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

<p>Counsel For The State Bar</p> <p>Mia Ellis Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015</p> <p>Bar # 228235</p>	<p>Case Number(s): 10-N-07164, 10-O-06215, 10-O-05832, 10-O-11307 (investigation), 11-O-15138 (investigation)</p>	<p>For Court use only</p> <p align="center">FILED AUG 11 2011 <i>Vic</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center">PUBLIC MATTER</p>
<p>Counsel For Respondent</p> <p>Gene Koon 332 West Foothill Blvd. Monrovia, CA 91016</p> <p>Bar # 77051</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Roy Peterson</p> <p>Bar # 153455</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 14, 1991.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (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: three billing cycles following the effective date of the Supreme Court order. . (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 08-O-10639
 - (b) Date prior discipline effective May 16, 2010
 - (c) Rules of Professional Conduct/ State Bar Act violations: 6068(k)
 - (d) Degree of prior discipline 120 days actual suspension
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

Case number 00-O-15212. Discipline effective February 11, 2004, 3-110(A) and 6068(m), 60 days actual. Case number 99-O-10500, Discipline effective December 24, 2000. Rules of Procedure, Rule 3-110(A), Rule 4-100(B)(3), and Rule 3-700(D)(1). Public Reprimand and one year probation
- (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. Respondent has been cooperative to the extent that he has entered into a stipulation of facts, conclusions of law and discipline.
- (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.

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- (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 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 five 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 completed ethics school on June 9, 2011 in connection with State Bar Case number 08-O-10639 et al. and Supreme Court order S180008.
- (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:
 - Substance Abuse Conditions
 - Medical Conditions
 - Law Office Management Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

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- (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 was ordered to take the MPRE in connection with case numbers 08-O-10639 and Supreme Court number S180008.
- (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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Roy Peterson

CASE NUMBER(S): 10-N-07164, 10-O-06215, 10-O-05832, 10-O-11307
(investigation), 11-O-15138 (investigation)

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.

Case No. 10-N-07164 (State Bar Investigation)

FACTS:

1. On April 16, 2010, the California Supreme Court filed Order No. S180008 (hereinafter "9.20 Order"). The 9.20 Order included a requirement that Respondent comply with Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the 9.20 Order.
2. On April 16, 2010, the Clerk of the Supreme Court of the State of California properly served upon Respondent a copy of the 9.20 Order. Respondent received the 9.20 Order.
3. The Supreme Court Order became effective on May 16, 2010, thirty days after the 9.20 Order was filed. Thus Respondent was ordered to comply with subdivision (a) and/or (b) of rule 9.20 of the California Rules of Court no later than on or about June 15, 2010, and was ordered to comply with subdivision (c) of Rule 9.20 no later than on or about June 25, 2010.
4. On June 25, 2010, Respondent filed a declaration with the State Bar Court that purported to comply with subdivision (c) of Rule 9.20.
5. On July 6, 2010, the Office of Probation rejected the 9.20 compliance declaration because Respondent checked both boxes for item three. By doing so, Respondent averred that he had, both, refunded fees, and earned all fees.
6. On December 21, 2010, Respondent filed with the clerk of the State Bar Court a declaration of compliance with Rule 9.20 (a) and (b), California Rules of Court, as required by Rule 9.20(c).

CONCLUSIONS OF LAW:

By not filing a declaration of compliance with Rule 9.20 in conformity with the requirements of Rule 9.20(c), Respondent failed to timely comply with the provisions of Supreme Court Order No. S180008 requiring compliance with Rule 9.20, California Rules of Court.

Case No. 10-O-06215 (Complainant: Sally Lenaburg)

FACTS:

7. Sally C. Lenaburg ("Mrs. Lenaburg") employed Respondent in October 2005 to handle a dissolution matter, slip and fall civil suit, and a workers' compensation claim.
8. Respondent agreed to represent Mrs. Lenaburg in all three matters for approximately \$20,000.

9. On September 10, 2006, Mrs. Lenaburg was involved in a car accident with the Sheriff's Department ("personal injury claim").
10. On February 5, 2007, Mrs. Lenaburg employed Respondent to represent her in this matter.
11. On September 11, 2007, Respondent filed on behalf of Mrs. Lenaburg a complaint for damages for case entitled *Sally Lenaburg v. County of Los Angeles*, case number KC051356, in Los Angeles Superior Court.
12. On September 14, 2007, Respondent received notice of a Case Management Conference set for February 4, 2008.
13. On November 17, 2007, the County of Los Angeles ("the County") served Respondent with discovery documents including, a demand for production of documents, form interrogatories, and request for admissions. Responses to the discovery were due December 22, 2007
14. Respondent did not respond to the discovery.
15. On February 13, 2008, the County filed a motion to compel plaintiff's responses to form interrogatories, production of documents, and deem the admissions admitted.
16. On March 11, 2008, the court granted the motion to compel and ordered the responses with verifications were due without objection in ten days. The Court also ruled the Request for Admissions were admitted and imposed monetary sanctions in the amount of \$1,220.24 against Mrs. Lenaburg, to be paid in thirty days.
17. On March 14, 2008, Ms. McCaverty sent Respondent a letter. In the letter Ms. McCaverty offered to waive the sanctions imposed on Mrs. Lenaburg as well as any past costs the County had incurred in exchange for a dismissal of the entire action with prejudice. McCaverty requested Respondent respond no later than March 24, 2008. Respondent received the letter.
18. On March 28, 2008, the County filed a Notice of Motion and Motion for Terminating Sanctions and For Monetary Sanctions. Respondent received the motion and did not file an opposition.
19. On April 22, 2008, the Court granted defendant's unopposed motion for terminating sanctions for Plaintiff's failure to obey the March 11, 2008 Court order. Mrs. Lenaburg's complaint was dismissed with prejudice. Defendants withdrew its motion for monetary sanctions.

CONCLUSIONS OF LAW:

By not responding to discovery, responding to the terminating sanction motion, and giving due notice to the client regarding the settlement offer, Respondent wilfully failed to take reasonable steps to avoid reasonably foreseeable prejudice to his client in violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case No. 10-O-05832 (State Bar Investigation)

FACTS:

20. On December 14, 2009, Respondent issued two checks drawn upon Respondent's client trust account (CTA) number XXXXX0791¹ at Wells Fargo Bank - South against insufficient funds, as follows:

Check No.	Date Presented	Amount (\$)
1512	12/14/2009	500.00
1511	12/14/2009	250.00

¹ Portion of account number is redacted for privacy.

CONCLUSIONS OF LAW:

By issuing two checks against insufficient checks from his CTA, Respondent wilfully committed acts involving moral turpitude in violation of Business and Professions Code section 6106.

Case Nos. 10-O-11307 (State Bar Investigation) and 11-O-15138 (State Bar Investigation)

FACTS:

21. On December 7, 2010 and July 5, 2011, Respondent issued two checks drawn upon Respondent's client trust account number XXXXX0791² at Wells Fargo Bank - South against insufficient funds, as follows:

Check No.	Date Presented	Amount (\$)
1452	12/7/2010	800.00
	07/05/2011	17.50

CONCLUSIONS OF LAW:

By issuing two checks against insufficient checks from his CTA, Respondent wilfully committed acts involving moral turpitude in violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

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

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.6(a) provides that "[i]f 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 1.7(b) –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 two prior impositions of discipline the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Rule 9.20(d) provides that a suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and revocation of any pending probation.

Standard 2.2(b) culpability of a member of commingling entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, 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.

² Portion of account number is redacted for privacy.

Standard 2.4(b) provides that “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 matter of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.”

According to Standard 2.6, culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with the due regard to the purposes of imposing discipline set forth in standard 1.3: sections 6068(m)

The standards are not mandatory; they may be deviated from when there is a reason to do so. In this case, based upon the facts, Respondent originally filed his 9.20 declaration timely. However, it was rejected because Respondent checked two boxes. He subsequently filed the declaration and it was accepted as filed by the Probation Department.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 2, 2011, the prosecution costs in this matter are \$6945.30. Respondent further acknowledges that this is an estimate and 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.

FEE ARBITRATION

Within thirty (30) days of the effective date of the Supreme Court order, respondent agrees to send a letter by certified mail, return receipt requested, to Sally C. Lenaburg and agrees to initiate fee arbitration, and participate in binding fee arbitration with said individual, upon the request of any such individuals, regarding fees respondent received for representation of the former client. The letter shall include the address and phone number of the Office of Probation along with a statement that the Office of Probation will be monitoring his fee arbitration conditions and may be contacted by the individual.

Within forty (40) days after the effective date of the Supreme Court order, respondent agrees to provide the Office of Probation with a copy of the letter offering to initiate and participate in fee arbitration with Sally C. Lenaburg set forth above, along with a copy of the return receipt from the U.S. Postal Service, or other proof of mailing.

Respondent agrees to advise the Office of Probation, in writing, of any request to participate in fee arbitration made by Sally C. Lenaburg within fifteen (15) days after any such request. Respondent agrees to provide the Office of Probation with any information requested to verify Respondent's compliance, including submission of any written request for fee arbitration or the submission of a declaration from any individual setting forth the date arbitration was requested.

Respondent agrees to initiate fee arbitration within thirty (30) days of any request. Respondent agrees to fully and promptly participate in the fee arbitration as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration with respect to any of the above individuals.

Respondent further agrees to accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, Respondent hereby agrees to abide by the arbitration award and foregoes the right to file an action seeking a trial de novo in court to vacate the award.

Within thirty (30) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, Respondent agrees to provide a copy of said award, judgment or stipulated award to the Office of Probation. Respondent agrees to abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth a deadline for any payment, Respondent is to make full payment within ninety (90) days of the issuance of any such award, judgment or stipulated award.

(Do not write above this line.)

In the Matter of: Roy Peterson	Case number(s): 10-N-07164, 10-O-06215, 10-O-05832, 10-O-11307 (investigation), 11-O-15138 (investigation)
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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.

<u>8/3/11</u> Date	 Respondent's Signature	<u>Roy Peterson</u> Print Name
<u>8/3/11</u> Date	 Respondent's Counsel Signature	<u>Gene Koon</u> Print Name
<u>8/8/11</u> Date	 Deputy Trial Counsel's Signature	<u>Mia Ellis</u> Print Name

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In the Matter of: Roy E. Peterson	Case Number(s): 10-N-07164, 10-O-06215, 10-O-05832, 10-O-11307 (investigation), 11-O-15138 (investigation)
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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.
- (1) Page 6: The box for paragraph F(5) is deemed checked and the following language is added: "See Fee Arbitration provision, beginning on page 10 below, which is added as a condition of probation."
- (2) On page 8 of the stipulation, in the section entitled "CONCLUSIONS OF LAW" the balance of the text beginning with "Respondent willfully failed to take..." is deleted, and in its place is inserted "Respondent withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to his client, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2)."

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

8/11/11



Judge of the State Bar Court

DONALD F. MILES

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 Los Angeles, on August 11, 2011, 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:

**GENE KOON
332 W FOOTHILL BLVD
MONROVIA, CA 91016**

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

MIA ELLIS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 11, 2011.



Tammy Cleaver
Case Administrator
State Bar Court