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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>Susan J. Jackson Deputy Trial Counsel 1140 South Hill Street Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 125042</p>	<p>Case Number (s)</p> <p>07-O-14205 08-O-11887 08-O-12850</p>	<p>(for Court's use)</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b></p> <p><b>JAN 18 2011</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan Lynn Margolis Margolis &amp; Margolis LLP 2000 Riverside Dr Los Angeles, CA 90039 (323) 953-8996</p> <p>Bar # 104629</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of:</p> <p>William Alan Sobel</p> <p>Bar # 114147</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 August 6, 1984.
- (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 **16** 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."

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- (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: (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.  
See Attachment
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. Respondent failed to respond to Grey until he learned of Grey's complaint to the State Bar.
- (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. The current misconduct involves three matters and multiple acts of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

When contacted by the State Bar in connection with the Montoya matter (Case No. 08-O-12850), respondent was unable to satisfactorily account for the dip in his client trust account and the explanation given to the State Bar was incorrect, due to inadequate client trust account records maintained during that time period.

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

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

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

**Additional mitigating circumstances**

Respondent cooperated with the State Bar in entering into this Stipulation.

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of three 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 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 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:
  - Substance Abuse Conditions
  - Law Office Management Conditions
  - Medical Conditions
  - Financial Conditions

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

**further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

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

In the Matter of  
William Alan Sobel

Case number(s):  
07-O-14205, 08-O-11887, 08-O-12850

A Member of the State Bar

### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- 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

#### 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.



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

IN THE MATTER OF:                      WILLIAM ALAN SOBEL

CASE NUMBER(S):                      07-O-14205, 08-O-11887, 08-O-12850

**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-14205 (COMPLAINANT: DAVID GREY, ESQ.)**

**FACTS:**

1. On October 27, 2005, Peter Ramirez ("Ramirez") hired attorney David Grey ("Grey") on a contingency basis to represent him in a personal injury matter regarding an accident in which Ramirez was involved on October 18, 2005. On October 27, 2005, Ramirez and Grey entered into a written fee agreement by which Grey was granted a lien for attorney's fees for services rendered in the event that he was discharged by Ramirez (the "Lien").
2. On April 6, 2006, Ramirez discharged Grey and hired Respondent to represent him in the personal injury matter. Grey informed both Respondent and Wawanesa Insurance Company ("Wawanesa") of the Lien.
3. In July 2006, Respondent settled the Ramirez case for \$3,900. On July 20, 2006, Wawanesa issued a check in the amount of \$3,900, dated July 20, 2006, payable to the Law Office of David Grey, the Law Office of William Sobel, and Peter Ramirez, in payment of the settlement (the "settlement check").
4. Respondent received the settlement check, which he endorsed or caused to be endorsed on behalf of Ramirez and on behalf of Respondent's law office. Respondent failed to inform Grey that the Ramirez case had been settled or that he received the settlement check. Respondent failed to obtain Grey's endorsement on the settlement check and deposited the settlement check without Grey's endorsement.
5. On July 28, 2006, Respondent deposited the settlement check or caused it to be deposited into Respondent's client trust account at Wells Fargo Bank, without Grey's endorsement.
6. In July 2007, Grey learned that the Ramirez case had settled and that Respondent had received and negotiated the settlement check. From July 2007 to October 2007, Grey and

his office manager, Jennifer Thomas, repeatedly contacted Respondent's office seeking to obtain further information regarding the settlement check and to obtain payment of attorney's fees due pursuant to Grey's Lien.

7. On or about July 30, 2007, Ms. Thomas spoke to Respondent personally and Respondent said that he would look into the matter.

8. By letter dated September 20, 2007, Grey informed Respondent that if he continued to fail to respond to Grey's inquiries, Grey would pursue Ramirez for the fees due to Grey pursuant to the Lien to which Ramirez had agreed.

9. On October 20, 2007, Grey submitted a complaint to the State Bar alleging in part that Respondent negotiated the settlement check without authority, failed to honor the Lien, and failed to respond to Grey's inquiries.

10. Respondent was notified of Grey's complaint by letter dated November 21, 2007 and responded on November 28, 2007, through counsel.

11. By letter dated November 28, 2007, Respondent responded to Grey for the first time regarding the Lien. Respondent failed to respond to Grey's inquiries until after he learned of Grey's complaint to the State Bar.

#### **CONCLUSIONS OF LAW:**

12. By failing to inform Grey of the settlement and to promptly make efforts to resolve Grey's lien, which actions Respondent knew, or was grossly negligent in not knowing, exposed Ramirez to personal liability for the Lien, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

#### **CASE NO. 08-O-11887 (COMPLAINANT: DIMAS V. OLIVA)**

#### **FACTS:**

13. On February 10, 2006, Dimas V. Oliva ("Oliva") hired Respondent on a contingency basis to represent him in a personal injury matter regarding an automobile accident in which Oliva was involved February 9, 2006. On February 10, 2006, Oliva and Respondent entered into a written fee agreement.

14. In November 2006, Oliva agreed to settle his case for \$5,800. On January 4, 2007, Respondent received a settlement check dated December 28, 2006 from Geico Insurance Company ("Geico"), payable to Respondent, in the amount of \$5,800, together with a "Release in Full of All Claims" ("Release") that was to be signed by Oliva and returned to Geico.

15. In January 2007, Respondent deposited the Geico check into his client trust account. On January 9, 2007, the check cleared Respondent's account.

16. On January 4, 2007, Respondent signed Oliva's name (or caused Oliva's name to be signed) on the Release, pursuant to an express power of attorney that Oliva had signed. However, Respondent failed to indicate in writing that the Release was being signed on behalf of Oliva by someone other than Oliva.

17. On January 4, 2007, Respondent also signed or caused to be signed the "Certificate of Witnesses" on the Release, by which it was represented by the person who signed the Certificate of Witness (the "Witness") that the Release had been signed personally by Oliva in the presence of the Witness and that Oliva had acknowledged to the Witness that he understood the Release fully. However, as stated, Oliva did not sign the Release personally.

18. Respondent returned the signed Release to Geico, without informing it that the Release was not signed by Oliva personally but on Oliva's behalf by his attorney.

#### **CONCLUSIONS OF LAW:**

19. By signing the Release or causing Oliva's name to be signed on the Release without indicating in writing that it was being signed by someone other than Oliva, and by falsely attesting to Geico that Oliva had personally signed the Release in the presence of a witness and fully understood it, Respondent willfully committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

#### **CASE NO. 08-O-12850 (COMPLAINANT: FRANK AND DIANA MONTOYA)**

#### **FACTS:**

20. On July 6, 2004, Frank Montoya ("Montoya") hired Respondent on a contingency basis to represent him in a personal injury matter regarding an accident in which Montoya was involved on May 17, 2004. On July 6, 2004, Montoya and Respondent entered into a written fee agreement.

21. On June 2, 2005, Respondent filed a lawsuit on Montoya's behalf, in *Frank Montoya v. Sears, Roebuck and Co.*, San Bernardino County Superior Court, Case No. SCVSS127185.

22. On October 6, 2005, Montoya's case was dismissed by the court without prejudice for lack of prosecution. On March 16, 2006, the court granted Respondent's motion (filed February 7, 2006) to set aside the dismissal.

23. On March 30, 2007, Respondent settled Montoya's case for \$4,000.

24. On April 10, 2007, Millhouse Insurance Company issued a check dated April 10, 2007, in the amount of \$4,000, payable to Montoya and Respondent, in payment of the settlement (the "settlement check").

25. On April 20, 2007, Respondent deposited the settlement check or caused it to be deposited in his client trust account at Wells Fargo Bank ("WF-CTA").

26. Respondent informed the State Bar that on April 20, 2007, he sent Montoya a document entitled "Trust Account Disbursements," containing proposed disbursements from the \$4,000 settlement ("Settlement Worksheet"), and asked Montoya to approve the proposed disbursements by signing the Settlement Worksheet.

27. The Settlement Worksheet included the following proposed disbursements:

Attorney's fees (40%)	\$1,600.00
Costs	1,156.90
<u>Montoya</u>	<u>1,243.10</u>
Total	\$4,000.00

28. Montoya did not sign the Settlement Worksheet.

29. On November 7, 2008, Respondent sent Montoya a document entitled "Revised Trust Account Disbursement Sheet," containing revised proposed disbursements from the \$4,000 settlement ("Revised Settlement Worksheet") and requested that Montoya approve the revised proposed disbursements by signing the Revised Settlement Worksheet.

30. The Revised Settlement Worksheet included the following proposed disbursements:

Attorney's fees (40%)	\$1,600.00
Costs	1,502.90
Refund of Advanced Costs	(350.00)
Courtesy Discount	(346.00)
<u>Montoya</u>	<u>1,593.10</u>
Total	\$4,000.00

31. Montoya did not sign the Revised Settlement Worksheet.

32. On November 29, 2008, Montoya died.

33. On December 3, 2008, the State Bar informed Respondent's counsel of Montoya's death in writing.

34. Respondent did not distribute any settlement funds to Montoya or Montoya's estate until on or about November 24, 2010, when Respondent sent a check in the amount of \$1,593.20 to Diana Montoya, Montoya's widow.

35. Until the funds were distributed, Respondent was required to maintain the settlement funds to which Montoya was entitled in a trust account on behalf of Montoya's estate.

36. However, the account balance in the WF-CTA dipped below the amount to which Montoya was entitled, on two separate dates. On July 8, 2009, the balance in the WF-CTA dipped below zero, to negative \$2,180.06. On July 9, 2009, the balance in the WF-CTA was \$319.92.

37. Respondent did not maintain the settlement funds to which Montoya was entitled in a trust account on behalf of Montoya's estate.

#### **CONCLUSIONS OF LAW:**

38. By not maintaining the settlement funds to which Montoya was entitled in a trust account on behalf of Montoya's estate, 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 willful violation of Rules of Professional Conduct, rule 4-100(A).

39. By misappropriating the settlement funds to which Montoya was entitled, Respondent willfully committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code, section 6106.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was December 1, 2010.

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#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 13, 2010, the prosecution costs in this matter are \$3,221. 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.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

##### Standards for Attorney Sanctions for Professional Misconduct (the "Standards")

Standard 1.7 provides for disbarment if a member has a record of two prior impositions of discipline, unless the most compelling mitigating circumstances clearly predominate.

Standard 2.2 (a) provides for disbarment for willful misappropriation of entrusted funds or property, unless the amount of funds or property misappropriated is insignificantly small or the most compelling mitigating circumstances clearly predominate. In those cases, it provides for a minimum of one-year actual suspension, irrespective of mitigating circumstances.

Standard 2.3 provides for actual suspension or disbarment for an act of moral turpitude, fraud, or intentional dishonesty toward a court, client, or another person or of concealment of a material

fact to a court, client, or another person, depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

This case will be Respondent's fourth imposition of discipline. While the Standards should be afforded great weight, we are not bound to follow them in talismanic fashion. *In the Matter of Conner* (Review Dept. 2008) 2 Cal. State Bar Ct. Rptr 93, 107 [Citations.] Each case should be decided on its own facts. *Ibid.* [Citations.]

Respondent's first discipline, imposed in 1997, included 90 days actual suspension. However, Respondent's subsequent discipline imposed stayed suspension only and no actual suspension (six months stayed suspension in the 2004 discipline and 18 months stayed suspension in the 2007 discipline). In this case, the misappropriation in the Montoya matter consisted of a small amount of funds. In the Oliva matter, Respondent's misconduct regarding the Geico Release does not appear to have caused harm to Geico (the victim).

Under these circumstances, the stipulated discipline is appropriate. The public is adequately protected because, in addition to being required to comply with the conditions of probation, respondent may not return to active status with the State Bar until he demonstrates his rehabilitation, present fitness to practice and learning and ability in the general law pursuant to Standard 1.4(c)(ii).

#### **AGGRAVATING CIRCUMSTANCES.**

##### **PRIOR DISCIPLINE.**

STATE BAR COURT CASE NOS.: 94-O-14267, 95-O-10261

Supreme Court Case Number: S057686

Date Prior Discipline Effective: March 13, 1997

Rules of Professional Conduct ("RPC")/State Bar Act Violations ("B&P"): RPC 3-110(A), RPC 3-400(B), B&P §6068(m).

Degree of Prior Discipline: 90 days actual suspension, one year stayed suspension, one year probation

STATE BAR COURT CASE NOS.: 02-O-12365, 03-O-00613, 03-O-01208, 03-O-01346, 03-O-03659

Supreme Court Case Number: S125287

Date Prior Discipline Effective: September 25, 2004

Rules of Professional Conduct/State Bar Act Violations: B&P §6068(m)

Degree of Prior Discipline: Six months stayed suspension, one year probation

STATE BAR COURT CASE NOS.: 05-O-02753, 06-O-14898, 07-O-11500

Supreme Court Case No.: S156690

Date Prior Discipline Effective: December 30, 2007

Rules of Professional Conduct/State Bar Act Violations: RPC 3-110(A), B&P §6068(o)(3)

Degree of Prior Discipline: 18 months stayed suspension, two years probation

**STATE BAR ETHICS SCHOOL.**

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

(Do not write above this line.)

In the Matter of  
William Alan Sobel

Case number(s):  
07-O-14205, 08-O-11887, 08-O-12850

### 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.

12-17-10

Date

William Alan Sobel

Respondent's Signature

William Alan Sobel

Print Name

12-20-10

Date

Susan L. Margolis

Respondent's Counsel Signature

Susan L. Margolis

Print Name

12-21-10

Date

Susan J. Jackson for

Deputy Trial Counsel's Signature

Susan J. Jackson

Print Name



(Do not write above this line.)

In the Matter Of <b>William Alan Sobel, No. 114147</b>	Case Number(s): <b>07-O-14205, 08-O-11887, 08-O-12850</b>
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**ORDER**

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

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

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

1/18/11  
Date

  
Judge of the State Bar Court

**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 18, 2011, I deposited a true copy of the following document(s):

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

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

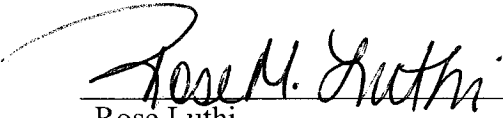
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SUSAN LYNN 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:

SUSAN JACKSON, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 18, 2011.

  
\_\_\_\_\_  
Rose Luthi  
Case Administrator  
State Bar Court