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| State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION | | |
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| <p>Counsel For The State Bar</p> <p>Brooke A. Schafer State Bar of California 1149 S. Hill St. Los Angeles, CA 90015</p> <p>Bar # 194824</p> | <p>Case Number(s): 10-O-10513; 11-O-11863; 11-O-14541; 11-O-14582; and 11-O-15517</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">PUBLIC MATTER</p> | <p>For Court use only</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">FILED</p> <p style="text-align: center; font-weight: bold;">DEC 27 2011 </p> <p style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> |
| <p>In Pro Per Respondent</p> <p>Emeka Godfrey Onwualu 708 E. Manchester Blvd., #C-1 Inglewood, CA 90301</p> <p>Bar # 161868</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:</p> <p>Emeka Godfrey Onwualu</p> <p>Bar # 161868</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 Dec. 14, 1992.
- (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."



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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: 2013. (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 01-O-4408, et al.
 - (b) Date prior discipline effective 10/23/2004
 - (c) Rules of Professional Conduct/ State Bar Act violations: 2 counts Failure to Perform (3-110A)
 - (d) Degree of prior discipline 12 mos. stayed; 24 mos. probation.
 - (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.

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- (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 is acknowledging misconduct in all cases pre-filing and is entitled to significant mitigating credit for this cooperation.
- (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.

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- (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 12 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:
- (b) The above-referenced suspension is stayed.

- (2) **Probation:**

Respondent must be placed on probation for a period of 24 months, 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 sixty (60) days.
- 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.

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- (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:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:** Restitution Conditions.
Respondent shall pay restitution in the following amounts, to the following persons (or to Client Security Fund if it has already paid), within the first eighteen (18) months of probation. The persons to whom he shall pay, and their respective restitution amounts, are:

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|------------------------------|-----------|
| 1) Hilda Sherman: | \$1500.00 |
| 2) Gregorio Armenta: | 1500.00 |
| 3) Manuel Martinez: | 1500.00 |
| 4) Marisela Verde Hernandez: | 7000.00 |
| 5) Rogelio Martinez: | 1000.00 |

It shall be Respondent's responsibility to contact the State Bar's Client Security Fund to determine if CSF has paid the above persons, to avoid duplicate reimbursement to former clients. It shall also be Respondent's responsibility to retain proof of all restitution payments, and to provide them to the Probation Unit upon their request.

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| In the Matter of Emeka G. Onwualu | Case number(s): 10.0.10513, et al. |
| A Member of the State Bar | |

Law Office Management Conditions

- a. Within _____ days/ _____ months/ _____ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within _____ days/ **18** months/ _____ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than **3** hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for _____ year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: EMEKA GODFREY ONWUALU

CASE NUMBER(S): 10-O-10513; 11-O-11863; 11-O-14541;
11-O-14582; 11-O-15517

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-O-10513 (Complainant: Hilda Sherman)

FACTS:

1. On July 24, 2010, Hilda Sherman ("Sherman") retained Respondent to file a bankruptcy petition on her behalf, after Sherman was solicited by telephone by an agent of Respondent's law office. In that telephone solicitation, Sherman was told that Respondent was aware that Sherman's home would be going into foreclosure and that Respondent could help Sherman save her home.
2. Later that same day, on July 24, 2010, Respondent and Sherman executed a retainer agreement, which reflected, among other things, that Respondent was being hired for Chapter 13 bankruptcy services. The retainer quoted a fee of \$4500.00. At the time of retention, Sherman paid Respondent \$1000.00 in advance fees.
3. On August 1, 2010, Sherman paid an additional \$500 to Respondent, and she also provided Respondent with a check for an additional \$1000.00, post-dated to August 30, 2010. Sherman reminded Respondent that her home would be going into foreclosure on August 5, 2010.
4. On August 4, 2010, Respondent caused Sherman's Chapter 13 petition to be filed. Respondent prepared and filed it for Sherman as a pro se petition. In addition, Respondent filed Sherman's Chapter 13 bankruptcy petition without several schedules and attachments. Respondent knew, or was grossly negligent in not knowing, that these schedules and attachments would be required by bankruptcy court or Sherman's matter would be dismissed. At no time did Respondent submit any of

the aforementioned schedules or statements, nor did Respondent take any other action to preserve Sherman's bankruptcy matter.

5. On August 30, 2010, the United States Bankruptcy Court dismissed Sherman's bankruptcy filing for failing to file the necessary schedules, after providing proper notice that it would do so. Sherman then stopped payment on the post-dated check she had given to Respondent earlier that month.

6. On August 31, 2010, Sherman informed Respondent that she put a stop payment on the post-dated check due to Respondent's failure to submit the bankruptcy schedules. At that time, Respondent terminated the attorney-client relationship.

7. Respondent performed no services of value for Sherman, and therefore did not earn any of the \$1,500 advance fees paid by Sherman.

8. On September 10, 2010, Sherman sent a letter to Respondent requesting a full refund of the \$1,500. Respondent received Sherman's request for a refund but has refunded none of the fees.

CONCLUSIONS OF LAW:

9. By allowing his agents to directly solicit prospective clients, by filing Sherman's bankruptcy "pro se" and by failing to submit the required schedules and attachments or to take any other steps to preserve her bankruptcy matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

10. By not refunding to Sherman any of the \$1,500 unearned advanced fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 11-O-11863 (Complainant: Gregorio Armenta)

FACTS:

11. On September 1, 2010, Respondent opened a branch office located at 11770 Warner Avenue, Suite 111, Fountain Valley, California 92708. During that time, a non-attorney named Hernando Garcia ("Garcia") maintained a separate business in a different suite in the same building. Respondent hired Garcia as his office administrator for the Fountain Valley office.

12. While Garcia served as the office administrator at Respondent's Fountain Valley office, Garcia was authorized to accept clients on Respondent's behalf. This included meeting with prospective clients, establishing the scope of legal work to be performed, and establishing fees for legal services.

13. On October 13, 2010, Gregorio Armenta ("Armenta") met Garcia at Respondent's Fountain Valley office to discuss hiring Respondent to assist Armenta in obtaining his home back after it had been foreclosed. At the meeting, Armenta retained Respondent and signed a retainer agreement, which called for a fee of \$7000.00 for legal services. At the time he retained Respondent, Armenta paid \$1500.00 in advance fees.

14. Several months passed after retaining Respondent, and Armenta had not heard from Respondent with regard to the case. Armenta called Garcia. During their conversation Garcia stated that Armenta needed to pay an additional \$2000.00 or they would stop working on the case. A dispute arose and Garcia terminated the attorney-client relationship.

15. Respondent failed to provide legal services of any value to Armenta despite representing him for several months. At no time has Respondent refunded any advance fees to Armenta.

CONCLUSIONS OF LAW:

16. By allowing Garcia to establish the scope of legal work to be performed, analyze cases and set fees for legal services, Respondent aided a non-attorney in the unauthorized practice of law, in wilful violation of Rules of Professional Conduct, Rule 1-300(A).

17. By failing to refund any part of the unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

18. By failing to do any work on behalf of Armenta, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-100(A).

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FACTS

19. Manuel Martinez ("Martinez") hired Respondent in April 2011 to fight an eviction notice after the house he was renting was sold in foreclosure. Martinez paid Respondent \$1500.00 to fight the unlawful detainer action in order to buy Martinez additional time in the house.

20. Respondent filed an answer to the unlawful detainer action on April 28, 2011. Thereafter, Respondent performed no more work on the case, and made no court appearances. Respondent effectively abandoned Martinez's matter after April 28, 2011. Summary judgment was granted against Martinez and the homeowners on May 26, 2011, and Martinez had to vacate the house.

21. Respondent never communicated to Martinez that he would do no more work on the matter after April 28, 2011, and Martinez was not aware that judgment was entered against him on May 26, 2011. Respondent did not take appropriate steps to withdraw from representation without prejudicing his client.

22. Respondent performed no work of any value to Martinez, and earned none of the fees.

23. At no time did Respondent refund any unearned fees to Martinez.

CONCLUSIONS OF LAW:

24. By effectively abandoning Martinez after April 28, 2011, by not communicating Respondent's intent to cease work or taking steps to avoid prejudice to his client, and by doing no more work on his client's matter after filing the answer, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-100(A).

25. By failing to refund any part of the unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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FACTS

26. Marisela Verde Hernandez ("Hernandez") employed Respondent in September 2010 for legal work after her home in Bakersfield was threatened with foreclosure. After speaking with Respondent and/or his agents, Hernandez hired Respondent to file a Chapter 7 bankruptcy and also to file a lawsuit against her mortgage lender, both with the intent of saving her home. Hernandez paid Respondent \$9000.00 for his representation in the two legal matters.

27. On October 8, 2010, Respondent prepared and caused to be filed a Chapter 7 bankruptcy petition for Hernandez, under case no. 10-61679, US Bankruptcy Court for the Eastern District of California. Respondent prepared and filed the petition in Hernandez's name in pro per. Respondent did not disclose his fees to the bankruptcy court.

28. Subsequently the court became aware that Respondent was representing Hernandez in the bankruptcy matter, and it ordered that Respondent's fees be disgorged as a result of his failing to disclose his status as Hernandez's counsel. On March 14, 2011, the bankruptcy court ordered Respondent disgorge the entire \$2000.00 fee to Hernandez.

29. Respondent at no time refunded any of the \$2000.00 fee to Hernandez.

30. In addition to the bankruptcy matter, Respondent also agreed to file suit against Hernandez's mortgage lender. On December 2010 Respondent filed, on Hernandez's behalf, a complaint in the matter entitled *Hernandez v. Bank of America*, Kern Co. Superior Court case no. S-1500-CV-272317. In January 2011 the defendant Bank of America removed the state court case to federal court, in the matter entitled *Hernandez v. Bank of America*, US District Court for the Eastern Dist. Of California, case no. 1:11CV00001-OWW (the "Bank of America case.")

31. After the Bank of America case was removed to federal court, Respondent was immediately served with a clerk's notice directing him to submit a petition to practice in the Eastern District of California. Respondent at no time submitted such a petition.

32. In late January 2011 defendant Bank of America filed a Motion for Judgment on the Pleadings in the Bank of America case. Respondent was served with this motion, but he did not file an opposition or otherwise appear in the Bank of America case.

33. On May 12, 2011, the court granted the defendant's motion for judgment on the pleadings. On June 27, 2011, the federal court dismissed the Bank of America case. Respondent was served with notice of both these actions but took no action in response.

34. By doing no work on the Bank of America case to prosecute the matter after it was filed in December 2010, Respondent effectively abandoned the Bank of America case.

35. Respondent did not complete the work for which he was hired to perform, either in Hernandez's bankruptcy matter or in the Bank of America case. As a result he did not earn all the advance fees Hernandez paid him.

36. In September 2011, as a result of Respondent's poor performance in the Bank of America case, Hernandez sued Respondent in small claims court and won a judgment against Respondent for \$5000.00. Respondent has not paid Hernandez any of this judgment.

CONCLUSIONS OF LAW:

37. By effectively abandoning Hernandez's Bank of America case after December 2010, and by preparing and filing Hernandez's bankruptcy case "in pro per" instead of disclosing his status as her counsel, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-100(A).

38. By failing to refund any part of the unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case no. 11-O-15517 (Complainant: Rogelio Martinez)

FACTS

39. On Saturday, April 30, 2011, Rogelio Martinez ("Martinez") employed Respondent to stop Martinez's foreclosure sale and resulting eviction. Martinez paid Respondent \$1000.00 in advance fees.

40. On Monday, May 2, 2011, Martinez learned that the foreclosure on his house was not going forward, and he terminated Respondent's services and asked for a refund of fees.

41. At the time Respondent was terminated he had performed no work of any value to Martinez, and Respondent had not yet earned any of the advance fees.

42. At no time has Respondent refunded any advance fees.

CONCLUSIONS OF LAW:

43. By failing to refund any part of the unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

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

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.10 applies to violations of any rule or statute not specified under any other standard. Standard 2.10 requires reproof or suspension according to the gravity of the offense or harm to the victim, and with due regard for the purposes of imposing discipline.

Standard 1.7(a) states that where a member has a prior record of discipline, the level of discipline for the subsequent offenses shall generally be greater. As stated above, Respondent has prior discipline.

Carter v. State Bar (1988) 44 Cal.3d 1091. In two matters, Respondent failed to perform the services for which he was hired, failed to communicate with the client, and misled the client into believing his case was awaiting trial when it had not been filed. Respondent effectively withdrew from representation without returning fees or files. Respondent had a prior public reproof and no mitigation. He received 6 months actual suspension.

Franklin v. State Bar (1986) 41 Cal.3d 700. In two matters, Respondent failed to perform, failed to communicate, failed to respond to discovery, and improperly withdrew from employment. No priors in 14 years of practice. In aggravation, Respondent was deceptive and misleading in his testimony. Received 45 days actual suspension.

The instant matter falls roughly between the two cases, as far as severity of facts and discipline. The agreed discipline is in keeping with the applicable Standards, and furthers the purposes of sanctions for professional misconduct as stated in Standard 1.3.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 7, 2011, the prosecution costs in this matter are approximately \$6365.00. 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.

////// END OF ATTACHMENT ////

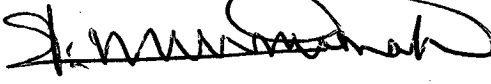
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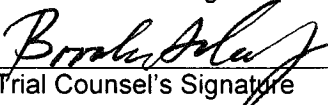
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| In the Matter of: Emeka Godfrey Onwualu member no. 161868 | Case number(s): 10-O-10513; 11-O-11863; 11-O-14541; 11-O-14582; 11-O-15517 |
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SIGNATURE OF THE PARTIES

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.

12/15/11  Emeka G. Onwualu
Date Respondent's Signature Print Name

12/15/11  Brooke A. Schafer
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

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| In the Matter of: Emeka Godfrey Onwualu no. 161868 | Case Number(s): 10-O-10513; 11-O-11863; 11-O-14541; 11-O-14582; 11-O-15517 |
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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.)**

Date

12/22/11


RICHARD A. HONN
Judge of the State Bar Court

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 December 27, 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:

EMEKA G. ONWUALU
LAW OFFICES OF EMEKA GODFREY
ONWUALU
708 E MANCHESTER BLVD STE C1
INGLEWOOD, CA 90301

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

Brooke A. Schafer, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 27, 2011.



Cristina Potter
Case Administrator
State Bar Court