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<p align="center">State Bar Court of California Hearing Department Los Angeles DISBARMENT</p>		
<p>Counsel For The State Bar</p> <p>Eli D. Morgenstern Senior Trial Counsel Office of the Chief Trial Counsel State Bar of California 1149 S. Hill St. Los Angeles, CA 90015-2299 (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number(s): 11-O-12191-RAP; 12-O-14984; 12-N-16930</p>	<p>For Court use only</p> <p align="center">FILED</p> <p align="center">MAR 27 2013</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Thomas J. Borchard, Esq. Borchard & Callahan 25909 Pala, #300 Mission Viejo, CA 92691 (949) 457-9505</p> <p>Bar # 104008</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Christopher Leslie Persaud</p> <p>Bar # 262620</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 March 25, 2009.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.



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- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (16) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ Costs to be awarded to the State Bar.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
 - (a) ☒ State Bar Court case # of prior case 10-O-00677 et. al.
 - (b) ☒ Date prior discipline effective July 28, 2012
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct 3-700(A)(2) and 3-700(D)(2); Business and Professions Code sections 6106 and 6106.3; Rule 9.20(c) of California Rules of Court.
 - (d) ☒ Degree of prior discipline 3 yrs suspension stayed, 3 yrs probation with conditions including 2 yrs actual suspension and until restitution is paid and until Respondent complies with Standard 1.4(c)(ii).
 - (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.

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- (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 page 11 for further discussion regarding harm.
- (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. See page 11 for further discussion regarding multiple acts of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (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.

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- (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 page 12 for discussion regarding Respondent's cooperation in the disciplinary proceedings.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) ☐ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than N/A days from the effective date of the Supreme Court order in this case.
- (3) ☒ **Other:** See Restitution, attachment page 14.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHRISTOPHER LESLIE PERSAUD

CASE NUMBERS: 11-O-1291, 12-O-14984, and 12-N-16930

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 Rules of Professional Conduct.

Case No. 11-O-12921 (Complainant: Davina Gray)

Facts:

1. On December 8, 2009, Wendell and Davina Gray (collectively, "the Grays") employed Respondent to represent them in negotiating a modification of their mortgage which was secured by a single-family residence that they owned which was located in Rio Dell, California. On that date, the Grays signed a fee agreement with Respondent agreeing to pay a total fee of \$2,500 for Respondent's legal services in connection with negotiating a modification of their mortgage.
2. On December 11, 2009, the Grays paid Respondent \$2,500 in advanced attorney fees for his loan modification services. At that time, Respondent had not completed all of the loan modification services that he had contracted to perform.
3. Respondent was not able to negotiate a loan modification on behalf of the Grays.
4. On September 17, 2010, Davina Gray sent Respondent an e-mail terminating his employment and requesting a refund. Respondent received the e-mail.
5. At no time did Respondent provide the Grays with a refund of the illegal, advanced fee that he collected from them.

Conclusions of Law:

By agreeing to perform loan modification services for the Grays and collecting \$2,500 from them in advanced attorney fees when he had not completed all of the loan modification services to be performed under the fee agreement, Respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service Respondent had contracted to perform or represented that he would perform, in willful violation of Section 2944.7(a)(1) of the Civil Code and Business and Professions Code section 6106.3.

Case No. 12-O-14984 (State Bar Investigation)

Facts:

6. In February 2011, Respondent employed Sammy Lakhany ("Lakhany"), a non-lawyer, to market Respondent's legal services with regard to representing consumers in mass joinder litigation against their respective home mortgage lenders.

7. In February 2011, Respondent registered the DBA for "Precision Law Center" with the San Bernardino County Clerk. At all relevant times to the stipulated facts herein, Respondent operated a law practice under the DBA "Precision Law Center".

8. On March 18, 2011, Respondent opened a business checking account with Bank of America, account no. xxxxx-12533 ("Respondent's B of A account"). The title of Respondent's B of A account was "Christopher Persaud, Sole Prop., DBA: Precision Law Center." Respondent was the owner of the account. Respondent and Lakhany were co-signatories on the account.

9. Between March 21, 2011, and April 15, 2011, deposits totaling \$146,610, consisting of the advanced attorney fees received from the following forty-five (45) Precision Law Center clients, were made into Respondent's B of A account:

<u>CLIENT</u>	<u>AMOUNT</u>	<u>DATE OF DEPOSIT</u>
Janice & Maria Pacheco	\$600	03/21/11
Janice & Maria Pacheco	\$600	04/08/11
Jeffrey Greer	\$5,000	03/22/11
Monica DeLeon	\$5,000	03/22/11
Alan Kasparian	\$1,200	03/21/11
Tracy Schultz-Road	\$4,205	03/24/11
Stacy Bundy	\$1,000	03/25/11
Adeleh Hashemi	\$2,000	03/25/11
Larry Scott	\$4,500	03/29/11
Elena Serquina	\$2,000	03/29/11
Lucille Hull	\$2,500	03/29/11
Francisco Pacheco	\$2,500	04/01/11
Kenneth Butte	\$2,000	04/01/11
Gerald Nicholson	\$1,200	04/01/11
Teresa Andrews	\$4,500	04/05/11
Diana Kronfli	\$2,500	04/06/11
Catherine Cook	\$2,000	04/08/11
Ronald Munson	\$1,500	04/08/11
John Lutzow	\$5,150	04/08/11
Adele Riff	\$2,000	04/08/11
Jose Grajeda	\$2,000	04/08/11
Clara Howard	\$3,210	04/08/11
Jill Weber	\$5,000	04/08/11
Angus White	\$3,000	04/08/11
Gilbert Nelson	\$2,000	04/08/11

<u>CLIENT</u>	<u>AMOUNT</u>	<u>DATE OF DEPOSIT</u>
Karen Mallett	\$2,000	04/08/11
Victor Villatoro	\$2,750	04/08/11
Sally Niklas	\$4,300	04/11/11
Elaine Carter	\$2,500	04/11/11
Alan Dion	\$5,000	04/11/11
Echo Vines Enterprises, LLC	\$1,200	04/11/11
Manuel Garcia	\$3,000	04/11/11
Cynthia Valentino	\$2,000	04/11/11
Cynthia Valentino	\$3,000	04/15/11
Lynn Johnson	\$5,995	04/15/11
Donna Hendershot	\$2,000	04/15/11
Jose Calo	\$2,000	04/15/11
Charles Conner	\$4,500	04/15/11
Clinton Dawson	\$2,500	04/15/11
Henry Herman	\$7,500	04/15/11
R. Kolvis	\$5,200	04/15/11
Debra Manrique	\$3,000	04/15/11
Jorge Pasantes	\$5,500	04/15/11
Gray Troy	\$2,500	04/15/11
James Womack, Jr.	\$ 500	04/15/11
Gonzalo Chavez	\$2,500	04/15/11
Thomas Duperroir	\$10,000	04/15/11

10. By April 15, 2011, Respondent determined that he was no longer interested in: (i) working with Lakhany; and (ii) representing plaintiffs in mass joinder litigation against their home mortgage lenders.

11. Neither Respondent nor anyone employed by Precision Law Center performed any legal services of value on behalf of the Precision Law Center clients identified in paragraph 9 before or after April 15, 2011.

12. Respondent did not earn any of the fees paid to Precision Law Center by the Precision Law Center clients identified in paragraph 9.

13. Once Respondent decided that he no longer was interested in representing the Precision Law Center clients identified in paragraph 9, he had a duty to: (i) notify the clients of his decision; and (ii) return the unearned advanced attorney fees to them.

14. On April 15, 2011, and April 18, 2011, Lakhany, with Respondent's knowledge, authorization, and consent, transferred all of the funds held in Respondent's B of A account, including the unearned advanced attorney fees paid by the Precision Law Center clients identified in paragraph 9, to Lakhany's account with Bank of America, account no. 23439xxxxx ("Lakhany's B of A account"). After April 18, 2011, there were no further deposits in, or withdrawals from, Respondent's B of A account.

15. At no time did Respondent notify the Precision Law Center clients identified in paragraph 9 that he had (i) withdrawn from employment with them and (ii) authorized Lakhany, a non-attorney, to take possession of their funds.

16. To date, none of the Precision Law Center clients identified in paragraph 9 have received refunds of any portion of the unearned advanced fees that they paid to Precision Law Center.

Conclusions of Law

By failing to notify the Precision Law Center clients identified in paragraph 9 that he had terminated his employment with them, and by permitting Lakhany, a non-attorney to take possession of the unearned advanced fees, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his clients, in willful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.

By failing to return the \$146,610 in unearned advanced attorney fees to the Precision Law Center clients identified in paragraph 9 after he terminated his employment with them, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 12-N-16930 (State Bar Investigation)

Facts:

17. On June 28, 2012, the California Supreme Court filed Order No. S200588 (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.

18. On June 28, 2012, 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.

19. The Supreme Court Order became effective on July 28, 2012, thirty days after the 9.20 Order was filed and served. Thus, Respondent was ordered to comply with subdivision (a) of rule 9.20 of the California Rules of Court by no later than on August 27, 2012, and was ordered to comply with subdivision (c) of Rule 9.20 by no later than on September 6, 2012.

20. Pursuant to Rule 9.20(a)(1) of the California Rules of Court, Respondent was required to notify all clients and co-counsel, if any, in matters that were pending on the date upon which the 9.20 Order was filed, *i.e.*, June 28, 2012, of his disqualification to act as an attorney after the effective date of the 9.20 Order.

21. Pursuant to Rule 9.20(a)(2) of the California Rules of Court, Respondent was required to deliver to all clients any papers or other property to which the clients were entitled, or notify all clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and call attention to any urgency for obtaining the papers or other property.

22. Pursuant to Rule 9.20(a)(3) of the California Rules of Court, Respondent was required to refund any unearned fees.

23. Pursuant to Rule 9.20(a)(4) of the California Rules of Court, Respondent was required to notify all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the 9.20 Order was filed, *i.e.*, June 28, 2012, of his disqualification to act as an attorney after the effective date of the 9.20 Order.

24. Respondent was required to send the ordered notices by certified or registered mail, return receipt requested.

25. On September 6, 2012, October 25, 2012, November 8, 2012, and December 7, 2012, Respondent filed Rule 9.20 Compliance Declarations with the Clerk of the State Bar Court. Those declarations failed to comply with the requirements of Rule 9.20(c) of the California Rules of Court.

26. At no time did Respondent file a Rule 9.20 Compliance Declaration in conformity with Rule 9.20(c) of the California Rules of Court.

27. In the September 6, 2012, October 25, 2012, November 8, 2012, and December 7, 2012 Rule 9.20 Compliance Declarations, Respondent represented that by August 27, 2012, he had notified all clients, opposing counsel, and adverse parties of his disqualification to act as an attorney after the effective date of the 9.20 Order. In fact, by August 27, 2012, Respondent had not notified all of his clients, opposing counsel, and adverse parties of his disqualification to act as an attorney after the effective date of the 9.20 Order. At the time Respondent submitted the declarations, he knew that the representations he made in the Rule 9.20 Compliance Declarations were false.

28. In the September 6, 2012, October 25, 2012, November 8, 2012, and December 7, 2012 Rule 9.20 Compliance Declarations, Respondent represented that by August 27, 2012, he had returned to his clients all client papers and other relevant property which they were entitled, or notified them of a suitable time and place to pick-up their papers and property. In fact, by August 27, 2012, Respondent had not returned to his clients all client papers and other relevant property which they were entitled, or notified them of a suitable time and place to pick-up their papers and property. At the time Respondent submitted the declarations, he knew that the representations he made in the Rule 9.20 Compliance Declarations were false.

29. In the September 6, 2012, October 25, 2012, November 8, 2012, and December 7, 2012 Rule 9.20 Compliance Declarations, Respondent represented that he had refunded all unearned fees to his clients by August 27, 2012. In fact, by August 27, 2012, Respondent had not refunded all unearned fees to his clients. At the time Respondent submitted the declarations, he knew that the representations he made in the Rule 9.20 Compliance Declarations were false.

Conclusions of Law

By not filing a 9.20 Compliance Declaration in conformity with the requirements of Rule 9.20(c) of the California Rules of Court, Respondent failed to timely comply with the provisions of Supreme Court Order No. S200588 requiring compliance with Rule 9.20, California Rules of Court. By the foregoing conduct, Respondent willfully violated rule 9.20, California Rules of Court.

By knowingly making misrepresentations of fact in his Rule 9.20 Compliance Declarations, Respondent committed acts of moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code section 6106.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

1. Prior Record of Discipline

Respondent has a prior record of discipline. On June 28, 2012, the California Supreme Court filed Order S200588 ordering that Respondent be suspended from the practice of law for three years, stayed, and that he be placed on probation for three years, with conditions including a two-year actual suspension and until he makes restitution and until he complies with Standard 1.4(c)(ii) of the Standards for Attorney Sanctions For Professional Misconduct.

The discipline matter was resolved by a Stipulation Re: Facts, Conclusions of Law, and Disposition, involving 58 client matters, State Bar Case Numbers 10-O-00677, *et al.*, which was approved by the State Bar Court on January 9, 2012. Respondent violated rules 1-300(B), 3-110(A), 3-700(D)(2), and 4-200 of the Rules of Professional Conduct, and violated sections 6068(m) and 6106.3 of the Business and Professions Code. The misconduct occurred between September 2009 and June 2011.

A prior record of discipline is an aggravating factor. (Std. 1.2(b)(i).)

2. Multiple Acts Misconduct

Respondent has stipulated herein to misconduct as to 47 different clients involving violations of sections 6106 and 6106.3 of the Business and Professions Code, and rules 3-700(A)(2) and 3-700(D)(2) of the Rules of Professional Conduct. Respondent has also stipulated to violating Rule 9.20(c) of the California Rules of Court.

The commission of multiple acts of misconduct is an aggravating circumstance. (Std. 1.2(b)(ii).)

3. Harm

Respondent has caused financial harm to the Grays (Case No. 11-O-12191) by failing to refund the illegal, advanced fee that he received from them. Respondent also caused financial harm to the 45 Precision Law Center clients identified in Case No. 12-O-14984 by failing to provide them with a refund of the unearned, advanced fees that they paid to Precision Law Center.

Respondent harmed the administration of justice by failing to file a Rule 9.20 Compliance Declarations in conformity with Rule 9.20(c) of the California Rules of Court and making misrepresentations of fact in his Rule 9.20 Compliance Declarations.

An act causing harm to a client, the public, or the administration of justice is an aggravating circumstance. (Std. 1.2(b)(iv).)

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

1. Cooperation

Respondent is entitled to mitigation for entering into this stipulation. (*See, In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct ("Standards") provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing acts of professional misconduct as to 47 different clients and involving violations of five separate rules and/or statutes. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.3, which applies to Respondent's violation of Business and Professions Code section 6106. Standard 2.3 provides that culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty towards a court, client, or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Here, Respondent misrepresented facts in his Rule 9.20 Compliance Declaration. The dishonest conduct is serious and relates directly to the practice of law.

Further, as stated above, Respondent has been disciplined on one prior occasion. Pursuant to Supreme Court S200588, Respondent is currently serving a two-year actual suspension and until he makes restitution and until he complies with Standard 1.4(c)(ii).

Standard 1.7(a) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust. Respondent's prior is neither remote in time nor did it involve minimal misconduct. The contrary is true: the misconduct occurred within the last four years and consisted of multiple acts of misconduct involving 58 former clients. Accordingly, the imposition of a discipline in the instant matter shall be greater than that imposed in the prior proceeding.

DISCUSSION.

Respondent has been a member of the State Bar since March 25, 2009. Respondent has committed misconduct from September of 2009 through December 2012. Respondent's misconduct consists of: (1) failing to perform competently on behalf of his clients; (2) failing to communicate adequately with his clients; (3) improper withdrawal from employment with his clients; (4) the unauthorized practice of law; (5) collecting illegal fees; (6) failing to return unearned or illegal fees totaling approximately \$300,000; (7) failing to comply with Rule 9.20(c) of the California Rules of Court; and (8) making multiple representations of fact in several of his Rule 9.20(c) Compliance Declarations.

Since becoming a member of the State Bar, Respondent has been unable to conform his conduct to the ethical strictures of the profession. And by failing to comply with his Rule 9.20 requirements, Respondent failed to comply with a discipline order. Consequently, he is no longer a good candidate for suspension or probation.

Although Respondent is entitled to mitigation by entering into this Stipulation, his cooperation is not sufficiently compelling to warrant a deviation from the Standards and the case law.

In summary, in light of his prior record of discipline, the multiple acts of serious misconduct committed herein, and the absence of any compelling mitigation, Respondent's disbarment is warranted in order to accomplish the purposes of attorney discipline as described in Standard 1.3.

CASE LAW.

The case law also supports the recommended discipline. Case law on rule 9.20 violations is clear: "disbarment is generally the appropriate sanction for a willful violation of rule 955 [now 9.20]." (*Bercovich v. State Bar* (1990) 50 Cal. 3d 116, 131.)

Here, Respondent not only violated rule 9.20, but the Rule 9.20 Compliance Declarations that he filed with the clerk of the State Bar Court contained misrepresentations. (*See, Coppock v. State Bar* (1988) 44 Cal. 3d 665, 679-680, quoting *Tomlinson v. State Bar* (1975) 13 Cal. 3d 567, 577 (Acts of dishonesty manifest an "abiding disregard of 'the fundamental rule of ethics-that of common honesty-without which the profession is worse than valueless in the place it holds in the administration of justice.'"))

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7) was February 22, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of February 22, 2013, the prosecution costs in this matter are approximately \$6,723.93. 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.

RESTITUTION.

Respondent must make restitution (including the principal amount, plus interest of 10% per annum from the dates set forth below) to the payees listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payees for all or any portion of the principal amounts listed below, Respondent must also pay restitution to CSF in the amounts paid, plus applicable interest and costs.

<u>Payee</u>	<u>Principal Amount</u>	<u>Interest Accrues From</u>
Davina Gray	\$2,500	12/11/09
Janice & Maria Pacheco	\$1,200	04/08/11
Jeffrey Greer	\$5,000	03/22/11
Monica DeLeon	\$5,000	03/22/11
Alan Kasparian	\$1,200	03/21/11
Tracy Schultz-Road	\$4,205	03/24/11
Stacy Bundy	\$1,000	03/25/11
Adeleh Hashemi	\$2,000	03/25/11
Larry Scott	\$4,500	03/29/11
Elena Serquina	\$2,000	03/29/11
Lucille Hull	\$2,500	03/29/11
Francisco Pacheco	\$2,500	04/01/11
Kenneth Butte	\$2,000	04/01/11
Gerald Nicholson	\$1,200	04/01/11
Teresa Andrews	\$4,500	04/05/11
Diana Kronfli	\$2,500	04/06/11
Catherine Cook	\$2,000	04/08/11
Ronald Munson	\$1,500	04/08/11
John Lutzow	\$5,150	04/08/11
Adele Riff	\$2,000	04/08/11
Jose Grajeda	\$2,000	04/08/11
Clara Howard	\$3,210	04/08/11
Jill Weber	\$5,000	04/08/11
Angus White	\$3,000	04/08/11
Gilbert Nelson	\$2,000	04/08/11
Karen Mallett	\$2,000	04/08/11
Victor Villatoro	\$2,750	04/08/11

<u>Payee</u>	<u>Principal Amount</u>	<u>Interest Accrues From</u>
Sally Niklas	\$4,300	04/11/11
Elaine Carter	\$2,500	04/11/11
Alan Dion	\$5,000	04/11/11
Echo Vines Enterprises, LLC	\$1,200	04/11/11
Manuel Garcia	\$3,000	04/11/11
Cynthia Valentino	\$5,000	04/15/11
Lynn Johnson	\$5,995	04/15/11
Donna Hendershot	\$2,000	04/15/11
Josel Calo	\$2,000	04/15/11
Charles Conner	\$4,500	04/15/11
Clinton Dawson	\$2,500	04/15/11
Henry Herman	\$7,500	04/15/11
R. Kolvis	\$5,200	04/15/11
Debra Manrique	\$3,000	04/15/11
Jorge Pasantes	\$5,500	04/15/11
Gray Troy	\$2,500	04/15/11
James Womack, Jr.	\$ 500	04/15/11
Gonzalo Chavez	\$2,500	04/15/11
Thomas Duperroir	\$10,000	04/15/11

(Do not write above this line.)

In the Matter of: Christopher Leslie Persaud	Case number(s): 11-O-12191; 12-O-14984; 12-N-16930
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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>2/25/2013</u> Date	<u>Christopher Persaud</u> Respondent's Signature	<u>Christopher Leslie Persaud</u> Print Name
<u>2-25-13</u> Date	<u>[Signature]</u> Respondent's Counsel Signature	<u>Thomas J. Borchard</u> <u>J. Sean Damm</u> Print Name
<u>3-07-12</u> Date	<u>Eli Morgenstern</u> Deputy Trial Counsel's Signature	<u>Eli D. Morgenstern</u> Print Name

(Do not write above this line.)

In the Matter of:
Christopher Leslie Persaud

Case Number(s):
11-O-12191; 12-O-14984; 12-N-16930

DISBARMENT 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:

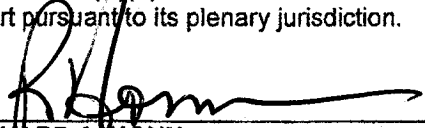
- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

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.)**

Respondent Christopher Leslie Persaud is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

3/27/13


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 March 27, 2013, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING : ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

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:

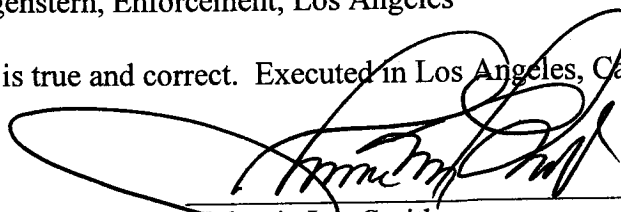
CHRISTOPHER L. PERSAUD
115 N ALLEN ST
SAN BERNARDINO, CA 92408

THOMAS JOHN BORCHARD
BORCHARD & CALLAHAN APC
25909 PALA #300
MISSION VIEJO, CA 92691

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 27, 2013.



Johnnie Lee Smith
Case Administrator
State Bar Court