


(Do not write above this line.)

State Bar Court of California

Hearing Department
Los Angeles**PUBLIC MATTER**

Counsel For The State Bar Erin McKeown Joyce DEPUTY TRIAL COUNSEL 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1356 Bar # 149946	Case Number (s) 08-O-10062 08-O-10260 09-J-13261 09-O-10025 09-O-10518 09-O-13776 09-O-15418 09-O-19167 10-O-01086 10-O-03174	(for Court's use) <div style="text-align: center;"> FILED MAY 26 2010 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center;"> kwiktag® 022 606 038  </div>
Counsel For Respondent Robert G. Berke Berke Law Offices 7236 Owensmouth Avenue, Suite D Canoga Park, CA 91303 (818) 389-0596 Bar # 148957	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: JAEFFREY J. ARTZ Bar # 163141 A Member of the State Bar of California (Respondent)		

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 14, 1992.
- (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 17 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(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.
- (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 promptly met with the State Bar's representatives, admitted culpability and agreed to resolve these matters at the earliest opportunity.
- (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 four (4) years.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
 - ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of four (4) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

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

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .

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

The Attachment to Stipulation Re Facts, Conclusions of Law and Disposition comprise pages 9 through 16.

In the Matter of
JAEFFREY J. ARTZ

A Member of the State Bar

Case number(s):

**08-O-10062, 08-O-10260, 09-J-13261, 09-O-10025,
09-O-10518, 09-O-13776, 09-O-15418, 09-O-19167,
10-O-01086, 10-O-03174**

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 Jaeffrey J. Artz

PENDING PROCEEDINGS:

The disclosure date referred to on page one, paragraph A.(7), was May 4, 2010.

Case No. 08-O-10062

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. In 2002, Rene Monter-Gonzalez and Marcielo Monter hired Sergio Picasso, a non-lawyer, for their immigration matter. Picasso arranged for Respondent to handle the Monters' immigration matter. Picasso was employed in Respondent's office at the time of the retention.
2. Respondent appeared on the Monters' behalf in their immigration matter, but failed to explain to the Monters the status of their legal matter.
3. In May 2007, the Immigration Court denied the Monters' Application for Cancellation of Removal, finding that the court was not provided with sufficient material evidence. The court further found that the declarations submitted on behalf of the Monters were boilerplate, inconsistent, and that their papers cited the wrong legal standard. Respondent had failed to properly prepare the application and failed to provide proper declarations to the court with the application.
4. The Monters appealed through new counsel. The Board of Immigration Appeals reopened the Monters' case based on a finding of ineffective assistance of counsel.

CONCLUSIONS OF LAW

By mishandling the Monters' immigration matter, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 08-O-10260

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. In 2002, Sandro Escobar hired Picasso and Respondent for an immigration matter. At the time, Picasso was employed by Respondent in his law office.
2. Respondent provided no legal services of value to Escobar.

CONCLUSIONS OF LAW

By failing to provide legal services of value to Escobar, after accepting employment in Escobar's legal matter through Respondent's office staff, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 09-O-10025

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. In March 2001, Tomas Ponce hired Picasso and Respondent for an immigration matter. At the time, Picasso was employed in Respondent's office.
2. Respondent appeared in court on Ponce's immigration matter on Ponce's behalf.
3. Respondent failed to file the appropriate documentation for Ponce's immigration matter, and instead pursued a frivolous political asylum application.

CONCLUSIONS OF LAW

By mishandling Ponce's immigration matter, and specifically pursuing a frivolous political asylum application on behalf of Ponce, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 09-O-10518

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. In September 2005, Amador Hurtado and Carolia Nunez hired Respondent to represent Hurtado in an immigration matter.
2. Respondent performed no services of value for Hurtado. Both Hurtado and Nunez called Respondent's office repeatedly to request a status report on Hurtado's legal matter. Respondent did not respond.
3. Because Respondent failed to perform, Hurtado lost his employment, since he did not timely obtain a work permit.

CONCLUSIONS OF LAW

By mishandling Hurtado's immigration matter, and specifically failing to proceed with efforts to obtain a work permit for Hurtado, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

FACTS

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct.

1. Sometime after December 14, 1992, Respondent was admitted to practice before the United States Ninth Circuit Court of Appeals ("Ninth Circuit").

2. On January 21, 2009, the Ninth Circuit filed an order to show cause why Respondent "should not be sanctioned in an amount not to exceed \$5,000, suspended or disbarred for repeated violation of this court's rules and orders and the rules of professional conduct, and for conduct unbecoming a member of this court's bar in many of the 102 cases in which he has appeared before the court to date." The Ninth Circuit cited the following California Rules of Professional Conduct and statutes as potential violations:

Rule of Professional Conduct 3-110(A) – failing to act competently
Business and Professions Code section 6103 – failing to obey a court order.

3. Prior to the issuance of the January 21, 2009 order to show cause, Respondent had been subject to a August 15, 2003 sanctions order, an Appellate Commissioner's February 15, 2006 warning letter, and an Appellate Commissioner's August 26, 2008 warning letter, for Respondent's continued mishandling of immigration appeals before the Ninth Circuit.

4. On March 19, 2009, the Ninth Circuit issued an order scheduling the hearing on the order to show cause for April 21, 2009. The hearing was rescheduled for April 28, 2009.

5. Respondent participated in the April 28, 2009 order to show cause hearing.

6. On May 28, 2009, Peter L. Shaw, the Appellate Commissioner who presided over the order to show cause hearing, issued a report and recommendation recommending that Respondent be disbarred from practice before the Ninth Circuit. In addition to finding that Respondent violated Rule of Professional Conduct 3-110(A), the Appellate Commissioner found that Respondent also violated Rule of Professional Conduct 1-600 and Business and Professions Code section 6105.

7. On June 26, 2009, the report and recommendation was served by the Clerk of the Ninth Circuit by certified mail, return receipt requested, on Respondent at his address of record with the Ninth Circuit. Respondent received the report and recommendation. Respondent failed to file any objections to the report and recommendation.

8. On July 31, 2009, a panel of the Ninth Circuit adopted the Appellate Commissioner's report and recommendation in full. The court ordered that Respondent be disbarred from the practice of law before the Ninth Circuit effective on the filing date of the order pursuant to Federal Rule of Appellate Procedure 46(c).

9. On July 31, 2009, the Clerk of the Ninth Circuit served the July 31, 2009 disbarment order on Respondent by Federal Express at his address of record with the Ninth Circuit. Respondent received the July 31, 2009 disbarment order.

10. The July 31, 2009 disbarment order became final.

CONCLUSIONS OF LAW

Respondent's culpability as determined by the Ninth Circuit in its July 31, 2009 disbarment order establishes that Respondent violated the following California Rules of Professional Conduct:

Rule of Professional Conduct 3-110(A)
Rule of Professional Conduct 3-700(A)

Case No. 09-O-13776

FACTS

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. From 2002 into 2009, Respondent represented Cruz Ramirez in an immigration matter.
2. Respondent failed to properly handle Ramirez' immigration matter, failed to prepare for Ramirez' merits hearing in late 2008, and failed to prepare Ramirez to testify at the merits hearing. Respondent never notified Ramirez that the hearing set for late 2008 was her merits hearing, because he failed to properly calendar the date as other than a routine hearing.
3. At the merits hearing, the court denied Ramirez the requested relief. The court further found that Respondent's deficient performance provided Ramirez with ineffective assistance of counsel at her merits hearing.

CONCLUSIONS OF LAW

By mishandling Ramirez' immigration matter from 2002 into 2009, and specifically failing to prepare for the merits hearing and failing to prepared Ramirez for the merits hearing, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 09-O-15418

FACTS

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

3. In 2003, Guadalupe and Cervando Arredondo hired Respondent for an immigration matter. The Arredondos paid Respondent over \$17,000 in the time period 2003 through May 2009.

4. Respondent provided bad legal advice to the Arredondos about filing asylum applications on their behalf. Neither of the Arredondos qualified for political asylum. Respondent filed the defective asylum applications on behalf of the Arredondos as *pro per* applications, without notifying the Arredondos that he did not file the applications as the Arredondos' attorney.

5. Eventually the defective asylum applications were denied.

6. Respondent filed appeals on the Arredondos' behalf, again as *pro per* appeals, without notifying the clients of the fact that they were representing themselves in the appeals.

7. In April 2009, the Arredondos received an order denying the Arredondos' appeals and allowing voluntary departure. At that point, Respondent's office told the clients that Respondent could do nothing further for them.

CONCLUSIONS OF LAW

By mishandling the Arredondos' immigration matters from 2003 through May 2009, and failing to inform the clients that he elected to file asylum applications and appeals on their behalf as *pro per* filings, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 09-O-19167

FACTS

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. In 2005, Moustafa Haridy hired Respondent for an immigration matter. Haridy's immigration petition had just been denied. Respondent was hired to pursue an appeal before the BIA on behalf of Haridy.

2. Respondent filed a deficient appeal before the BIA on behalf of Haridy, and failed to raise important issues. The BIA denied Haridy's appeal.

3. Respondent then provided bad legal advice to Haridy to file a motion to reopen instead of a petition for review.

4. Respondent also failed to pursue an adjustment of status for Haridy based on his marriage to a U.S. citizen.

5. As the result of Respondent's bad legal advice, Haridy's immigration matter has been jeopardized. Haridy only learned of Respondent's misconduct when he sought the legal advice of another attorney in late 2009.

CONCLUSIONS OF LAW

By mishandling Haridy's immigration matter from 2003 forward, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 10-O-01086

FACTS

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

1. In July 2008, German Ixcoy hired Respondent for an immigration matter. Respondent was hired to pursue an appeal before the BIA on behalf of Ixcoy.
2. Respondent filed a deficient appeal before the BIA on behalf of Ixcoy, and failed to raise important issues. The BIA denied Ixcoy's appeal.
3. As the result of Respondent's deficient performance of legal services for Ixcoy, Ixcoy's immigration matter has been compromised.

CONCLUSIONS OF LAW

By mishandling Ixcoy's immigration matter and filing a deficient appeal before the BIA on behalf of Ixcoy, Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence.

Case No. 10-O-03174

FACTS

Respondent admits the following facts are true and that he is culpable of violation of the specified Rule of Professional Conduct.

1. Respondent maintained a client trust account at Bank of America, Account No. XXXXX-XX136. (the "136 Account").
2. On January 8, 2010, Respondent issued check No. 7300 on the 136 Account to pay a personal expense.
3. At the time Respondent issued check No. 7300, he maintained his own monies in the 136 Account, without promptly withdrawing them.

CONCLUSIONS OF LAW

By commingling his own funds in the 136 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. Also, 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.

Pursuant to Standard 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of a violation of rule 3-110(A) of the Rules of Professional Conduct shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Respondent has engaged in repeated violations of Rule of Professional Conduct 3-110(A) in the handling of immigration matters before the Ninth Circuit. A long period of actual suspension is warranted under the circumstances since Respondent engaged in a pattern of misconduct involving his immigration practice. *In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944; *In the Matter of Wolff* (Review Dept. 2006) 5 Cal. Bar Ct. Rptr. 1.

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

Culpability of a member of commingling 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 wilful 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.

COSTS OF DISCIPLINARY PROCEEDINGS:

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 12, 2010, the prosecution costs in this matter are \$5,444.39. 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
Jaeffrey J. Artz

Case number(s):

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10-O-01086, 10-O-03174

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.

5/10/10
Date

5/10/2010
Date

May 10, 2010
Date


Respondent's Signature

Jaeffrey J. Artz
Print Name


Respondent's Counsel Signature

Robert G. Berke
Print Name


Deputy Trial Counsel's Signature

Erin McKeown Joyce
Print Name

(Do not write above this line.)

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**08-O-10260, 08-O-10062, 09-J-13261, 09-O-10025,
09-O-10518, 09-O-13776, 09-O-15418, 09-O-19167,
10-O-01086, 10-O-03174**

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.)**

5/24/10
Date



Judge of the State Bar Court
RICHARD A. HONN

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 May 26, 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:

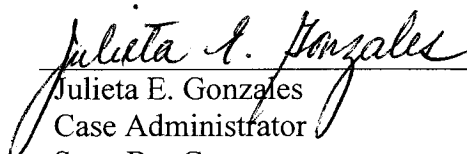
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ROBERT G BERKE ESQ
BERKE LAW OFCS
7236 OWENSMOUTH AVE STE D
CANOGA PARK, CA 91303

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

Erin M. Joyce, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 26, 2010.



Julieta E. Gonzales
Case Administrator
State Bar Court