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

<p>Counsel For The State Bar</p> <p>Dane C. Dauphine supervising Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015-2299 (213) 765-1293</p> <p>Bar # 121606</p>	<p>Case Number (s) 08-O-14270, 09-O-11036, 09-O-11672</p>	<p>(for Court's use)</p> <p>FILED</p> <p>DEC - 4 2009 <i>JK</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Carl J. Hoppes 4721 3rd St. La Mesa, CA 91941-5208 (619) 644-9500</p> <p>Bar # 147820</p>	<p>Submitted to: Assigned Judge</p>	
<p>In the Matter Of: CARL JACOB HOPPE</p> <p>Bar # 147820</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 **August 10, 1990**.
- (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 **12** 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, 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. **Client Heidi Argandona has been harmed by Respondent's failure to refund \$9,678 in unearned fees since July 2007.**
- (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. **Although not establishing a pattern, there were three client matters.**
- (8) **No aggravating circumstances** are involved.

(Do not write above this line.)

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 told client Heide Argandona when she requested a refund of unearned fees that he did not then have the money and that she could receive payment from the firm's Chapter 13 bankruptcy filing.**
- (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. **Respondent had a good faith belief that his fee agreement in the Lehrer case made the fees paid by Lehrer nonrefundable.**
- (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. **On June 6, 2006, Respondent's firm filed a Chapter 13 bankruptcy petition, and the case is still pending.**
- (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.**

(Do not write above this line.)

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.

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- (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 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 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 the Matter of CARL JACOB HOPPEs	Case number(s): 08-O-14270, 09-O-11036, 09-O-11672
A Member of the State Bar	

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Heidi Argandona (Spinali)	\$9,678.43	July 17, 2007
Brian Lehrer	\$1,620.50	March 5, 2009

- 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
Heidi Argandona (Spinali)	\$2,000	quarterly
Brian Lehrer	\$250	quarterly

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";

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

- 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: CARL JACOB HOPPES

CASE NUMBER(S): 08-O-14270, 09-O-11036, 09-O-11672

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.

THE GLADDEN MATTER

FACTS:

1. On or about August 14, 2007, Sandra Gladden ("Gladden") hired Respondent to represent her in a marital dissolution action. Gladden signed a fee agreement which provided for Gladden to pay a \$2,500 retainer fee, stating that the retainer was a nonrefundable retainer to reserve a block of attorney time but that Respondent's fees and costs would be applied against the retainer fee. Gladden paid Respondent \$2,820 as advanced fees for his legal services.
2. On or about August 28, 2007, Respondent filed a petition for dissolution of marriage on behalf of Gladden in the San Diego County Superior Court, case number DN147909 ("the Gladden case"). Thereafter, Gladden's husband filed a motion to dismiss the Gladden case on the grounds that he had previously filed a petition for dissolution in Florida, the state of Gladden's residence.
3. On or about November 27, 2007, Respondent appeared in court on behalf of Gladden. On or about November 30, 2007, the court dismissed the Gladden case in favor of another state's jurisdiction. Thereafter, Respondent's representation of Gladden terminated.
4. At the time that Respondent's representation terminated, he had last billed Gladden on November 6, 2007, for services through October 29, 2007, and that billing showed a credit balance of \$1,219.50. Respondent did not provide a further billing to account for the fees paid by Gladden until a final bill dated January 4, 2008, was prepared which included Respondent's representation at the November court hearing and subsequent email communications with Gladden on November 28, 2007, and December 5, 2007. That billing showed a credit balance of \$40.50.
5. In January of 2008, Gladden moved from a residence in Coral Springs, Florida, to a new address. Respondent's final billing to Gladden dated January 4, 2008, was addressed to Gladden at the Coral Springs address. Gladden did not receive that billing.
6. On or about February 25, 2008, Gladden sent an email to Respondent's assistant, Kelly Molina ("Molina"), stating that she had not received her client file. On or about the same date, Molina sent Gladden an email stating that she would send another copy of the file to Gladden.
7. On or about March 3, 2008, Gladden sent an email to Respondent's office indicating that she had not received her file or any accounting from Respondent for the fees paid. At that time, Molina

8

Attachment Page 1

responded by email to Gladden indicating that she would locate Gladden's bills and fax them to her. Molina did not send to Gladden the file or a final invoice for Respondent's services to account for the fees paid by Gladden.

8. Gladden also sent a letter to Respondent on or about March 3, 2008, via certified mail. The letter informed Respondent that she still had not received her file. The letter also indicated that Gladden believed she was owed \$1,219.50 in unearned fees according to Respondent's last invoice dated November 6, 2007 and that she had not received a refund or an accounting for the fees. Respondent received the letter.

9. Respondent did not provide Gladden with her file promptly upon receiving her written request or communicate with her to arrange for release of the file. In September 2008, Gladden spoke by telephone with Respondent's paralegal who informed her that the file was in storage. Respondent is informed by his paralegal that, on September 14, 2008, the paralegal took Gladden's original file to the post office to send to Gladden, but the cover letter prepared by the paralegal was addressed to Gladden at the wrong address. Gladden never received the file.

10. On or about September 17, 2008, Respondent filed a complaint against Respondent with the State Bar of California.

11. On or about February 5, 2009, Respondent sent a letter to a State Bar investigator responding to Gladden's complaint. In his response, he stated that Gladden had a \$40 credit balance according to Respondent's invoices.

12. On or about February 23, 2009, Respondent sent to Gladden copies of his invoices, including the January 4, 2008, billing which showed a credit balance due to Gladden of \$40.50. Respondent did not include a refund of that amount.

13. On October 12, 2009, Respondent issued a check to Gladden for a \$40.00 refund.

CONCLUSIONS OF LAW:

14. By failing to respond promptly to Gladden's written request for her file in March 2008, Respondent failed to release to the client upon termination of employment and at the request of the client all client papers in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

15. By not refunding \$40.50 in unearned fees to Gladden in January 2007 when the final billing to her was prepared, Respondent failed to refund promptly upon termination of employment any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

THE ARGANDONA MATTER

FACTS:

16. On or about June 10, 2004, Heidi Argandona ("Argandona") employed Respondent to represent her in a marital dissolution proceeding. Argandona agreed to pay Respondent an hourly fee for his legal services.

17. On or about December 18, 2006, Respondent withdrew from a trust account he maintained in Argandona's name the sum of \$15,000 which he had been authorized to receive as both advanced fees and in payment of earned fees of approximately \$2,098.

18. On or about March 13, 2007, Argandona informed Respondent by telephone that his services were terminated and that she wanted a final accounting for the fees and a refund of unearned fees. When Respondent did not provide the accounting and refund, Argandona went to Respondent's office on March 27, 2007, and met with Respondent. At that time, Respondent acknowledged to Argandona that he did not have the financial means to refund to her the unearned fees. Respondent told her that she could receive payment from the firm's Chapter 13 bankruptcy filing.

19. On or about July 17, 2007, Respondent provided a final invoice for Argandona to her counsel. The invoice dated July 17, 2007, indicated that there was a credit balance owed to Argandona of \$9,678.43. Respondent has not refunded any amount of the unearned fees to Argandona.

CONCLUSIONS OF LAW:

20. By not providing Argandona with an accounting for the advanced fees until July 17, 2007, Respondent failed to render appropriate accounts to a client regarding her funds in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

21. By not refunding \$9,678.43 in unearned fees to Argandona promptly upon termination of employment, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

THE LEHRER MATTER

FACTS:

22. On or about December 22, 2008, Brian Lehrer ("Lehrer") employed Respondent to represent him in a marital dissolution proceeding filed by Lehrer's wife. Lehrer signed a fee agreement which provided for him to pay a \$2,500 retainer fee, stating that the retainer was nonrefundable to reserve a block of attorney time but that Respondent's fees and costs would be applied against the retainer fee. At that time, Lehrer paid Respondent \$2,500 in advanced fees.

23. On or about January 7, 2009, Respondent filed a response on behalf of Lehrer in the San Diego County Superior Court, case no. S37002 ("the Lehrer case"). Thereafter, Lehrer and his wife decided to move to New Jersey and not pursue the dissolution proceedings in California.

24. According to Respondent's invoice dated January 14, 2009, Lehrer had a credit of \$1,620.50. Respondent did not provide Lehrer with any further accounting for the fees received from Lehrer.

25. On or about February 9, 2009, Lehrer sent an email to Respondent informing him that Lehrer was terminating Respondent's representation. In the email, Lehrer requested that Respondent refund unearned fees. Respondent received the email.

26. On or about March 5, 2009, Respondent filed a substitution of attorney in the Lehrer case substituting out as Lehrer's counsel.

27. On or about March 9, 2009, Respondent informed Lehrer by email that he would not refund any fees to Lehrer. Respondent took that position relying upon the provision in his fee agreement that the amount paid was nonrefundable. Respondent did not earn the remaining balance of \$1,620.50 in fees paid by Lehrer for legal services. Respondent has not refunded the unearned fees to Lehrer.

CONCLUSIONS OF LAW:

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

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 2, 2009.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct (the "Standards"):

Standard 1.6(a) provides that where two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanctions imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.2(b) provides for a minimum actual suspension of three months irrespective of mitigating circumstances for the commission of a violation of rule 4-100, Rules of Professional Conduct, which does not result in the willful misappropriation of entrusted funds or property.

Standard 2.10 provides for a reproof or suspension according to the gravity of the offense or the harm, if any, to the victim for offenses involving other violations not specified in other standard.

Case Law

Although standard 1.2(b) provides for a minimum discipline of 3-months of actual suspension, a failure to render appropriate accountings for client funds has resulted in stayed suspension and actual suspension of less than 90 days. (*In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 751 [60-day actual suspension for failure to account for fees and conflicts in two client matters where attorney had 25 years with no discipline]; *In the Matter of Cacioppo* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 128 [six-month stayed suspension for failure to render a proper accounting of settlement funds and failing to communicate, where attorney had prior public reproof]; *In the Matter of Lazarus* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 387 [two-month stayed suspension for failure to notify client of receipt of settlement funds and failure to render an accounting of settlement funds].)

Failure to refund an unearned fee has resulted in discipline of a public reproof for a single violation or actual suspension up to 6 months where there are repeated violations or other misconduct. (*Matthew v. State Bar* (1989) 49 Cal.3d 784 [60-days actual suspension for failing to account for and/or refund unearned fees in three matters and failing to and failing to perform services diligently in two of the matters; no prior record of discipline]; *In the Matter of Lindmark* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 668 [public reproof for failure to refund \$5,000 which was eventually reduced to a judgment

against the attorney and collected by a bank account levy 21 months after termination of employment; no prior discipline]; *In the Matter of Nees* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 459 [6-month suspension in a default case for failing to communicate with the client in a habeas corpus case, failing to perform services, failing to release the client file, and failing to refund unearned fees on \$7,000, all in one client matter, no prior discipline]; *In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703 [public reproof for failure to refund \$1,000 in unearned fees for 15 months until after State Bar involvement; prior private reproof considered remote in time]; *In the Matter of Kennon* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 267 [30-days actual suspension for failing to perform and communicate in two client matters and failing to refund unearned fees of \$2,000 in one of the cases; no prior discipline].)

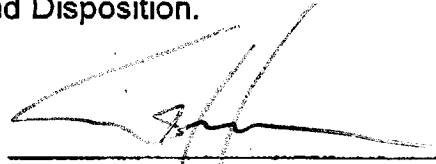
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In the Matter of CARL JACOB HOPPES	Case number(s): 8-O-14270, 09-O-11036, 09-O-11672
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SIGNATURE OF THE PARTIES

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.

11/18/09
Date


Respondent's Signature

Carl J. Hoppes
Print Name

11/19/09
Date

Dane C. Dauphine
Deputy Trial Counsel's Signature

Dane C. Dauphine
Print Name

(Do not write above this line.)

In the Matter Of CARL JACOB HOPPE	Case Number(s): 08-O-14270, 09-O-11036, 09-O-11672
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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 stipulation consists of 13 pages, not 12 (see ¶ A, (3).)

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.)

12/3/09
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 December 4, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION

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:

CARL J. HOPPEs
HOPPEs & ASSOCIATES
4721 3RD ST
LA MESA, CA 91941 - 5208

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

DANE C. DAUPHINE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 4, 2009.



Tammy Cleaver
Case Administrator
State Bar Court