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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Margaret P. Warren 1149 So. Hill St. Los Angeles, CA 90015-2299 (213) 765-1342 Bar # 108774	Case Number(s): 09-O-11877, 10-O-00161, 10-O-07237; Investigation Matters 09-O-12909; 09-O-19182; 10-O-06344; 10-O-10086	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED MAR 22 2011 <i>RZ</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Poonam K. Walia 4295-A Jurupa St., Suite 114 Ontario, CA 91761 (909) 390-1515 Bar # 256781	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: Gregory A. Paiva Bar # 207218 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input type="checkbox"/> 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 June 5, 2000.
- (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 19 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 Case Nos. 06-O-14235 and 07-O-13173
 - (b) ☒ Date prior discipline effective October 29, 2009
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Case No. 06-O-14235: rule 4-100(A), RPC; section 6106, Bus. & Prof. Code. Case No. 07-O-13173: section 6106, Bus. & Prof. Code.
 - (d) ☒ Degree of prior discipline 1 year stayed suspension; 2 years' probation with conditions; sixty (60) days' actual suspension
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. Respondent's misconduct involves multiple acts of wrongdoing in seven separate cases/investigation matters.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of three (3) 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 (1) 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:

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: Respondent successfully completed Ethics School in August 2010, as previously ordered by the California Supreme Court in Case Nos. 06-O-14235 & 07-O-13173 (\$175109, filed on September 29, 2009).
- (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:

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|---|---|
| <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: Respondent took and passed the MPRE in November 2010, as previously ordered by the California Supreme Court in Case Nos. 06-O-14235 & 07-O-13173 (S175109, filed on September 29, 2009).

- (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:**

(Do not write above this line.)

In the Matter of:
Gregory A. Paiva, CSBN 207218

Case Number(s):
09-O-11877, 10-O-00161, 10-O-07237;
Investigation Matters 09-O-12909; 09-O-19182;
10-O-06344; 10-O-10086

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
Please see p. 17, below.		

- ☐ 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
Please see p. 17, below.		

- ☒ 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:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Gregory A. Paiva

CASE NUMBER(S): Case Nos. 09-O-11877, 10-O-00161, 10-O-07237;
Investigation Matters 09-O-12909; 09-O-19182;
10-O-06344; 10-O-10086

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:

1. Respondent is not presently, and never has been, admitted to the practice of law in the States of Florida and Washington.

Case No. 09-O-11877 (Counts 1 and 2)

Facts:

1. In May 2008, Respondent accepted the representation of Kelly Taylor ("Taylor"), a resident of the State of Florida, in order to negotiate and obtain for Taylor a residential home loan modification on real property Taylor owned in Florida.
2. In June 2008, Taylor paid Respondent legal fees of \$2,000.00.
3. In May 2009, Respondent refunded \$1,000.00 to Taylor.

Legal Conclusions:

4. By holding himself out as entitled to practice law in the State of Florida when he was not so licensed, and accepting Taylor as a client, in violation of the regulations of the profession in that jurisdiction, Respondent willfully violated rule 1-300(B) of the Rules of Professional Conduct.

5. By entering into an agreement for, charging, and collecting a fee from Taylor in a jurisdiction where Respondent was not licensed to practice law, Respondent entered into an agreement for, charged, and collected an illegal fee in violation of rule 4-200(A) of the Rules of Professional Conduct.

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Case No. 10-O-07237 (Counts 5 and 6)

6. In August 2008, Respondent accepted the representation of Cora Wells, a resident of the State of Washington, in order to negotiate and obtain for Wells a residential home loan modification on real property Wells owned in Washington.

7. In August 2008, Wells paid Respondent legal fees in the amount of \$1,995.00.

Legal Conclusions:

8. By holding himself out as entitled to practice law in the State of Washington when he was not so licensed, and accepting Wells as a client, in violation of the regulations of the profession in that jurisdiction, Respondent willfully violated rule 1-300(B) of the Rules of Professional Conduct.

9. By entering into an agreement for, charging, and collecting a fee from Wells in a jurisdiction where Respondent was not licensed to practice law, Respondent entered into an agreement for, charged, and collected an illegal fee in violation of rule 4-200(A) of the Rules of Professional Conduct.

Case No. 10-O-00161 (Count 3)

10. In July 2008, Victor Espinosa hired Respondent to negotiate and obtain for him a home mortgage loan modification, and paid Respondent an advanced fee of \$3,995.00.

11. On August 31, 2009, Espinosa wrote a letter to Respondent in which he demanded a complete refund of the \$3,995.00 in advanced fees he had paid to Respondent, thereby effectively terminating Respondent's employment.

12. Respondent did not respond to Espinosa's letter or provide Espinosa with an accounting for the legal services Respondent performed on Espinosa's behalf.

13. In December 2009, Espinosa sued Respondent in small claims court, to recover the \$3,995.00 he had paid to Respondent.

14. Only after Espinosa sued him did Respondent provide an accounting for his services to Espinosa.

15. On February 3, 2010, a Notice of Entry of Judgment in Espinosa's small claims case was filed. Judgment was in favor of Respondent.

Legal Conclusions:

16. By not rendering to Espinosa an accounting for the \$3,995.00 in fees Espinosa had paid him after Espinosa demanded a refund in late August 2009, and by not rendering such an accounting until after Espinosa sued Respondent in December 2009 to recover the \$3,995.00, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in willful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

Investigation No. 09-O-12909

17. On August 27, 1998, Mary Chandra ("Chandra") obtained a \$2,145.00 judgment ("judgment") on behalf of Chandra Property Management against tenants Steve Agers ("Agers") and James Richlin ("Richlin") in an unlawful detainer action filed in the San Bernardino County Superior Court, case number CWV123807 ("Chandra case"). Chandra was the former property manager for Donald Kline ("Kline"), who owned the property rented by the tenants.

18. On or about November 5, 1998, Chandra assigned the judgment to Kline.

19. In February 2007, Kline hired Respondent to collect on the judgment. Kline agreed to pay Respondent on a contingency fee basis with Respondent receiving 40% of the first \$1,000 collected, 30% of the next \$1,000 collected, and 20% of any and all amounts collected thereafter. Respondent and Kline did not execute a written fee agreement.

20. On August 14, 2008, Respondent filed a substitution of attorney in the Chandra case that contained a false signature for Chandra, substituting himself as counsel for the judgment creditor in place of Chandra, who was in pro. per. for Chandra Property Management. When Respondent filed this substitution of attorney with the Court, he knew that Chandra had not authorized her signature on the substitution.

21. On August 14, 2008, Respondent filed an application for renewal of the judgment, and renewed the Judgment for an additional 10 years.

22. Respondent never collected on the judgment.

23. On March 20, 2009, Kline emailed Respondent concerning Respondent's failure to collect on the judgment.

24. On March 24, 2009, Respondent emailed Kline stating that as a result of his investigation, he discovered that Agers was now deceased and that he had located Richlin. Respondent also stated that he filed an application for a judgment debtor examination ("debtor examination"), which would allow Respondent to ask Richlin to provide information as to his assets and financial situation.

25. Thereafter, Respondent took no further action on behalf of Kline to obtain a debtor's examination of Richlin or otherwise collect on the judgment.

26. On June 10, 2009, Kline emailed Respondent terminating his legal services and requesting his case file. On that same day, Respondent replied to Kline, stating that he would provide the file as soon as possible. To date, Respondent has not provided Kline with his client file.

Legal Conclusions:

27. By filing a substitution of attorney that contained a false signature, Respondent sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of section 6068(d) of the Business and Professions Code.

28. By failing to timely investigate Agers and Richlin, failing to pursue a debtor examination, or otherwise collecting the judgment, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

29. By failing to provide Kline with his client file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

Investigation No. 09-O-19182

30. Randi Yager, a loan consultant and independent loss mitigation broker, hired Respondent in February 2009 to obtain loan modifications of the home mortgage loans of seven (7) different property owners.

31. Yager paid Respondent advance fees by credit card, on February 9, 2009 in the amount of \$4,000.00, and on March 4, 2009, in the amount of \$4,000.00 (for a total of \$8,000.00) to obtain home mortgage loan modifications for the seven property owners. The \$8,000.00 Yager paid to Respondent were Yager's personal funds, which she advanced on behalf of the seven property owners.

32. In 2009, Respondent had a financial arrangement with Sequoia Consulting Group ("Sequoia"), owned by John Camacho, a non-lawyer, whereby Sequoia would "process" home mortgage loan modifications in exchange for Respondent paying Camacho/Sequoia the funds he received from Yager; Camacho/Sequoia would in turn pay Respondent \$500.00 per client file as a "retainer." Camacho paid Respondent \$2,000.00 in "retainer" fees for four of the seven property owners' files.

33. Respondent performed no legal services of value on behalf of the seven property owners. Camacho/Sequoia did not "process" any of the seven property owners' home mortgage loan modifications. Camacho/Sequoia did not return any portion of the \$8,000.00 Respondent paid him from the funds Respondent received from Yager.

34. Respondent did not earn any portion of the \$8,000.00 Yager paid him.

35. To date, Respondent has not refunded to Yager or anyone else any portion of the \$8,000.00 Yager paid him.

36. Beginning in approximately mid-2009, Respondent ceased responding to Yager's numerous attempts to obtain status updates from him on the seven home mortgage loan modification matters she had hired him to handle.

Legal Conclusions:

37. By failing to perform any legal services of value on behalf of the seven property owners Yager hired him to represent in home mortgage loan modification matters, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

38. By not refunding any portion of the \$8,000.00 in advance fees paid to him by Yager, Respondent failed to refund promptly a fee paid in advance that had not been earned, in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

39. By sharing legal fees with Camacho, a non-lawyer, Respondent directly or indirectly shared legal fees with a person who is not a lawyer, in willful violation of rule 1-320 (A) of the Rules of Professional Conduct.

40. By failing to respond to Yager's reasonable status inquiries in and after mid-2009, Respondent failed to respond promptly to reasonable status inquiries of clients and to keep clients

reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services, in willful violation of section 6068(m) of the Business and Professions Code.

Investigation No. 10-O-6344

41. On June 16, 2009, Gwen Jepeway hired Respondent to represent her in a marital dissolution matter.

42. Effective October 29, 2009, Respondent was suspended from the practice of law in the State of California for a period of 60 days, by disciplinary order of the Supreme Court (S175109) filed on September 29, 2009 in Case Nos. 06-O-14235 and 07-O-13173. Respondent was actually suspended from the practice of law from October 29, 2009 through December 28, 2009. Respondent knew he was not entitled to practice law during the period of his actual suspension.

43. Jepeway did not terminate Respondent's services at any time during the period of his 60-day suspension; Respondent did not withdraw from representation of Jepeway during his actual suspension; and Jepeway's marital dissolution proceeding was not dismissed by the court at any time during Respondent's 60-day actual suspension.

44. At no time did Respondent inform Jepeway that he would not be able to practice law for 60 days, effective October 29, 2009.

45. In November 2009, while Respondent was still on his 60-day suspension from the practice of law, he spoke with Jepeway, gave her legal advice, and told her he would take certain affirmative steps on her behalf in her dissolution matter regarding Jepeway's husband's failure to pay court-ordered child and spousal support. Respondent did not disclose to Jepeway, however, that he was precluded from practicing law through December 28, 2009.

46. On November 18, 2009, Respondent billed Jepeway \$300.00 for legal services he performed on her behalf while actually suspended from the practice of law. On December 17, 2009, Respondent billed Jepeway \$30.00 for legal services he performed on her behalf while actually suspended from the practice of law. Jepeway did not, however, pay the \$330.00 to Respondent.

Legal Conclusions:

47. By giving legal advice to, and performing legal services for, a client when he was not entitled to practice law, Respondent practiced law when he was not entitled to do so in willful violation of

Business and Professions Code, sections 6125 and 6126, and thereby failed to support the laws of the State of California in willful violation of section 6068(a) of the Business and Professions Code.

48. By entering into an agreement for, charging, or collecting a fee from Jepeway for legal services he performed, when he knew he was on actual suspension from the practice of law, Respondent entered into an agreement for, charged, or collected an illegal fee in violation of rule 4-200(A) of the Rules of Professional Conduct.

Investigation No. 10-O-10086:

49. On October 16, 2008, Timothy Campbell hired Respondent to obtain a loan modification on a rental property owned by Campbell. On that same date, Campbell executed a "Fee Agreement for Loan Modification" with the "Law Offices of Gregory A. Paiva & Assoc., P.C.", that quoted an advance fee of \$3,000.00 to be paid "prior to any work being started".

50. Campbell paid "The Law Offices of Paiva" and "Law Offices of George [sic] A. Paiva and Assoc." by two cashier's checks, dated January 26 and January 27, 2009, in the amounts of \$1,700.00 and \$1,750.00, respectively (for a total of \$3,450.00).

51. Thereafter, Respondent failed to perform any legal services of value for Campbell.

52. Respondent did not earn any portion of the \$3,450.00 Campbell paid him.

53. In late February/early March 2009, Campbell made several telephone calls to Respondent's office to inquire about the status of his matter. Each time he called, Campbell was told by an employee of Respondent's office that Respondent was unavailable. Each time he called, Campbell left messages for Respondent, requesting Respondent to call him back. Respondent never returned Campbell's telephone calls or otherwise communicated with him.

54. On August 12, 2010, T.Y.P. Legal Business Services, acting on behalf of Campbell, wrote to Respondent, requesting Respondent to refund to Campbell the monies he had paid to Respondent. Respondent's office replied to this letter, claiming that Respondent's office had "never extended a modification retainer to Mr. Campbell" and denying that Campbell had paid Respondent any monies other than a \$200.00 consultation fee in another, unrelated matter.

55. By taking no action on behalf of Campbell, Respondent effectively withdrew from representation of Campbell. At no time did Respondent inform Campbell that he was withdrawing from employment.

56. To date, Respondent has not refunded any portion of the \$3,450.00 in advance fees Campbell paid him.

Legal Conclusions:

57. By failing to perform any legal services of value for Campbell on and after January 26, 2009, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

58. By failing to respond to Campbell's status inquiries in late February/early March 2009, Respondent failed to respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services, in willful violation of section 6068(m) of the Business and Professions Code.

59. By withdrawing from his representation of Campbell without informing Campbell of his withdrawal from employment, Respondent withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of his client, in willful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.

60. By not refunding any portion of the \$3,450.00 in advanced fees paid to him by Campbell, Respondent failed to refund promptly a fee paid in advance that had not been earned, in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

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FINANCIAL CONDITIONS, RESTITUTION.

Respondent must pay restitution (including principal amount, plus statutory interest of 10% per annum) to the payees listed below, on the payment schedule set forth below. If the Client Security Fund ("CSF") has reimbursed one or more of the payees for all or any portion of the principal amounts listed below, Respondent must pay restitution to CSF in the amount(s) paid, plus applicable interest and costs. Respondent is to pay any and all amounts owed to the payees listed below, before making any reimbursement to CSF, if CSF makes payment(s), in any amount(s), to any payee(s).

<u>Payee</u>	<u>Principal Amount</u>	<u>Interest Accrues From</u>
Kelly Taylor	\$1,000.00	June 2008
Cora Wells	\$1,995.00	August 2008
Timothy Campbell	\$3,450.00	January 2009
Randi Yager	\$8,000.00	March 2009

Respondent must make a **minimum payment of \$1,245.00** in each of the first eleven (11) reporting quarters of his probation. Respondent has the discretion to determine which payee(s) he will pay each quarter. Respondent may, in his discretion, elect to pay two or more payees per quarter, as long as the total amount paid equals or exceeds the minimum quarterly payment of \$1,245.00.

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 thirty (30) days prior to the expiration of the period of probation, Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

The reason this Stipulation is for a probation period of three (3) years is to afford Respondent the opportunity to make restitution payments in quarterly installments as set forth above. If Respondent completes full restitution (principal plus interest) to all payees, timely complies with all other required conditions of his probation, and has completed at least two (2) years of the probation period, Respondent may request early termination of his probation.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 8, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.7 (a):

If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2 (f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding **and**

the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust. [Emphasis added.]

Standard 1.6 (a): “. . . If 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 sanction imposed shall be the more or most severe of the different applicable sanctions.”

Standard 2.2 (b):

Culpability of a member of . . . the commission of another violation of rule 4-100 . . . none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.3 provides:

Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person 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.

Standard 2.4 (b):

Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

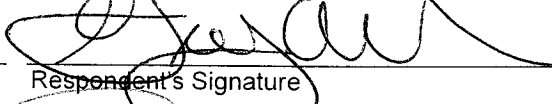
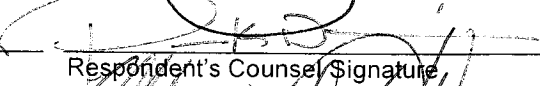
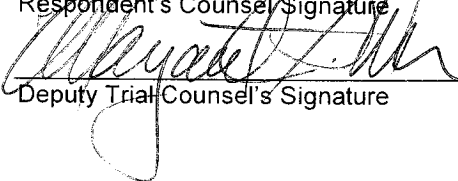
<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
10-O-00161	4	section 6106, Bus. & Prof. Code

(Do not write above this line.)

In the Matter of: Gregory A. Paiva, CSBN 207218	Case number(s): 09-O-11877, 10-O-00161, 10-O-07237; Investigation Matters 09-O-12909; 09-O-19182; 10-O-06344; 10-O-10086
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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.

3/9/11		Gregory A. Paiva
Date	Respondent's Signature	Print Name
3/10/11		Poonam K. Walia
Date	Respondent's Counsel Signature	Print Name
3/11/11		Margaret P. Warren
Date	Deputy Trial Counsel's Signature	Print Name

In the Matter of: Gregory A. Paiva, CSBN 207218	Case Number(s): 09-O-11877, 10-O-00161, 10-O-07237; Investigation Matters 09-O-12909; 09-O-19182; 10-O-06344; 10-O-10086
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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.

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.)**

03-22-11
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 <select city>, on March 22, 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 Los Angeles, California, addressed as follows:

POONAM K. WALIA, ESQ.
GATEWAY LEGAL GROUP, P.C.
4295-A JURUPA ST STE 114
ONTARIO, CA 91761

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

MARGARET WARREN, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 22, 2011.



Rose Luthi
Case Administrator
State Bar Court