respondent from receiving the requests for a refund.

Respondent, therefore, did not respond to the messages or otherwise provide Cabrera with a refund of any portion of the \$3,000.

7. On June 18, 2008, Cabrera mailed Respondent a certified letter requesting a refund of the \$3,000 that she had paid to him for his legal services. Respondent did not receive that letter because, due to his failure to supervise Maldonado, Maldonado was able to prevent Respondent from receiving Cabrera's certified letter. Therefore, Respondent did not respond to it or otherwise provide Cabrera with a refund of any portion of the \$3,000.

8. On December 31, 2008, Cabrera filed a small claims action against Respondent titled *Dilia Carolina Cabrera v. Paul F. Opel*, case number 08S03632 (the "small claims action"). On February 18, 2009, the court entered judgment in the small claims action against Respondent in the sum of \$3,000 plus costs. To date, Respondent has not paid any portion of the \$3,000 judgment awarded against him in the small claims action.

Conclusions of Law

By inadequately supervising his employee who prevented Respondent from receiving his client's requests for a refund, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 10-O-00005

Facts

1. On June 15, 2007, Jose Curiel ("Curiel") met with Ulysses Maldonado ("Maldonado"), Respondent's office manager, and employed Respondent to represent him in a civil dispute involving Curiel's colleague from work and in a related matter involving the Internal Revenue Service ("IRS"). On or about June 19, 2007, June 28, 2007, and on or about July 12, 2007, Curiel paid Maldonado a total of \$2,000 in cash for Respondent's legal services. Maldonado never informed Respondent that Curiel had employed the firm.

2. Between July 2007 and July 2009, Curiel telephoned Respondent's office at least twice a week inquiring about the status of his matters. During the telephone calls, Respondent's receptionist would provide various excuses as to why neither Respondent nor Maldonado were available to speak with Curiel, or Maldonado would state to Curiel that the cases were "progressing well."

3. Due to Respondent's failure to supervise Maldonado, Maldonado failed to inform Respondent that Curiel had employed the firm, and therefore, Respondent took no action on behalf of Curiel with respect to the civil dispute with Curiel's colleague or the IRS matter.

4. On July 31, 2009, Curiel went to Respondent's office intending to speak with him. Instead, Curiel met with Maldonado. Curiel stated that he wanted to see proof of any work performed on his behalf or he was going to terminate Respondent and demand a refund of the \$2,000 that he had paid for Respondent's legal services. Maldonado did not provide any proof of work performed but refused to provide a refund or advise Respondent of Curiel's concerns.

5. On August 10, 2009, Curiel met with someone in Respondent's office and requested a refund of the \$2,000 that he had paid for legal services. The individual refused to refund the fees to Curiel. Because Curiel did not adequately supervise his office, Curiel's request for a refund was never conveyed to Respondent.

6. Respondent did not provide any services of value on behalf of Curiel. Respondent did not earn any portion of the \$2,000 that Curiel paid for Respondent's legal services.

7. On or about February 22, 2010, Respondent refunded the \$2,000 that Curiel had paid for Respondent's legal services.

Conclusions of Law

Due to Respondent's failure to supervise Maldonado, Maldonado prevented Respondent from knowing about that Curiel had employed the firm, and, therefore, Respondent took no action on behalf of Curiel, thereby repeatedly failing to perform legal services in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

Due to Respondent's failure to supervise his office personnel, Respondent was not informed of Curiel's request for a refund, and therefore, by delaying seven months to refund the \$2,000 that Curiel had paid for his legal services, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 10-O-01923

Facts

1. On July 3, 2008, Melchor Hernandez Sillas ("Sillas") visited the offices of Legal Assistance Corp. seeking legal advice because his home was in foreclosure. Legal Assistance Corp. is owned by Ulysses Maldonado ("Maldonado"). Maldonado is Respondent's office manager; Maldonado is not a member of the State Bar of California or any other state bar. Legal Assistance Corp. shares the same address as Respondent's law office. Respondent is not an owner or officer of Legal Assistance Corp. On or about July 3, 2008, Sillas thought that Maldonado was an attorney. At no time did Sillas speak or meet with Respondent.

2. On July 3, 2008, Sillas accepted Maldonado's recommendation to file for Chapter 7 bankruptcy. At or about this time, Sillas, on Maldonado's urging, gave \$13,500 to Maldonado as part of Maldonado's plan for protecting Sillas' assets.

3. Sillas was referred to Respondent who served as Sillas' attorney by filing a Chapter 7 Petition on behalf of Sillas on September 15, 2008 in the United States Bankruptcy Court, Central District of California, case number 2:08-bk-25045-SB. Sillas signed the Petition as the debtor; Respondent signed the Petition as the attorney for the debtor.

4. Once Respondent became Sillas' attorney, he failed to investigate the details of Maldonado's prior involvement in the matter, including Maldonado's handling of Sillas' \$13,500.

5. On August 4, 2009, Maldonado issued a check to Sillas in the amount of \$1,000 leaving a debt owed to Sillas in the amount of \$12,500.

6. Respondent shared with Maldonado some of his legal fee received from Sillas.

Conclusions of Law

By failing to investigate Maldonado's prior handling of Sillas' matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By sharing a legal fee with Maldonado, Respondent shared a legal fee with a person who is not a lawyer, in wilful violation of rule 1-320(A) of the Rules of Professional Conduct.

Case No. 10-O-04550

Facts

1. On November 9, 2009, Jesus Luna ("Luna") met with Ulysses Maldonado ("Maldonado"), Respondent's office manager, and employed Respondent to represent him in a pending civil matter in which he was one of the defendants titled, *Maria Del Rosario Luna, et. al. v. Monica Moreno, et.al.*, Los Angeles County Superior Court case number BC404239 (the "Luna civil matter"). On November 9, 2009, Luna gave Maldonado a check in the sum of \$2,000 made payable to "Legal Assistance Corp." as a partial payment for Respondent's legal services. Due to Respondent's failure to supervise Maldonado, Maldonado did not inform Respondent that Luna had employed the firm and paid a fee.

2. Because Respondent's failure to supervise Maldonado permitted Maldonado to conceal from Respondent the fact that Sillas had employed the firm, Respondent at no time filed a substitution of attorney in the Luna civil matter, or took any action on behalf of Luna in the Luna civil matter.

3. On November 30, 2009, the plaintiffs in the Luna civil matter filed a request for dismissal of all parties and all causes of action. On November 30, 2009, the court in the Luna civil matter granted the request and entered the dismissal. Maldonado concealed from Respondent the request for dismissal and order of dismissal.

4. On or about December 16, 2009, Luna met with Respondent at Respondent's office. At the meeting, Respondent stated that he would provide Luna with a refund of \$1,500 by no later than February 1, 2010. Respondent provided Luna with a note memorializing the agreement.

5. At no time did Respondent provide Luna with an itemized statement accounting for the time he spent working on behalf of Luna in the Luna civil matter.

6. Respondent did not perform any services of value on behalf of Luna. Respondent did not earn any of the \$2,000 that Luna paid for Respondent's legal services.

7. On or about February 1, 2010, Luna visited Respondent's office, but was Respondent was away from the office. Luna did not receive the \$1,500 refund that Respondent had promised him.

8. Between on or about February 1, 2010, and on or about February 26, 2010, Luna telephoned Respondent's office several times and each time left messages with a receptionist inquiring about the refund. Due to Respondent's failure to supervise Maldonado, Maldonado prevented Respondent from receiving Luna's messages. Therefore, Respondent did not respond to the messages or otherwise provide Luna with a refund.

9. On or about February 26, 2010, Luna visited Respondent's office. A receptionist provided Luna with a check issued from Respondent's client trust account at Bank of America, account no. account number xxxxx-41449 (the "CTA"),² which was post dated March 2, 2010, and incorrectly made payable to "Jose Luna" in the sum of \$500. When Luna explained to the receptionist the errors in the check, the receptionist telephoned Maldonado so that Luna could speak with him. Maldonado stated to Luna that \$500 was all that Respondent was going to refund of the \$2,000 that was paid for Respondent's legal services.

10. At no time did Respondent refund any portion of the \$2,000 that Luna paid for Respondent's legal services.

11. Pursuant to the terms of this stipulation, Respondent has agreed to provide Luna with a refund of \$2,000.

Conclusions of Law

By failing to supervise Maldonado who prevented Respondent from receiving Luna's requests for an accounting, Respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in wilful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By failing to refund any portion of the \$2,000 that Luna paid for his legal services, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 10-O-2350

Facts

1. On September 27, 2007, Esther Farran ("Farran") employed Respondent to assist with her citizenship petition. Farran paid Respondent a total of \$6,500 for his legal services.

2. Respondent delegated to Maldonado the preparation of the papers for Farran's case. Maldonado prepared a draft Form I-130-Petition For Alien Relative ("Form I-130"), and a draft Form I-485 ("Form I-485"), Application to Register Permanent Residence or Adjust Status on behalf of Farran. Due to Respondent's failure to supervise Maldonado, Maldonado failed to file the forms with the United States Citizenship and Immigration Services (USCIS) on behalf of Farran.

3. On August 14, 2009, Farran telephoned the USCIS and was informed that no petition(s) had been filed on her behalf. At or about this time, Farran terminated Respondent's employment.

² The complete account number has been omitted due to privacy concerns.

4. Pursuant to the terms of this stipulation, Respondent has agreed to provide Farran with a refund of \$6,500.

Conclusions of Law

By the foregoing conduct, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

Case No. 10-O-07111

1. On August 25, 2008, Agustina Garcia ("Garcia") employed Respondent to represent her son in an immigration and criminal matter. On August 25, 2008, Garcia's son was detained in Arizona. On August 25, 2008, Garcia paid Respondent's office \$5,000 for his legal services. Due to Respondent's failure to supervise Ulysses Maldonado ("Maldonado"), his office manager, Maldonado concealed from Respondent the fact that Garcia had employed the firm and paid an advance fee.

2. Because Maldonado prevented Respondent from knowing that Garcia had employed the firm, Respondent failed to perform any services of value on behalf of Garcia's son.

3. On February 2, 2010, Garcia mailed Respondent a letter terminating Respondent's employment and requesting an accounting and a refund of any unearned fees paid to him. Due to his failure to supervise Maldonado, Maldonado prevented Respondent from receiving Garcia's letter, and, therefore, Respondent did not provide Garcia with an accounting or a refund of any portion of the \$5,000 that she paid to him for his legal services.

4. Pursuant to the terms of this stipulation, Respondent has agreed to provide Garcia with a refund of \$5,000.

Conclusions of Law

By failing to supervise Maldonado, Respondent failed to perform any services of value on behalf of Garcia's son, and, therefore, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to supervise Maldonado, Respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in wilful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

By failing to supervise Maldonado, Respondent failed to refund any portion of the \$5,000 that Garcia had paid for his legal services, and, therefore, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 1, paragraph A(7), was January 5, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of January 5, 2011, the prosecution costs in this matter are approximately \$11,816.14. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

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.

AGGRAVATING CIRCUMSTANCES.

1. Multiple Acts of Misconduct

Respondent committed acts of misconduct in twelve client matters. This is an aggravating circumstance. (Std. 1.2(b)(ii).)

2. Harm

Respondent failed to return unearned fees to Karina Villegas (Case No. 07-O-14433), Alfonso Dominguez (Case No. 08-O-13602), Severiano Hernandez (08-O-14731), Antonio Morales (Case No. 09-O-10347), Dilia Cabrera (Case No. 09-O-12497), Melchor Sillas (Case No. 10-O-01923), Jesus Luna (Case No. 10-O-04550), Esther Farran (Case No. 10-O-02350), and Agustina Garcia (10-O-07111). (Std. 1.2(b)(iv).) By failing to return unearned fees, Respondent caused financial harm to his clients.

MITIGATING CIRCUMSTANCES.

1. No Prior Record of Discipline

Respondent has been a member of the State Bar since December 1, 1981, and has no prior record of discipline. Although the instant misconduct is serious, Respondent's many years of discipline-free practice is a significant mitigating circumstance. (Std. 1.2(e)(i).)

2. Candor and Cooperation

Respondent is entitled to mitigation for entering into this stipulation. (Std. 1.2(e)(v).)

3. Remorse

Respondent's has expressed genuine remorse for his misconduct. (Std. 1.2(e)(vii). Once the State Bar began investigating the instant matters, Respondent agreed to make restitution to the clients entitled to refunds. At no time did Respondent question the amounts owed to the clients.

OTHER FACTORS IN CONSIDERATION.

In or about April 2007, Respondent began sharing office space with Ulysses Maldonado ("Maldonado"). At this time, Maldonado, who is not an attorney, became Respondent's office manager. Thereafter, Respondent abdicated responsibility of the administration of his law practice to Maldonado. Nonetheless, Respondent acknowledges he is fully responsible for the misconduct described herein.

Respondent has represented to the State Bar that he has severed his professional association with Maldonado and no longer shares office space with him.

Respondent acknowledges that he must make restitution to his clients in order to make amends for his misconduct.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") provides in pertinent part that, "[T]he 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." (Std 1.3.)

Standards 2.2(a), 2.2(b), 2.3, 2.4(b), and 2.10 of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") apply to this proceeding.

Standard 2.2(a) provides that misappropriation of entrusted funds shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In these latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

Here, at the time that Respondent mishandled Jennifer Lopez's funds (Case No. 07-O-13557), he had practiced for nearly thirty (30) years without a prior record of discipline. Respondent paid Maria Lopez, Jennifer's mother, \$5,386, the full amount of her settlement out of his personal funds. Respondent has been candid and cooperative with the State Bar during the prosecution of this matter. In addition, as part of this stipulation, Respondent has agreed to attend the State Bar's Trust Account School and file with each quarterly report a certificate certifying that he has maintained client funds and trust account records in compliance with rule 4-100 of the Rules of Professional Conduct. The State Bar submits that a discipline of one year actual suspension will be sufficient to protect the public and deter Respondent from mishandling trust funds in the future.

Standard 2.2(b) provides that a violation of rule 4-100(B)(3) shall result in a three month actual suspension.

Standard 2.4(b) provides, in pertinent part, that: "Culpability of a member of willfully failing to perform services in an individual matter . . . shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Here, Respondent failed to perform competently because he failed to supervise Maldonado. As part of this stipulation, Respondent is required to develop a law office management plan, which must be approved by the Office of Probation. It is the parties' intention that the law office management plan will create an office structure which, when implemented, will enable Respondent to perform competently when he returns to active status as a member of the State Bar of California.

There is no standard specifically applicable to a violation of rules 1-320(A), 3-700(D)(1), and 3-700(D)(2). Accordingly, the applicable standard is Standard 2.10. Standard 2.10 provides in pertinent part that, "[C]ulpability of a member . . . of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

In consideration of the facts and circumstances surrounding Respondent's misconduct, including Respondent's nearly thirty (30) years of discipline free practice, the end of his professional association with Maldonado, as well as the terms of probation that are imposed on Respondent pursuant to this stipulation, including the restitution and client funds certificate requirements, the implementation of a law office management plan, and his attendance at the State Bar Ethics and Trust Account Schools, the parties submit that the intent and goals of the Standards are met in these matters by the imposition of a two-year stayed suspension, and a four-year probation with conditions including a one-year actual suspension.

STATE BAR ETHICS AND TRUST ACCOUNT SCHOOLS.

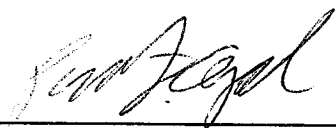

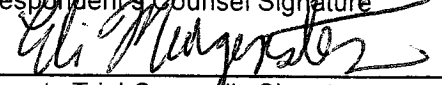
Because Respondent has agreed to attend the State Bar Ethics and Trust Account Schools as part of this stipulation, he may receive Minimum Continuing Legal Education credit upon the satisfactory completion of the courses.

(Do not write above this line.)

In the Matter of Paul Frederick Opel	Case number(s): 07 O 13557; 07 O 14433; 08 O 12387; 08 O 13602 08 O 14731; 09 O 10347; 09 O 12497; 10 O 00005 10 O 01923; 10 O 04550; 10 O 02350; 10 O 07111
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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>1-11-11</u> Date	 Respondent's Signature	<u>Paul Frederick Opel</u> Print Name
<u>1-13-11</u> Date	 Respondent's Counsel Signature	<u>Arthur L. Margolis, Esq.</u> Print Name
<u>1-14-11</u> Date	 Deputy Trial Counsel's Signature	<u>Eli D. Morgenstern, DTC</u> Print Name

(Do not write above this line.)

In the Matter Of
Paul Frederick Opel

Case Number(s):

07 O 13537; 07 O 14433; 08 O 12387; 08 O 13602;
08 O 14731; 09 O 10347; 09 O 12497; 10 O 00005;
10 O 01923; 10 O 04550; 10 O 02350; 10 O 07111;

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.)**

Date

1/28/11

Judge of the State Bar Court



DONALD F. MILES

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 28, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

in a sealed envelope for collection and mailing on that date as follows:

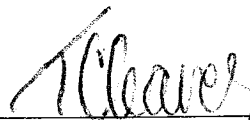
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ARTHUR LEWIS MARGOLIS
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:

ELI MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 28, 2011.



Tammy Cleaver
Case Administrator
State Bar Court