

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles DISBARMENT		
<p>Counsel For The State Bar</p> <p>Anthony J. Garcia Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1089</p> <p>Bar # 171419</p>	<p>Case Number(s): 11-O-14037-RAH</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 2em;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center;">OCT 30 2012 </p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Alexandre Nicholas Lebecki 11693 San Vicente Boulevard, #417 Los Angeles, CA 90049 (310) 550-5880</p> <p>Bar # 152475</p>	<p>Submitted to: Assigned 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: ALEXANDRE NICHOLAS LEBECKI</p> <p>Bar # 152745</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 6, 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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (11) pages, not including the order.



(Do not write above this line.)

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

(Do not write above this line.)

- (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 attached.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

(Do not write above this line.)

(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 attached.

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 Sauren Bedoyan and Angela Bedoyan in the amount of \$ 67,500 plus 10 percent interest per year from April 17, 2012. If the Client Security Fund has reimbursed Sauren Bedoyan and Angela Bedoyan 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:**

\$400,000.

9. Because it had successfully lifted the lot's restrictive covenants, the church challenged the November 17, 2009 judgment awarding the Bedoyans \$400,000 plus interest.

10. On June 7, 2010, the court affirmed the November 17, 2009, judgment.

11. On December 30, 2010, Respondent obtained \$408,794.46 from the church's account for the church's failure to get the restrictive covenant lifted by April 5, 2009. Respondent accepted \$408,794.46 from the church as full payment of the church's debt. Respondent deposited \$408,794.46 of the Bedoyans' funds into his CTA.

12. The monetary value of the lot increased after the restrictive covenant was lifted. According to appraised values obtained by Respondent, the lot was worth \$555,000 when it had restrictive covenants in place and \$1,225,000 when the covenants were lifted. The difference between the two values is \$670,000.

13. On January 3, 2011, Respondent sent the Bedoyans a statement containing the breakdown of fees he contended that he was owed.

14. In sum, Respondent recovered \$590,794.46 on behalf of the Bedoyans and was entitled to \$147,698.62 as his contingent fee. The Bedoyans did not dispute this amount.

15. Respondent's statement also included a calculation that he was entitled to an additional \$167,500 as a contingent fee due to the lot's increased value after the restrictive covenants were lifted. The Bedoyans disputed Respondent's entitlement to the additional \$167,500.

16. On January 4, 2011, the Bedoyans called Respondent to advise him that they were disputing the additional fee of \$167,500 that Respondent was claiming he was owed.

17. On January 5, 2011, Respondent informed the Bedoyans that he would maintain \$167,500, the disputed funds, in his client trust account (CTA).

18. The balance in Respondent's CTA dipped below \$167,500 on multiple dates, including but not limited to the following:

19. On March 31, 2011 the balance in Respondent's CTA was \$131,990.72. On January 30, 2012, the balance in Respondent's CTA was \$51,139.28.

20. Respondent misappropriated \$116,360.72 of the Bedoyans' funds.

21. On September 23, 2011, the Bedoyans deposed Respondent. At the deposition, Respondent testified under oath that \$107,000 of the disputed funds was still in the trust account. On that day, there was \$99,594.30 in Respondent's CTA. When Respondent testified that he had \$107,000 in his CTA, he was grossly negligent in not knowing that the actual amount was \$99,594.30.

22. At his September 23, 2011, deposition, Respondent testified under oath that he knew that the disputed amount of attorney fees was \$167,500

23. Between September 23, 2011 and January 30, 2012, Respondent withdrew an additional \$48,455.02 of the disputed funds from his CTA.

24. On April 17, 2012, the Bedoyans and Respondent settled their dispute. As part of the settlement, Respondent agreed to pay the Bedoyans \$175,000.

25. In accord with their settlement agreement, Respondent made an initial payment of \$107,000 to the Bedoyans on April 17, 2012, and agreed to pay \$5,645 per month to the Bedoyans until the balance was paid in full. The remaining balance was \$67,500.

26. As part of the settlement, Respondent agreed that his first monthly payment of \$5,645 per month would be paid to the Bedoyans on May 15, 2012. To date, Respondent has not made any monthly payments to the Bedoyans.

CONCLUSIONS OF LAW:

27. By withdrawing funds from his CTA that resulted in the balance in his CTA dropping below \$167,500, the amount of the disputed funds, Respondent withdrew client funds from a client trust account prior to the resolution of a dispute with the client over Respondent's right to receive those funds in willful violation of California Rules of Professional Conduct, rule 4-100(A)(2).

28. By misappropriating \$116,360.72 of the Bedoyans' funds Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of California Business and Professions Code section 6106. By testifying that he had \$107,000 in his CTA on September 23, 2012, when he only had \$99,594.30 in his CTA, Respondent was grossly negligent in not knowing the amount of the Bedoyans' funds that he was holding and therefore committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of California Business and Professions Code section 6106

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Trust Violation

Respondent's misconduct involved trust funds that he was obligated to hold for his clients, and Respondent has not accounted for the missing funds.

Harm

Respondent's failure to maintain his clients' funds in his trust account resulted in his failure to promptly deliver those funds to his client. The clients' loss of the use of their funds has caused harm to Respondent's clients.

Multiple Acts/Pattern

Respondent's misconduct evidences of multiple acts of misconduct. Respondent's CTA dipped below \$167,500 on multiple occasions.

OTHER MITIGATING CIRCUMSTANCES.

No Prior Discipline

Respondent has been practicing since 1991 with no prior record of discipline. He is entitled to some mitigating credit for no prior discipline even where the underlying conduct is found to be serious or significant. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn.13.)

Pre-trial Stipulation

Respondent is receiving mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel prior to trial in case no. 11-O-14037-RAH, thereby preserving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr 189,195; *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct 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 Silvertown* (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 two acts of professional misconduct. 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 2.2(a) which applies to Respondent’s violations of California Business and Professions Code section 6106.

Standard 2.2(a) provides that culpability of a member of a wilful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

The Supreme Court has repeatedly held that disbarment is the usual discipline for the wilful

misappropriation of client funds. (*See, Grim v. State Bar* (1991) 53 Cal.3d 21; *Edwards v. State Bar* (1990) 52 Cal.3d 28, 37; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221; and *Chang v. State Bar* (1989) 49 Cal.3d 114, 128).)

In this matter, Respondent willfully misappropriated a significant sum of client funds. Pursuant to Standard 2.2(a), this fact alone indicates that the appropriate discipline in this matter is disbarment. The mitigating circumstances acknowledged in this stipulation are neither the most compelling mitigating circumstances nor do they clearly predominate.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was October 3, 2012.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

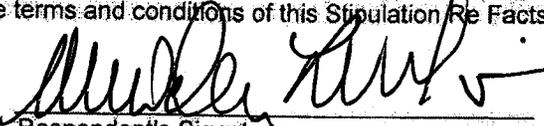
The parties waive any variance between the Notice of Disciplinary Charges filed in this matter, and the facts and/or conclusions of law obtained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

(Do not write above this line.)

In the Matter of: ALEXANDRE NICHOLAS LEBECKI	Case number(s): 11-0-14037-RAH
---	-----------------------------------

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.

10-3-12  Alexandre Nicholas Lebecki
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name

10/3/12  Anthony J. Garcia
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: ALEXANDRE NICHOLAS LEBECKI	Case Number(s): 11-O-14037-RAH
---	-----------------------------------

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:

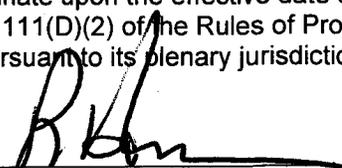
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
 - The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
 - All Hearing dates are vacated.
1. On page 1 of the stipulation, in the box entitled "In the Matter of:", "Bar # 152745" is deleted, and in its place is inserted "Bar # 152475"; and
 2. On page 5 of the stipulation, paragraph E.(2), "Sauren Bedoyan" is deleted, and in its place is inserted "Souren Bedoyan".

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 Alexandre Nicholas Lebecki 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

10/30/12


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 October 30, 2012, 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:

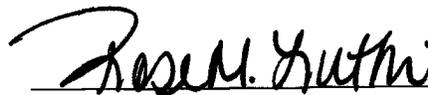
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ALEXANDRE N. LEBECKI
LAW OFV ALEXANDRE LEBECKI
11693 SAN VICENTE BLVD #417
LOS ANGELES, CA 90049

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

ANTHONY GARCIA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 30, 2012.



Rose M. Luthi
Case Administrator
State Bar Court