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**State Bar Court of California  
Hearing Department  
San Francisco  
ACTUAL SUSPENSION**

<b>Counsel For The State Bar</b>  Mark Hartman Deputy Trial Counsel 180 Howard Street, 7th fl. San Francisco, Ca 94115 Telephone: (415) 538-2558  Bar # 114925	<b>Case Number(s):</b> 08-O-14845	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b> <b>MAR 29 2011</b> <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
<b>In Pro Per Respondent</b>  NWABUEZE C.I. EZEIFE 480 Roland Way, Suite 101 Oakland, CA 94621-2052 Telephone: (510) 633-4737  Bar # 165472	<b>Submitted to:</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b>  NWABUEZE C.I. EZEIFE aka DOZIE IKE EZEIFE  Bar # 165472  A Member of the State Bar of California (Respondent)	<div style="text-align: center;">kwiktag® 018 042 871 </div>	

**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 June 15, 1993.
- (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.

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

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

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
  - (a) ☒ State Bar Court case # of prior case 00-O-12263 et al.
  - (b) ☒ Date prior discipline effective January 4, 2004.
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules 4-100(A), 4-100(B)(3), 3-700(D)(1), 3-110(A), 3-700(A)(2), and 1-300(A) of the RPC and sections 6068(b), 6068(m), 6103, and 6106 of the Business and Professions Code.
  - (d) ☒ Degree of prior discipline Stayed suspension for two years and until rehabilitation and (2) probation for three years, conditioned on actual supervision for six months and until respondent paid restitution and met requirements regarding Ethics School and Client Trust Accounting School.
  - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below.

SECOND PRIOR RECORD OF DISCIPLINE

State Bar case 06-O-12913, et al.

Date prior discipline effective: September 3, 2010

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Rules of Professional Conduct/State Bar Act violations: Rules 3-110(A) and 3-200(B) of the Rules of Professional Conduct and sections 6068(a), 6090.5(a)(2), and 6103 of the State Bar Act.

Degree of discipline: (1) Stayed suspension for one year and (2) probation for two years, conditioned on actual suspension for nine months.

- (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.

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- (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 three years.
- i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.
- (2) ☒ **Probation:**
- Respondent must be placed on probation for a period of four 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 one year.

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- 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 the 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 5.162(A) & (E), 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:**

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In the Matter of:  NWABUEZE C.I. EZEIFE aka DOZIE IKE EZEIFE No. 165472  A member of the State Bar of California	Case Number(s):  08-O-14845
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## 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

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

### 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 DISCIPLINE**

In the Matter of:      **Nwabueze C.I. Ezeife aka Dozie Ike Ezeife**

Membership No.:      **165472**

State Bar Case No.:      **08-O-14845**

**DISMISSAL**

The State Bar of California ("the State Bar") dismisses Count Four of the First Amended Notice of Disciplinary Charges ("NDC") against respondent in case number 08-O-14845 ("*Ezeife III*").

**WAIVERS**

The parties waive all variances between the facts and conclusions of law asserted in the NDC and the facts and conclusions of law contained in this Stipulation.

**FACTS**

Respondent admits that the following facts are true:

1. Respondent maintained an attorney trust account at Wells Fargo Bank, entitled "Dozie I. Ezeife dba Ezeife & Associates Client Trust Account." The last four digits of the account were 8904 ("CTA 8904").

2. During the period from August 1, 2008, through June 1, 2010, respondent failed to withdraw his personal funds from the CTA 8904 at the earliest possible time, but instead used the account for personal purposes. Specifically, respondent made the following payments from the CTA 8904 for respondent's personal expenses unrelated to client matters:

<b>Date of Transaction</b>	<b>Amount of Debit</b>	<b>Type of Transaction</b>	<b>Payee</b>
August 25, 2008	\$373.33	Electronic debit	AT&T
April 28, 2010	\$25.42	Check No. 1184	XpressChex for Raley's Store #333
April 30, 2010	\$200.00	Check No. 1185	AT&T
May 14, 2010	\$400.00	Check No. 1193	480 Roland, LLC (rent)
May 25, 2010	\$250.00	Check No. 1194	Pacific Gas & Electric

3. During the period May 1, 2010, through June 1, 2010, respondent commingled his personal funds into the CTA 8904, including but not limited to the following:

<u>Date of Deposit</u>	<u>Amount of Deposit</u>
May 10, 2010	\$250.00 (check from Getwell Pharmacy)

4. Respondent maintained an attorney trust account at Bank of America, entitled "Law Office of Nwabueze Ezeife Attorney/Client Trust Account." The last four digits of the account were 0673 ("CTA 0673").

5. During the period from September 1, 2008, through November 1, 2010, respondent failed to withdraw his personal funds from the CTA 0673 at the earliest possible time, but instead used the account for personal purposes. Specifically, respondent made the following payments from the CTA 0673 for respondent's personal expenses unrelated to client matters:

<b>Date of Transaction</b>	<b>Amount of Debit</b>	<b>Type of Transaction</b>	<b>Payee</b>
Sept. 21, 2008	\$400.00	Check No. 1119	KVCS Pre-School
Oct. 31, 2008	\$210.50	Electronic debit	Geico Insurance
Nov. 17, 2008	\$100.00	Electronic debit	AT&T Telco West
Nov. 21, 2008	\$85.00	Check No. 1378	Department of Motor Vehicles
April 29, 2010	\$400.00	Check No. 1443	480 Roland, LLC (rent)
June 8, 2010	\$150.00	Electronic debit	AT&T Telco West
July 20, 2010	\$250.99	Electronic debit	AT&T Telco West
July 21, 2010	\$133.15	Electronic debit	Esurance
July 22, 2010	\$150.00	Electronic debit	Allied Waste Service
July 30, 2010	\$209.98	Electronic debit	Esurance
August 5, 2010	\$46.10	Check No. 1331	Femi's Grocery Store
Sept. 21, 2010	\$40.00	Check No. 1336	Choe's Auto
Sept. 24, 2010	\$270.00	Check No. 1339	Soccer Star
Oct. 6, 2010	\$400.00	Check No. 1343	480 Roland, LLC (rent)

6. During the period August 1, 2010 through August 30, 2010, respondent commingled his personal funds into the CTA 0673, including but not limited to the following:

<u>Date of Deposit</u>	<u>Amount of Deposit</u>
August 1, 2010	\$250.00 (check from wife)

7. Prior to September 1, 2008, respondent was hired by Mary Osajindu as legal guardian for C. Osajindu in a personal injury matter.

8. Prior to September 15, 2008, a settlement was reached in the Osajindu personal injury matter. Before the date of settlement, attorneys John Larsen ("Larsen") and Walter Davis ("Davis") had asserted attorney fee liens against the settlement funds. Respondent was aware of the liens at the time of settlement. On September 18, 2008, respondent deposited into the CTA 0673 settlement checks totaling \$4,500.00, which he received from Liberty Mutual on behalf of Larsen, Davis, and Mary Osajindu as legal guardian of C. Osajindu.

16. As of September 18, 2008, respondent was required to maintain in the CTA 0673 at least \$350.00 of the funds from Liberty Mutual ("Liberty Mutual settlement funds") on behalf of Larsen until the funds could be properly disbursed to Larsen. Respondent failed to do so.

17. As of September 18, 2008, respondent was required to maintain in the CTA 0673 at least \$500.00 of the Liberty Mutual settlement funds on behalf of Davis until the funds could be properly disbursed to Davis. Respondent failed to do so.

18. As of September 18, 2008, respondent was required to maintain in the CTA 0673 at least \$3,200.00 of the Liberty Mutual settlement funds on behalf of Mary Osajindu as legal guardian of C. Osajindu until the funds could be properly disbursed to Osajindu. Respondent failed to do so.

19. As of October 6, 2008, respondent had failed to make any payments from the CTA 0673 to Larsen, Davis, or Mary Osajindu as legal guardian for C. Osajindu.

20. As of October 6, 2008, the CTA 0673 was overdrawn in the amount of \$10.29.

21. After October 6, 2008, respondent placed additional funds in the CTA 0673 which were sufficient to cover the Liberty Mutual settlement funds.

22. On October 30, 2008, respondent issued check number 1352 drawn on the CTA 0673 to Davis for the amount of \$350.00 (i.e., Davis's portion of the Liberty Mutual settlement funds). Davis received this check and cashed it.

23. On October 30, 2008, respondent issued check number 1353 drawn on the CTA 0673 to Larsen for the amount of \$500.00 (i.e., Larsen's portion of the Liberty Mutual settlement funds). Larsen received this check and cashed it.

24. On November 3, 2008, respondent issued check number 1357 drawn on the CTA 0673 to Mary Osajindu as legal guardian for C. Osajindu for the amount of \$3,200.00 (i.e., Osajindu's portion of the Liberty Mutual settlement funds). Mary Osajindu received this check and cashed it.

## CONCLUSIONS OF LAW

Respondent admits that the following conclusions of law are true:

1. In violation of rule 4-100(A) of the Rules of Professional Conduct, respondent willfully failed to withdraw his personal funds from the CTA 8904 at the earliest possible time, used his trust account for personal purposes, made payments from the account for his personal expenses unrelated to client matters, and commingled his personal funds with trust funds in the CTA 8904.

2. In violation of rule 4-100(A) of the Rules of Professional Conduct, respondent willfully failed to withdraw his personal funds from the CTA 0673 at the earliest possible time, used his trust account for personal purposes, made payments from the account for his personal expenses unrelated to client matters, and commingled his personal funds with trust funds in the CTA 0673.

3. In violation of rule 4-100(A) of the Rules of Professional Conduct, respondent willfully failed to maintain the following Liberty Mutual settlement funds in CTA 0673 until those funds could be properly disbursed: (1) the amount of \$350.00 on behalf of Larsen; (2) the amount of \$500.00 on behalf of Davis; and (3) the amount of \$3,200.00 on behalf of Mary Osajindu as legal guardian for C. Osajindu.

## **AGGRAVATION**

**Prior Records of Discipline:** Respondent has two prior records of discipline ("*Ezeife I* and *Ezeife II*").

The effective date of *Ezeife I* was January 4, 2004. The discipline was (1) stayed suspension for two years and until rehabilitation and (2) probation for three years, conditioned on actual suspension for six months and until respondent paid restitution and complied with requirements to attend Ethics School and Client Trust Accounting School.

The effective date of *Ezeife II* was September 3, 2010. The discipline was (1) stayed suspension for one year and (2) probation for two years, conditioned on actual suspension for nine months.

*Ezeife II* deserves little weight in aggravation because almost all the acts in *Ezeife III* occurred before the effective date of *Ezeife II*.

**Multiple Acts:** Respondent's misconduct in *Ezeife III* included multiple acts of wrongdoing.

## **MITIGATION**

### **No Harm to Clients or Others to Whom Respondent Owed Fiduciary Duties:**

Respondent's misconduct in *Ezeife III* did not harm his clients or others to whom he owed fiduciary duties. Larsen, Davis, and Osajindu received the distributions to which they were entitled within a reasonable time after respondent obtained the Liberty Mutual settlement funds.

**Candor/Cooperation:** Respondent has displayed candor to, and cooperation with, the State Bar in resolving *Ezeife III* by entering into this Stipulation.

**Objective Steps Spontaneously Taken to Atone for Misconduct:** Within four weeks after the balance in the CTA 0673 fell below the required amount, respondent paid the necessary distributions from the Liberty Mutual settlement funds to Larsen, Davis, and Osajindu. He made these payments spontaneously before the start of a State Bar investigation.

## SUPPORTING AUTHORITY

The determination of discipline begins “by looking to the purpose of sanctions for attorney misconduct.” (*In re Morse* (1995) 11 Cal.4th 184, 205.) Standard 1.3 provides: “The primary purposes of disciplinary proceedings . . . 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.”

The standards provide guidance and deserve “great weight.” (*In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.) “[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar misconduct.” (*In re Naney*, *supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has “grave doubts” about the recommendation’s propriety. (*In re Morse*, *supra*, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.)

Standard 1.7(a) requires greater discipline in a second disciplinary proceeding than the discipline in a first disciplinary proceeding. Thus, the discipline in *Ezeife III* should be greater than actual suspension for nine months.

Standard 1.7(b) requires disbarment in a third disciplinary proceeding unless the most compelling mitigating circumstances clearly predominate. For the purpose of determining aggravating factors in the current case, respondent should be considered as having only one prior record of discipline because he committed almost all the acts in *Ezeife III* before the effective date of *Ezeife II*.

Standard 2.2(b) provides that culpability of a member of commingling of entrusted funds or property with personal property or some other violation of rule 4-100 of the Rules of Professional Conduct shall result in at least a three-month actual suspension from the practice of law, irrespective of mitigating circumstances. Pursuant to standard 2.2(b), respondent’s violations of rule 4-100 warrant at least a three-month actual suspension.

Based on the standards and the case law, the Court found that the appropriate discipline in *Ezeife II* was stayed suspension for one year and probation for two years, conditioned on actual suspension for nine months. Because of the overlap of acts in *Ezeife III* and *Ezeife II*, the appropriate discipline in *Ezeife III* is what the discipline in *Ezeife II* should have been with the additional trust account violations in *Ezeife III*. Thus, the appropriate discipline in *Ezeife III* is (1) stayed suspension for three years and until respondent complies with the requirements of standard 1.4(c)(ii) and (2) probation for four years, conditioned on actual suspension for one year.

## DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION OR PROCEEDING

On March 9, 2011, the State Bar sent a disclosure letter by e-mail to respondent. In this letter, the State Bar advised respondent of pending investigations or proceedings against respondent in any cases other than *Ezeife III*.

## **ETHICS SCHOOL**

In *Ezeife II*, the Supreme Court required that by September 3, 2011, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of Ethics School and passage of the test given at the end of that session. If respondent timely complies with the Ethics School requirement in *Ezeife II*, such compliance shall also satisfy the Ethics School requirement in *Ezeife III*. If respondent does not timely comply with the Ethics School requirement in *Ezeife II*, he must comply with the Ethics School requirement in *Ezeife III* within one year after the effective date of the Supreme Court order in *Ezeife III*.

## **MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION**

In *Ezeife II*, the Supreme Court required that by September 3, 2011, respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE") to the Office of Probation. If respondent timely complies with the MPRE requirement in *Ezeife II*, such compliance shall also satisfy the MPRE requirement in *Ezeife III*. If respondent does not timely comply with the MPRE requirement in *Ezeife II*, he must comply with the Ethics School requirement in *Ezeife III* within one year after the effective date of the Supreme Court order in *Ezeife III*.

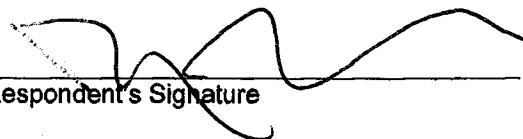
(Do not write above this line.)

In the Matter of:  NWABUEZE C.I. EZEIFE aka DOZIE IKE EZEIFE No. 165472  A member of the State Bar of California	Case number(s):  08-O-14845
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### SIGNATURE OF THE PARTIES

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

3/10/2011  
Date

  
Respondent's Signature

NWABUEZE C.I. EZEIFE  
Print Name

Date

Respondent's Counsel Signature

Print Name

3/14/2011  
Date

Mark Hartman  
Deputy Trial Counsel's Signature

MARK HARTMAN  
Print Name

(Do not write above this line.)

In the Matter of: NWABUEZE C.I. EZEIFE aka DOZIE IKE EZEIFE No. 165472	Case Number(s): 08-O-14845
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### ACTUAL SUSPENSION ORDER

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

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

On page 4 of the stipulation, DELETE the "X" in the box next to paragraph D(1)(a)(i) to remove the "and until" standard 1.4(c)(ii) condition."

On page 5 of the stipulation, DELETE the "X" in the box next to paragraph E(8) to remove the probation condition requiring that respondent provide proof of attendance at a session of Ethics School and passage of the test given at the end of the session.

On page 5 of the stipulation, INSERT an "X" in paragraph E(8) in the second box, i.e., the box next to the words "No Ethics School recommended" so that no Ethics School is recommended in this proceeding; and, also INSERT the following text after the word "Reason": "Respondent is required to provide proof of attendance at Ethics School by September 3, 2011, as a condition of his probation in Supreme Court case No. S182846 (State Bar Court case No. 06-O-12413), respondent's prior disciplinary matter."

On page 6 of the stipulation, Delete the "X" in the box next to paragraph F(1) to remove the requirement that respondent take and pass the Multistate Professional Responsibility Examination.

On page 6 of the stipulation, INSERT an "X" in the second box of that paragraph next to the language that provides, "No MPRE [is] recommended" in the instant proceeding; and also INSERT the following text after the word "Reason": "In Supreme Court case No. S182846 (State Bar Court case No. 06-O-12413), respondent's prior disciplinary matter, it was required that respondent take and pass the MPRE within one year of the effective date of the disciplinary order therein, which is September 3, 2010. Therefore, if respondent fails to pass the MPRE by September 3, 2011, he will be suspended from the practice of law until such time as he passes the MPRE. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8; but see also Cal. Rules of Court, rule 9.10(b); Rules Proc. of State Bar, rule 5.162.)"

On page 14 of the stipulation, DELETE the heading "ETHICS SCHOOL" and the paragraph under that heading in its entirety.

On page 14 of the stipulation, DELETE the heading "MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION" and the paragraph under that heading in its entirety.



(Do not write above this line.)

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

Date

March 29, 2011

Judge of the State Bar Court

  
**LUCY ARMENDARIZ**

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on March 29, 2011, I deposited a true copy of the following document(s):

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

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

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

NWABUEZE C. I. EZEIFE  
EZEIFE & ASSOCIATES  
480 ROLAND WAY STE 101  
OAKLAND, CA 94621 - 2052

- ☐ 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:

Mark Hartman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 29, 2011.

  
George Hue  
Case Administrator  
State Bar Court