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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>Erin McKeown Joyce DEPUTY TRIAL COUNSEL 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1356</p> <p>Bar # 149946</p>	<p>Case Number (s)</p> <p>07-O-14909 08-O-12024 08-O-14009 08-O-14389 09-O-13940 10-O-02825</p>	<p>(for Court's use)</p> <p>FILED</p> <p>AUG 31 2010 <i>vac</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Jeffrey Alan Agnew</p> <p>Bar # 105268</p>	<p>Submitted to:</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>Jeffrey Alan Agnew 406 16th St Ste 102C Ramona, CA 92065 (760) 788-2123</p> <p>Bar # 105268</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 3, 1982.
- (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 15 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.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

Additional mitigating circumstances

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of 2 years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
 - ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of 3 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 90 days.
- 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 checked="" 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:**

The attachment to this stipulation regarding facts, conclusions of law, and disposition comprises pages 10 through 15.

In the Matter of
Jeffrey Alan Agnew

Case number(s):
07-O-14909, 08-O-12024, 08-O-14009, 08-O-14389,
09-O-13940 and 10-O-02825

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
Natalie & Luke Lauer	\$2,500	December 20, 2007
Jan Ebert	\$2,000	April 4, 2008

- 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 revocation), 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
	50% of the total restitution	Before the expiration of the first year of probation
	50% of the total restitution	Before the expiration of the second year of probation

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

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

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
Jeffrey Alan Agnew

Case number(s):
07-O-14909, 08-O-12024, 08-O-14009, 08-O-14389,
09-O-13940, and 10-O-02825

A Member of the State Bar

Law Office Management Conditions

- a. Within days/ 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 **two (2)** 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 Jeffrey Alan Agnew

Case Nos. 07-O-14909, 08-O-12024, 08-O-14009, 08-O-14389, 09-O-13940 and 10-O-02825

PENDING PROCEEDINGS:

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

Case No 07-O-14909

FACTS

Respondent admits that the following facts are true and that he is culpable of a violation of the Business and Professions Code section 6068(o)(2) as follows:

1. On May 28, 2004, Respondent filed a lawsuit entitled *Hyder v. Paiz-Snodgrass*, case no. GIE022318, (the "Snodgrass lawsuit") against Carl and Celia Snodgrass on behalf of John and Gayle Hyder
2. On July 1, 2005, Respondent met with the Hyders and advised them that he had erred in failing to designate expert witnesses to testify at trial and had also failed to recognize the effects of Civil Code section 3343 on the Hyders' case, and advised them that they needed to dismiss the case. Respondent memorialized this in a letter to the Hyders, dated July 7, 2005.
3. On July 19, 2005, the Hyders' case was dismissed. The court ordered the Hyders to pay \$31,000.00 in costs and attorney fees to the defendants.
4. On May 1, 2006, Richard Leuthold filed a malpractice suit against Respondent on behalf of the Hyders.
5. On June 20, 2007, the Court ordered Respondent to pay a \$31,441.92 judgment plus \$2,204.00 in costs to the Hyders.
6. Respondent did not report the June 20, 2007 judgment to the State Bar within 30 days of his receipt of the June 20, 2007 order.

CONCLUSIONS OF LAW

By failing to report the June 20, 2007 judgment to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of the imposition of judicial sanctions against the attorney, in wilful violation of Business and Professions Code section 6068(o)(2).

Case No 08-O-12024

FACTS

Respondent admits that the following facts are true and that he is culpable of a violation of Rule of Professional Conduct 3-110(A), as follows:

1. On October 1, 2007, Chandra B. Self retained Respondent to file an objection to a bankruptcy petition based on fraud. The deadline for filing the objection was November 9, 2007.
2. By November 9, 2007, Respondent did not file any objection on behalf of Self.
3. Because Respondent failed to timely file the objection on behalf of Self, Self lost her opportunity to object to the petition.

CONCLUSIONS OF LAW

By failing to prepare and file the objection due November 9, 2007, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rule of Professional Conduct 3-110(A).

Case No. 08-O-14009

FACTS

Respondent admits that the following facts are true and that he is culpable of a violation of Rule of Professional Conduct 3-700(D)(2), as follows:

1. On December 20, 2007, Natalie Laurer hired Respondent in a real estate matter and paid him \$2,500.00 in fees. Respondent provided no legal services to Laurer.
2. On May 30, 2008, Laurer e-mailed Respondent and terminated Respondent. In her e-mail, Laurer requested a refund of the \$2,500.00 fee.
3. Respondent did not return the unearned fees to the client.

CONCLUSIONS OF LAW

By failing to promptly return a fee paid in advance that had not been earned, Respondent wilfully violated Rule of Professional Conduct 3-700(D)(2).

Case No 08-O-14389

FACTS

Respondent admits that the following facts are true and that he is culpable of a violation of Rule of Professional Conduct 3-700(D)(2), as follows:

1. In August 2006, Jan Ebert retained Respondent to handle a real estate fraud case and paid him \$2,000.00 in fees.
2. Respondent did not file anything in court relating to Ebert's case. Respondent provided no legal services of value to Ebert.
3. Prior to April 2008, Ebert terminated Respondent and asked for a refund of the fees she had paid him.
4. Respondent did not respond to Ebert's calls.
5. Ebert sued Respondent in Small Claims court, Court File Number 37-2008-00022816-SC-SC-EC, for the fees and obtained a judgment against him on April 4, 2008, in the amount of \$2,080.00.
6. Respondent did not return the unearned fees to the client.

CONCLUSIONS OF LAW

By failing to promptly return a fee paid in advance that had not been earned, Respondent wilfully violated Rule of Professional Conduct 3-700(D)(2).

Case No 09-O-13940

FACTS

Respondent admits the following facts are true and that he is culpable of violation of Rule of Professional Conduct 4-110(A) as follows:

1. Respondent maintained a client trust account at Bank of America, Account No. XXXXX-XX220. (the "220 Account").
2. On May 7, 2010, Respondent issued check No. 1200 on the 220 Account to pay a personal expense.
3. At the time Respondent issued check No. 1200, he maintained his own monies in the 220 Account, without promptly withdrawing them.
4. On June 8, 2010, Respondent issued check No. 1218 on the 220 Account to pay a personal expense.
5. At the time Respondent issued check No. 1218, he maintained his own monies in the 220 Account, without promptly withdrawing them.

CONCLUSIONS OF LAW

By commingling his own funds in the 220 Account without promptly withdrawing them when they were earned, Respondent wilfully violated Rule of Professional Conduct 4-100(A).

FACTS

Respondent admits the following facts are true and that he is culpable of violation of Rule of Professional Conduct 4-110(A) as follows:

1. Respondent maintained a client trust account at Bank of America, Account No. XXXXX-XX220. (the "220 Account").
2. On November 27, 2009, Respondent issued check No. 1311 on the 220 Account.
3. At the time Respondent issued check No. 1311, he maintained his own monies in the 220 Account, without promptly withdrawing them.

CONCLUSIONS OF LAW

By commingling his own funds in the 220 Account without promptly withdrawing them when they were earned, Respondent wilfully violated Rule of Professional Conduct 4-100(A).

AUTHORITIES SUPPORTING DISCIPLINE

STANDARDS FOR ATTORNEY SANCTIONS

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. See *Snyder v. State Bar* (1990) 49 Cal.3d 1302. Moreover, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct 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. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

Pursuant to Standard 1.5 of the Standards for Attorney Sanctions for Professional Misconduct:

Reasonable duties or conditions fairly related to the acts of professional misconduct and surrounding circumstances found or acknowledged by the member may be added to a recommendation or suspension or; pursuant to

rule 9.19, California Rules of Court, to a reproof. Said duties may include, but are not limited to, any of the following:

1.5(b): a requirement that the member take and pass an examination in professional responsibility;

1.5(d): a requirement that the member undertake educational or rehabilitative work at his or her own expense regarding one or more fields of substantive law or law office management;

1.5(f): any other duty or condition consistent with the purposes of imposing a sanction for professional misconduct as set forth in standard 1.3.

Pursuant to Standard 1.6(a) of the Standards for Attorney Sanctions for Professional Misconduct:

The appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged. If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Pursuant to Standard 2.2(b) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of comingling of entrusted funds or property with personal property or the commission of another violation of Rule 4-100, Rules of Professional Conduct, none of which offenses result in the willful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

The stipulated discipline in this matter of a 2-year stayed suspension, 3-year probationary period, and an actual suspension of 90 days is appropriate in this matter. When more than one act of professional misconduct is acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the most severe of the different applicable standards. Std. 1.6(a). Therefore, Standard 2.2.(b), applicable to Respondent's admitted 4-100 violation, should guide.

Standard 2.2(b) calls for a 90-day actual suspension. A 90-day actual suspension will demonstrate to the public that Respondent's misconduct is unacceptable and is an appropriate deterrent to Respondent from repeating his misconduct. Therefore, in this instance, it is appropriate to be guided by the standards.

Respondent also has two other ongoing matters with the State Bar. The Ecklar matter (07-O-10024) and the Sheppard matter (08-O-10270) are being resolved through the Alternative Discipline Program. The stipulated misconduct in those matters (Rules of Professional Conduct rules 3-110(A) and 3-700(D)(2), as well as Business and Professions

Code sections 6106 and 6068(i) violations in the Ecklar matter; and a Rules of Professional Conduct rule 3-700(D)(2) violation in the Sheppard matter) took place within the same time period as the misconduct stipulated here, and were investigated in simultaneous State Bar proceedings. Accordingly, the Court should consider all of the charges brought in all cases as though they had been brought together to determine the appropriate discipline. *In the Matter of Freydl*, 4 Cal. State Bar Ct. Rptr. 349 (2001); see *In the Matter of Sklar*, 2 Cal. State Bar Ct. Rptr. 602, 619 (1993). The stipulated discipline is appropriate for all the pending cases.

COSTS OF DISCIPLINARY PROCEEDINGS:

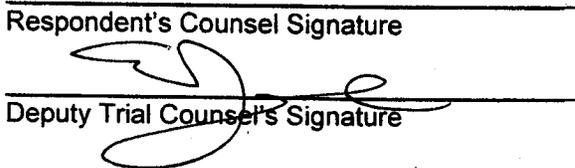
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 2, 2010, the prosecution costs in this matter are \$5,234.14. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of Jeffrey Alan Agnew	Case number(s): 07-O-14909, 08-O-12024, 08-O-14009, 08-O-14389, 09-O-13940, and 10-O-02825
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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>8/24/2010</u> Date	 Respondent's Signature	<u>Jeffrey Alan Agnew</u> Print Name
<u> </u> Date	<u> </u> Respondent's Counsel Signature	<u> </u> Print Name
<u>8-26-10</u> Date	 Deputy Trial Counsel's Signature	<u>Erin McKeown Joyce</u> Print Name

(Do not write above this line.)

In the Matter Of Jeffrey Alan Agnew	Case Number(s): 07-O-14909, 08-O-12024, 08-O-14009, 08-O-14389, and 09-O-13940, and 10-O-02825
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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.

PAGE 4 - PARAGRAPH D. (1) (a) (i) - DELETE BOX CHECK MARK
PAGE 4 - PARAGRAPH E. (1) - DELETE BOX CHECK MARK

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.)**

08-30-10
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 31, 2010, 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:

JEFFREY ALAN AGNEW
406 16TH ST STE 102C
RAMONA CA 92065

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

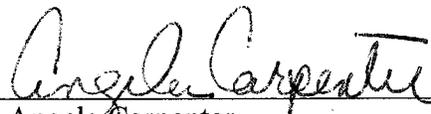
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

ERIN JOYCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in <select city>, California, on August 31, 2010.



Angela Carpenter
Case Administrator
State Bar Court