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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Geri von Freymann 1149 So. Hill St Los Angeles, CA 90015 (213) 765-1297</p> <p>Bar # 97937</p>	<p>Case Number(s): 08-C-12399 (08-O-11710, 08-O-12911, 08-O-13574, 09-N-16218, 10-O-08826)</p>	<p>For Court use only</p> <p>FILED</p> <p>JUN 08 2011 <i>AK</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan Margolis Margolis & Margolis LLP 2000 Riverside Dr. Los Angeles, CA 90039 (323) 953-8996</p> <p>Bar # 104629</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: Stephen Charles Hollingsworth</p> <p>Bar # 200609</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 April 1, 1999.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case 05-O-03574,05-O-04446,06-O-13860
 - (b) Date prior discipline effective June 16, 2009
 - (c) Rules of Professional Conduct/ State Bar Act violations: RPC 3-110, 3-700(D)(2), 4-100, B & P 6068(m),6106
 - (d) Degree of prior discipline one year actual suspension
 - (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.
- (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.
- (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.

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- (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:

See attachment page 7

D. Discipline:

- (1) **Stayed Suspension:**
 - (a) Respondent must be suspended from the practice of law for a period of four 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 five 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 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:

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E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

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- (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. **Ethics School to be taken & passed prior to any**
1.4(c)(ii) petition filed in order for Respondent to be reinstated to active
 No Ethics School recommended. Reason: status. (SLM) [Signature]
- (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

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Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.** MPRE to be taken & passed prior to any 1.4(c)(ii) Petition filed in order for Respondent to be reinstated to active status.

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:**

Attachment language (if any):

In August 2008, Respondent voluntarily agreed to be placed on inactive enrollment status due to ongoing medical problems that disabled him from practicing law. Respondent was unable to obtain effective treatment for his problems for some time thereafter. During the time his health problems were unsuccessfully treated, Respondent was unable to comply with the conditions imposed in connection with his prior disciplinary matter, Case No. 05-O 03574.

Respondent's health over the past year has been gradually improving as the result of his finding a treatment model that appears to be enjoying success. As a result, he is now able to address and accept responsibility for the matters contained in the present stipulation.

Conclusions of Law

By violating Penal Code section 243 (e), and based upon the facts and circumstances of the conviction, Respondent engaged in other conduct warranting discipline.

Case Number 08-O- 11710 [State Bar Investigation]

1. On or about March 4, 2003, Jose Samaniego employed Respondent to represent him in a lawsuit entitled Romero v. Samco Industrial Supply, Inc. case number BC290510 filed in the Superior Court of Los Angeles. Samaniego was a named defendant.
2. On March 11, 2004, the jury returned a verdict in favor of plaintiff. Samaniego, then employed Respondent to handle an appeal. Samaniego paid the sum of \$15,000 to Respondent for the appeal.
3. On June 8, 2004, Respondent filed a Notice of Appeal. The Court of Appeal, Second District assigned case number B176105 to the matter.
4. On January 1, 2005, respondent requested an extension of time to file his opening brief. Said extension was granted.
5. On March 3, 2005, Respondent requested another extension to file his opening brief. Said extension was granted.
6. On April 7, 2005, Respondent was sent notice that the matter would be in default for failure to file an opening brief and then dismissed per rule 17 (a)(1) of the Rules of Court .
7. On May 13, 2005, the Presiding Judge of the Second Appellate District issued an order finding Appellant in default and dismissing Samaniego's appeal. Under rule 24 (b) of the California Rules of Court, relief had to be sought within fifteen days of the order. Respondent failed to take any steps to preserve the appeal.
8. On July 17, 2005, Remittitur was issued. The case was over.
9. Conclusions of Law

By failing to perform the services for which he was employed on behalf of Samaniego in the appeal subsequent to filing the Notice of Appeal, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110 (A) of the Rules of Professional Conduct.

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

Case Number 08-O-12911 [State Bar Investigation]

1. On or about January 16, 2008, Lillian Vivona employed Respondent for a criminal matter. Vivona paid an advance fee of \$5,000 to Respondent. On March 3, 2008, Respondent substituted into case number KA069957. A readiness conference was scheduled for April 17, 2008.
2. On April 17, 2008, Respondent made a motion to continue the trial date. The motion was granted and trial was set for May 28, 2008. At that time, Respondent caused Vivona to change her plea to not guilty by reason of insanity. The Court appointed two physicians to examine Vivona and submit an Evidence Code section 730 evaluation. Orders prepared by Respondent were to be submitted to the Court on or before April 21, 2008. The 730 reports were due at the next hearing date which was set for May 21, 2008, May 22, 2008, and May 23, 2008.
3. On May 23, 2008, the Court rescheduled the due date for the 730 evaluation order to May 27, 2008, as Respondent had not yet submitted the proposed order. On May 27, 2008, Respondent failed to appear when the matter was called. Respondent arrived in the courtroom at 9:30 am. The Court made a finding that on May 21, 2008, May 22, 2008, May 23, 2008, and on May 27, 2008, that Respondent failed to appear on time without good cause.
4. On June 13, 2008, Respondent made a motion for special accommodation alleging a disability based upon his June 12, 2008, 'not entitled 'status with the State Bar. This motion was denied.
5. On June 16, 2008, the Court allowed another defense attorney to substitute into the Vivona case.

Conclusions of Law

By failing to perform any services of value on behalf of Vivona aside from appearing in court on several dates, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110 (A) of the Rules of Professional Competence.

By failing to refund unearned fees to Vivona, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2) of the Rules of Professional Competence.

Case Number 08-O-13574 [State Bar Investigation]

1. On or about May 7, 2008, Rafael Ayon, a former client of Respondent's re-employed Respondent to represent him on the following day, May 8, 2008 at a probation hearing.
2. On May 8, 2008, Respondent did not appear with Ayon. A bench warrant was outstanding for Ayon.
3. On May 12, 2008, Respondent appeared with Ayon. The Court ordered Ayon taken into custody. Respondent was entrusted with Ayon's personal possessions, which were then lost.

4. Ayon remained in custody until May 30, 2008. Respondent failed to take any steps, or perform any services for Ayon from the date of his arrest.

Conclusions of Law

By failing to perform any services of value on behalf of Ayon, in the probation matter, and by failing to safely maintain the entrusted possessions on Ayon's behalf, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110 (A) of the Rules of Professional Competence.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A (7), was March 17, 2011.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Alleged Violation</u>
09-N-16218	CRC 9.20
10-O-08826	B & P 6068 (k)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 17, 2011, the prosecution costs in this matter are waived. 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.

Standard 2.4 (a), 1.7 (a)

STATE BAR ETHICS SCHOOL EXCLUSION.

It is not recommended that respondent attend State Bar Ethics School since respondent has been ordered to attend Ethics School in case number 05-O-03574 (S172357) and must provide proof of successful completion prior to being restored to active status..

FINANCIAL CONDITIONS, RESTITUTION.

Respondent must make restitution to the Client Security Fund all sums of money it has paid, in the principal amount of \$ 14,000.00 plus interest at the rate of 10% per annum calculated from the time each individual payment has been made. Said restitution shall have been made by the time of the filing of the third quarterly report of the fifth year of probation and Respondent shall furnish satisfactory evidence of restitution to the Office of Probation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of any restitution payments which were made by him during that reporting period, although it shall not be a violation of the terms and conditions of Respondent's probation if he has not made restitution payments prior to the third quarterly reporting period of the fifth year of probation.

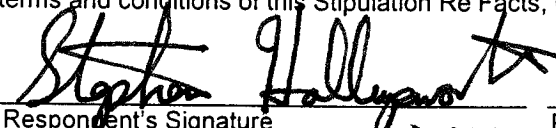
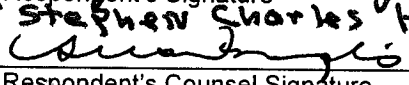
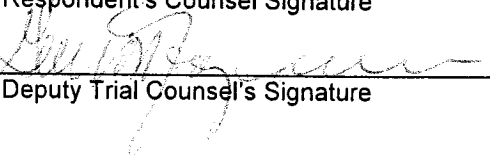
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In the Matter of: STEPHEN CHARLES HOLLINGSWORTH	Case number(s): 08-C-12309 08-O-11710, 08-O-12911, 08-O-13574, 09-N-16216
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SIGNATURE OF THE PARTIES

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 Facts, Conclusions of Law, and Disposition.

Date	April 10 th , 2011		Stephen Charles Hollingsworth
		Respondent's Signature	Print Name
		STEPHEN CHARLES HOLLINGSWORTH	
Date	April 13, 2011		Susan Margolis
		Respondent's Counsel Signature	Print Name
Date	April 14, 2011		Geri von Freyemann
		Deputy Trial Counsel's Signature	Print Name

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In the Matter of: STEPHEN CHARLES HOLLINGSWORTH	Case Number(s): 08-C-12399 (08-O-11710; 08-O-12911; 08-O-13574; 09-N-16218; 10-O-08826)
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ACTUAL SUSPENSION ORDER

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

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

Page 1 - Check Box - PREVIOUS STIPULATION REJECTED

Page 2 - B. (1)(b) - Delete - "June 16, 2009"
Add - "July 16, 2009"

Page 2 - B. (1)(d) - Add - "two years stayed suspension", three years probation."

Attachment Page 2, First paragraph - Delete - "Respondent engaged in other conduct warranting discipline."
Add - "Respondent's misconduct did not involve moral turpitude but involved other misconduct warranting discipline."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

06-07-11
Date


RICHARD A. PLATEL
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 June 8, 2011, I deposited a true copy of the following document(s):

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

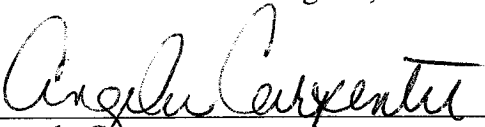
in a sealed envelope for collection and mailing on that date as follows:

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

SUSAN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES CA 90039
- 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:

GERI VONFREYMANN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 8, 2011.



Angela Carpenter
Case Administrator
State Bar Court