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

<p>Counsel For The State Bar</p> <p>Melanie J. Lawrence 1149 South Hill Street Los Angeles, CA 90015 (213)765-1066</p> <p>Bar # 230102</p>	<p>Case Number (s) 08-J-13191</p>	<p>(for Court's use)</p> <p align="center">FILED</p> <p align="center">JAN 21 2009</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Ronald G. Finch 5425 East Sandra Terrace Scottsdale, AZ 85254</p> <p>Bar # 70822</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: Ronald G. Finch</p> <p>Bar # 70822</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 22, 1976**.
- (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 **10** 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):

- costs added to membership fee for calendar year following effective date of discipline.
- 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 **04-1473 (State Bar of Arizona)**
 - (b) Date prior discipline effective **May 5, 2005**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rule 42, Ariz.R.S.Ct.**
 - (d) Degree of prior discipline **Informal Reprimand**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.
- (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 **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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) 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.

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- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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 within one year. **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) **Other Conditions:**
- In lieu of the California State Bar Ethics School required under condition E(7), since Respondent resides out of the state, Respondent may elect instead to attend the Arizona State Bar Ethics Enhancement Program and provide the Office of Probation satisfactory proof of attendance and passage of any test given in conjunction with the program, within one year of the effective date of the discipline herein.**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Ronald Grady Finch

CASE NUMBER(S): 08-J-13191

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:

The parties waive any variance between the Notice of Disciplinary Charges filed on October 9, 2008, and the facts and/or conclusions of law contained in this stipulation and waive the issuance of an Amended Notice of Disciplinary Charges. The parties further waive the right to the filing of an Amended Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

A. 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:

Facts:

1. On June 29, 2004, by Order of the Immigration Court, Sindy Gonzalez-Lopez ("Gonzalez-Lopez") was ordered removed in absentia from the United States.
2. In March 2006, Gonzalez-Lopez hired Respondent to represent her in an attempt to reverse the Order of Removal. On March 13, 2006, Respondent filed a Motion to Reopen Gonzalez-Lopez's case.
3. An Individual Hearing on the merits of Ms. Gonzalez-Lopez's Motion to Reopen was scheduled for May 15, 2007.
4. Respondent knew of the scheduled date on which the hearing on the merits of Gonzalez-Lopez's Motion to Reopen was to be held.
5. Respondent thereafter failed to notify Gonzalez-Lopez of the May 15, 2007, Individual

Hearing date to be held in her matter.

6. Respondent and Ms. Gonzalez-Lopez were given until January 24, 2007, to file an Application for Cancellation of Removal to accompany Gonzalez-Lopez's Motion to Reopen.
7. Respondent failed to notify Gonzalez-Lopez of the deadline to file the Application for Cancellation of Removal.
8. On March 5, 2007, approximately six weeks after the deadline to do so, Respondent filed the Application for Cancellation of Removal on behalf of Gonzalez-Lopez.
9. On March 6, 2007, as a result of Respondent's late filing of the Application for Cancellation of Removal, the Immigration Judge denied Gonzalez-Lopez's Motion to Reopen.
10. As a result of Respondent's late filing of Gonzalez-Lopez's application, the Immigration Court deemed that Gonzalez-Lopez had abandoned her request for Cancellation of Removal.
11. Respondent was admitted to the State Bar of Arizona on October 11, 1975 and has at all times, been a member of the State Bar of Arizona.
12. On May 5, 2005, Respondent received an Informal Reprimand from the State Bar of Arizona for violating Rule 42, Ariz.R.S.Ct., by engaging in conduct prejudicial to the administration of justice. Respondent knew he had been reprimanded but did not report the imposition of discipline in Arizona to the California State Bar in writing or otherwise, within 30 days.

Conclusions of Law:

By failing to notify Gonzalez-Lopez of the date of the Individual Hearing on her Motion to Reopen, failing to notify Gonzalez-Lopez of the deadline to file the Application for Cancellation of Removal and then, filing the Application for Cancellation of Removal approximately six weeks late resulting in denial of the Application and the Immigration Court deeming the request for Cancellation of Removal, abandoned, 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 knowing he had been disciplined in Arizona and then failing to report the imposition of discipline to the California State Bar in writing, within 30 days, Respondent willfully violated Business and Professions Code section 6068(o)(6).

B. AUTHORITIES SUPPORTING DISCIPLINE.

Standards for Attorney Sanctions for Professional Misconduct:

Where a member has one prior record of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust. (Std. 1.7(a).)

Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client. (Std. 2.4(b).)

Culpability of a member for a violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline. (Std. 2.6(a).)

Aggravating Circumstances:

Respondent has one prior record of discipline which was imposed by the Arizona State Bar May 5, 2005. That prior record did not come to the attention of the California State Bar until the instant proceedings were reported to the California State Bar.

Mitigating Circumstances:

Respondent self-reported the misconduct in the Gonzalez-Lopez matter to the Arizona State Bar.

Respondent has attempted to rectify the consequences of his misconduct and continues to represent Gonzalez-Lopez in a pending Motion to Reopen her case before the Board of Immigration Appeals.

Respondent has cooperated with both the Arizona State Bar and the California State Bar in the investigation and resolution of these proceedings.

Case Law:

In *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, an attorney with no prior record of discipline was ordered suspended for six months, stayed, and placed on one year of probation for misconduct in one client matter. The attorney represented a client in a marital dissolution case

and performed work on the matter for five months. Thereafter he failed to communicate with his client, take action on the matter, or withdraw. His inattention to the matter spanned one year. In aggravation, the attorney lacked appreciation for the disciplinary process and the charges against him.

C. COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 6, 2009, the costs in this matter are estimated at \$1,636.00. 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 Ronald G. Finch	Case number(s): 08-J-13191
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SIGNATURE OF THE PARTIES

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

<u>1/9/09</u> Date	<u>Ronald G. Finch</u> Respondent's Signature	<u>Ronald G. Finch</u> Print Name
<u>1/16/09</u> Date	<u>Melanie J. Lawrence</u> Respondent's Counsel Signature	<u>Melanie J. Lawrence</u> Print Name
	<u>Melanie J. Lawrence</u> Deputy Trial Counsel's Signature	<u>Melanie J. Lawrence</u> Print Name

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In the Matter Of Ronald G. Finch	Case Number(s): 08-J-13191
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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.)**

01-21-09
Date


Judge of the State Bar Court

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 January 21, 2009, 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:

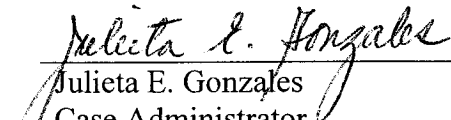
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RONALD GRADY FINCH ESQ
5425 EAST SANDRA TERRACE
SCOTTSDALE, AZ 85254

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

Melanie J. Lawrence, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 21, 2009.



Julieta E. Gonzales
Case Administrator
State Bar Court