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

Counsel For The State Bar

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Bar # 146643

In Pro Per Respondent

Mario Casillas
812 W. Las Tunas Dr.
San Gabriel, CA 91776
(626) 372-9440

Bar # 187727

In the Matter Of:
Mario Casillas

Bar # 187727

A Member of the State Bar of California
(Respondent)

Case Number (s)
08-O-112

(for Court's use)

PUBLIC MATTER

FILED

MAR 16 2010 *XOC*

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Submitted to: **Assigned Judge**

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

STAYED SUSPENSION; NO ACTUAL SUSPENSION

PREVIOUS STIPULATION REJECTED

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 **March 24, 1997**.
- (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 **9** 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."



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- (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: **2011 and 2012** (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 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

Respondent has no prior record of discipline since his admission to the State Bar in March 1997. Respondent was candid and cooperative with the State Bar and expressed his remorse for his misconduct. Respondent demonstrated recognition of wrongdoing by entering into this stipulation, thereby saving the resources of the State Bar. Considerable time has passed since the misconduct without further complaints against Respondent. Respondent experienced personal problems during

his representation of his client which caused or contributed to his misconduct. As such, Respondent's misconduct is deemed aberrational and not likely to be repeated.

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.
- (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:**

G. SUPPORTING AUTHORITIES:

Standard 2.3, Standards for Attorney Sanctions for Professional Misconduct ("standards") provides that the culpability of a member of an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

However, the standards, while entitled to great weight, do not mandate a specific discipline. The court is "not bound to follow the standards in talismanic fashion. . .," but the Supreme Court is ". . . permitted to temper the letter of the law with considerations peculiar to the offense and the offender." [Citations.] ". . . [A]lthough the standards were established as guidelines, ultimately, the proper recommendation of discipline rest[s] on a balanced consideration of the unique factors in each case. [Citations.] " (In the Matter of VanSickle (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.)

The discipline imposed by the Supreme Court in the following cases, involving acts of moral turpitude by attorneys and decided prior to the adoption of the standards, ranged from a reprimand to a public reproof: *Mosesian v. State Bar* (1972) 8 Cal.3d 60; *Mushrush v. State Bar* (1976) 17 Cal.3d 487; *Davidson v. State Bar*

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(1976) 17 Cal.3d 570; In re Cooper (1971) 5 Cal.3d 256; and DiSabatino v. State Bar (1980) 27 Cal.3d 159.

No significant harm resulted from Respondent's misrepresentation about collecting settlement funds for Jimenez, as it did not result in resolution of the outstanding lien. The mitigating factors present and the lack of aggravating factors warrant deviation from the standards.

Attachment language (if any):

Respondent admits that the following facts are true and that he is culpable of the following violation:

FACTS:

1. In 2001, Gabriel Jimenez ("Jimenez") employed Respondent to represent him in a personal injury claim arising from a May 2001 incident. Jimenez received medical treatment by Pacific Hospital of Long Beach ("Pacific") for injuries related to the incident.
2. Respondent failed to preserve Jimenez's personal injury claim by filing a lawsuit on his behalf before the statute of limitation expired due to his negligence. As a result, Respondent received no monetary recovery on behalf of Jimenez.
3. In or about September 2003, Jimenez informed Respondent that he had been contacted by Pacific for payment of its bill for the medical treatment related to the incident. Knowing that he had not filed lawsuit on behalf of Jimenez before the expiration of the statute of limitations, Respondent executed a lien in favor of Pacific and against any recovery he received on behalf of Jimenez on the claim (the "lien") in order to stave off Pacific's collection efforts.
4. In or about September 2005, Interstate Debt Managers ("IDM"), the collection agency for Pacific, contacted Jimenez regarding Pacific's outstanding bill. Jimenez informed Respondent of this contact by IDM.
5. On or about September 9, 2005, IDM sent a letter to Respondent. In the letter, IDM requested payment of the lien if the claim had settled.
6. On or about September 30, 2005, Respondent sent a letter to IDM. In the letter, Respondent falsely represented that he had settled the claim for \$3,100, and that the funds were allocated as follows: \$900 for attorney fees, \$900 for the client, and \$1,300 for medical bills. Jimenez received a copy of the letter from IDM.
7. On or about March 22, 2008, after Jimenez submitted a complaint to the State Bar of California regarding the representation, Respondent sent a letter to Jimenez, explaining his letter to IDM. In the letter, Respondent acknowledged that he never settled Jimenez's claim and that he sent the September letter to IDM in an attempt to negotiate a reduction of the hospital's outstanding bill. Respondent further stated in the letter that his attempt failed, and added, "I believed the provider would cease collection efforts if they knew there were minimal or no funds available for recovery." Respondent also expressed his remorse to Jimenez for his misconduct.

CONCLUSION OF LAW:

By falsely representing to IDM in the September letter that he had settled Jimenez's claim for \$3,100, and that the funds were allocated as follows: \$900 for attorney fees, \$900 for the client, and \$1,300 for medical bills, Respondent wilfully committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code section 6106.

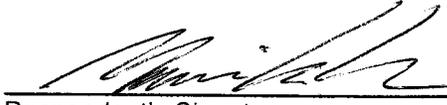
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In the Matter of Mario Casillas	Case number(s): 08-O-11212
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SIGNATURE OF THE PARTIES

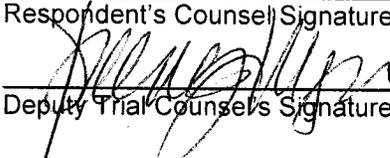
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

3/8/10
Date


Respondent's Signature

Mario Casillas
Print Name

3/9/10
Date


Deputy Trial Counsel's Signature

Diane J. Meyers
Print Name

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In the Matter Of Mario Casillas	Case Number(s): 08-O-11212
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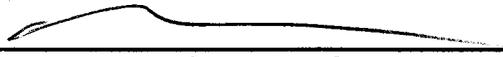
ORDER

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.)**

03-15-10
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 March 16, 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:

MARIO CASILLAS
LAW OFC MARIO CASILLAS
812 W LAS TUNAS DR
SAN GABRIEL CA 91776

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:

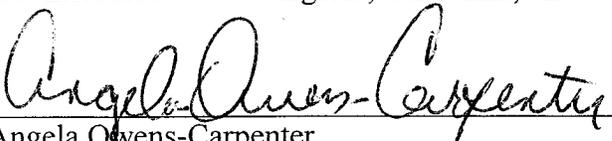
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

DIANE MEYERS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 16, 2010.


Angela Owens-Carpenter
Case Administrator
State Bar Court