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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Margaret P. Warren Deputy Trial Counsel 1149 S. Hill Street Los Angeles, California 90015 (213) 765-1342 Bar # 108774	Case Number (s) 09-O-12029, et. al. Please see Attachment, page 10 for complete list of all cases	(for Court's use) <div style="text-align: center;"> FILED OCT - 7 2010 <i>PC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;"> PUBLIC MATTER </div>
In Pro Per Respondent Christopher Lee Diener 18881 Von Karman Avenue 16th floor Irvine, California 92612 (949) 259-4985 Bar # 187890	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: CHRISTOPHER LEE DIENER Bar # 187890 A Member of the State Bar of California (Respondent)	(This section is merged into the previous row's content for brevity in this summary)	

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 May 20, 1997.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 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".

(Stipulation form approved by SBC Executive Committee 10/18/00. Revised 12/18/2004; 12/13/2006.)

Actual Suspension



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: Costs to be paid in equal amounts prior to February 1 for the following four (4) billing cycles following the effective date of the Supreme Court order: 2012, 2013, 2014 and 2015.
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) Prior record of discipline [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See p. 13, below.
- (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.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See p. 13, below.
- (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. See p. 13, below.
- (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

See p. 13, below.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of three (3) years.

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

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

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

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

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of fifteen (15) months.

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

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

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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

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

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

F. Other Conditions Negotiated by the Parties:

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

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:** Respondent will be credited for the period of his involuntary inactive enrollment toward the stipulated period of actual suspension. Date of commencement of involuntary inactive enrollment: October 9, 2009. In the event that the Supreme Court's Order of Discipline herein is not filed by the Supreme Court by December 9, 2010, Respondent may file at any time on and after December 9, 2010 a motion to terminate his involuntary inactive enrollment, which motion will not be opposed by the State Bar.

In the Matter of
CHRISTOPHER LEE DIENER,

Case number(s):
09-O-12029, et al.

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
Please see Attachment to Stipulation, page 2, paragraph 3.	Please see Attachment to Stipulation, page 2, paragraph 3.	Please see Attachment to Stipulation, page 2, paragraph 3.

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **Please see Attachment to Stipulation, "FINANCIAL CONDITIONS, RESTITUTION", page 5.**

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 preapproval), 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 Attachment to Stipulation, page 2, paragraph 3.	Please see Attachment to Stipulation, page 2, paragraph 3.	Please see Attachment to Stipulation, page 2, paragraph 3.

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:

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

- 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.

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date 9-27-10

Signature

Christopher L. Diener
Print Name

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

CHRISTOPHER LEE DIENER

CASE NUMBER(S):

Case Nos. 09-O-12029,09-O-12030,
09-O-12271, 09-O-12298,
09-O-12337, 09-O-12392,
09-O-12702, 09-O-12728,
09-O-12894,09-O-13078,
09-O-13224,09-O-13227,
09-O-13740, 09-O-13806,
09-O-17034, 09-O-17035,
09-O-17036, 09-O-17037,
09-O-17038, 09-O-17039,
09-O-17040, 09-O-17041,
09-O-17042, 09-O-17140

FACTS AND CONCLUSIONS OF LAW.

Respondent pleads nolo contendere to the following facts:

STATEMENT OF FACTS

1. In December 2008, Respondent expanded his practice to include clients seeking residential loan modifications. Respondent, at that time, contracted with certain entities, including, but not limited to Home Relief Services (HRS) (hereinafter collectively the "Modification Companies") for their provision to him of their home loan modification administrative support services.

2. Respondent was employed by the following individuals to represent them in order to negotiate with their home mortgage lender and obtain a modification of their home mortgage loan:

Case Number	Client	Date Client employed Respondent	Advanced fees Client paid to Respondent	Client's State of Residence and Location of Property
09-O-12029	Timothy J. Preisser	1/26/09	\$1,595	Ohio
09-O-12271	Sabina Akther	3/17/09	1,895	New York
09-O-12392	Connie Bush-Adu	3/13/09	1,395	Georgia
09-O-12894	Gregory Overstreet	2/26/09	3,500	Alabama
09-O-13078	Evelyn Jimenez	3/5/09	2,495	Illinois
09-O-13227	Tony Wood	3/2/09	1,600	North Carolina
09-O-13740	Nadal Oris	4/1/09	500	Florida
09-O-13806	April Anderson	2/23/09	2,990	Nevada
09-O-17034	Wei Zhang	12/8/08	3,495	Nevada
09-O-17035	Wei Lu	12/8/09	2,995	Nevada
09-O-17036	Sang Mun	11/25/08	2,500	Nevada
09-O-17037	Hyan Robb	12/5/09	2,000	Nevada
09-O-17038	Hyun Back	12/17/08	2,500	Nevada
09-O-17041	In Sun Park	12/3/08	1,250	Nevada
09-O-17140	Dong Xiao	12/8/08	2,695	Nevada
TOTAL FEES			\$33,405	

3. Each of the individuals listed above entered into a contract for legal services with Respondent whereby Respondent agreed to attempt to modify the individuals' home mortgage loans on properties in the states where they resided. Respondent is not presently, and has never been, licensed to practice law in any jurisdiction other than California. Respondent knew that the individuals and their properties were located in jurisdictions in which he was not licensed to practice law. Respondent failed, prior to undertaking to represent the aforementioned individuals, to adequately research the applicable rules of professional conduct and state statutes governing the practice of law and defining the unauthorized practice of law in those jurisdictions.

4. Respondent charged and collected the foregoing fees listed from the above listed individuals in the jurisdictions where the individuals were domiciled and where the subject real property was located, notwithstanding that Respondent is not and never was licensed to practice law in those jurisdictions. Respondent failed, prior to charging and collecting fees for legal services he undertook to provide to the aforementioned individuals, to adequately research the applicable rules of professional conduct and state statutes governing the practice of law and defining the unauthorized practice of law in those jurisdictions.

CONCLUSIONS OF LAW

Respondent pleads nolo contendere to the following conclusions of law:

5. By failing, prior to undertaking to represent the aforementioned individuals, to adequately research the applicable rules of professional conduct and state statutes governing the practice of law and defining the unauthorized practice of law in those jurisdictions, Respondent was grossly negligent in

holding himself out as entitled to practice law in those jurisdictions in violation of the regulations of the profession in those jurisdictions, in violation of rule 1-300(B) of the Rules of Professional Conduct.

7. By entering into agreements for, charging, and collecting legal fees for services from the above-listed individuals, in jurisdictions where Respondent was not licensed to practice law, Respondent was grossly negligent in entering into agreements for, charging, and collecting, illegal fees in violation of rule 4-200(A) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was September 20, 2010.

DISMISSALS.

The parties respectfully request the Court to dismiss without prejudice the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-12030	1, 2, 3, 4, 25	3-110(A), 3-700(D)(2), 4-100(B)(3), 6068(m), 6106
09-O-12298	5, 6, 7, 8, 25	3-110(A), 3-700(D)(2), 4-100(B)(3), 6068(m), 6106
09-O-12337	9, 10, 11, 12, 25	3-110(A), 3-700(D)(2), 4-100(B)(3), 6068(m), 6106
09-O-12702	13, 14, 15, 16, 25	3-110(A), 3-700(D)(2), 4-100(B)(3), 6068(m), 6106
09-O-12728	17, 18, 19, 20, 25	3-110(A), 3-700(D)(2), 4-100(B)(3), 6068(m), 6106
09-O-13224	21, 22, 23, 24, 25	3-110(A), 3-700(D)(2), 4-100(B)(3), 6068(m), 6106

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-12029	28, 80	6106
09-O-12271	31, 80	6106
09-O-12392	34, 80	6106
09-O-12894	37, 80	6106
09-O-13078	40, 80	6106
09-O-13227	43, 80	6106
09-O-13740	46, 80	6106
09-O-13806	49, 80	6106
09-O-17034	52, 80	6106
09-O-17035	55, 80	6106
09-O-17036	58, 80	6106
09-O-17037	61, 80	6106
09-O-17038	64, 80	6106
09-O-17039	65, 66, 67, 80	1-300(B), 4-200(A), 6106
09-O-17040	68, 69, 70, 80	1-300(B), 4-200(A), 6106
09-O-17041	73, 80	6106
09-O-17042	74, 75, 76, 80	1-300(B), 4-200(A), 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 22, 2010, the prosecution costs in this matter are approximately \$17,891.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AGGRAVATING CIRCUMSTANCES.

Harm: The individuals who employed Respondent were harmed by the above-described conduct. Most, if not all, of the individuals who hired Respondent to obtain a loan modification did so because they were financially distressed. Thus, the loss of the use of the money paid to Respondent for services which Respondent was not license to perform in these individuals' home states caused them significant harm.

Pattern of Misconduct: Respondent's misconduct involved fifteen (15) separate matters, constituted multiple acts of misconduct, and demonstrated a pattern of misconduct of accepting legal representation of these individuals, and collecting legal fees from these individuals, in jurisdictions where Respondent is not and never was licensed to practice law.

MITIGATING CIRCUMSTANCES.

No prior discipline: Though the misconduct is serious, Respondent has had no prior discipline in the eleven and one-half years since his admission to the State Bar at the time the instant misconduct commenced.

Cooperation: Respondent cooperated with the State Bar in the instant proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the *Standards For Attorney Sanctions For Professional Misconduct* provides that the primary purpose of discipline is the protection of the public, the courts and legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 1.6 provides that if there are two or more acts of professional misconduct, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.3 states that actual suspension or disbarment is the appropriate discipline for culpability of an act of moral turpitude, fraud, intentional dishonesty or concealment of a material fact toward a court, client or another person depending on 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 2.6 states that disbarment or suspension is the appropriate discipline for violations of 6068(a), 6125 and 6126, depending on the gravity of the offense or the harm, if any, to the victim, with

due regard to the purposes of imposing discipline set forth in standard 1.3, which would be analogous to the 1-300(B) charges.

The parties submit that the stipulated discipline in this matter complies with the Standards both specifically and with regard to the general purposes and goals of the disciplinary process.

FINANCIAL CONDITIONS, RESTITUTION.

As set forth in Attachment, page 11, paragraph 2, above, Respondent must pay restitution to the listed individuals in the listed amounts, including the principal amount plus interest of 10 percent per annum calculated from the date the individual paid Respondent, which shall continue to accrue until fully repaid. If any individual or individuals have already received a full refund of the funds paid to Respondent, no further restitution will be due to that individual or individuals from Respondent pursuant to this stipulation. If the Client Security Fund ("CSF") has reimbursed any of the individuals for all or any portion of the amounts listed above, Respondent must pay restitution to CSF in the amounts paid, plus applicable interests and costs.

Respondent shall complete the restitution within the period of his probation. In the first 45 months of his probation, Respondent shall make monthly payments in the sum of at least \$750.00, to be apportioned and disbursed among the individuals listed in Attachment, page 11, paragraph 2, in Respondent's discretion.

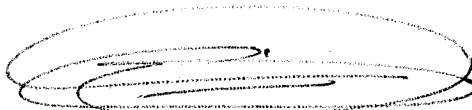
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In the Matter of CHRISTOPHER L. DIENER, # 187890	Case number(s): 09-O-12029, et al.
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SIGNATURE OF THE PARTIES

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.

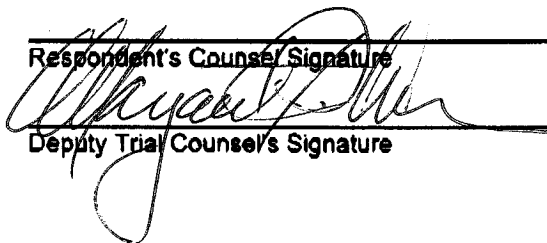
9-22-10
Date



Respondent's Signature

CHRISTOPHER L. DIENER
Print Name

9-23-10
Date



Respondent's Counsel Signature

Deputy Trial Counsel's Signature

Print Name

MARGARET P. WARREN
Print Name

(Do not write above this line.)

In the Matter Of CHRISTOPHER L. DIENER, #187890	Case Number(s): 09-O-12029, et al.
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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.

*PAGE 7, ITEM (a) - REFERENCES TO PAGE 2, PARAGRAPH 3, ARE REPLACED BY PAGE 11, PARAGRAPH 2.
 - REFERENCE TO PAGE 5 IS REPLACED BY PAGE 11.
 PAGE 7, ITEM (b) - ALL REFERENCES TO PAGE 2, PARAGRAPH 3, ARE REPLACED BY PAGE 14.*

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.)**

10-06-10
Date


Richard A. Platel
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 October 7, 2010, I deposited a true copy of the following document(s):

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

**CHRISTOPHER L. DIENER
THE DIENER LAW GROUP
18881 VON KARMAN AVE FL 16
IRVINE, CA 92612**

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

MARGARET WARREN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 7, 2010.



Tammy Cleaver
Case Administrator
State Bar Court