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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>DISBARMENT</b>		
<b>Counsel For The State Bar</b>  Adriana Burger 1149 S. Hill Street Los Angeles, CA 90015  Bar # 92534	<b>Case Number(s):</b> 11-O-15181	<b>For Court use only</b>  <div style="text-align: right;"> <b>FILED</b>  <b>APR 16 2012</b>            STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES         </div>
<b>In Pro Per Respondent</b>  Paul Frederick Opel 5945 Alonzo Avenue Encino, CA 91316  Bar # 101874	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT  <b>DISBARMENT</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> Paul Frederick Opel  Bar # 101874  A Member of the State Bar of California (Respondent)		

**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 December 1, 1981.
- (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 ( **10** ) 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
  - (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:  
  
11-O-10456, 11-O-12460, 11-O-15089: effective 1/27/2012; RPC: 4-100 (B); 3-700(D)(2) 2 years actual suspension & 4 years probation; 07-O-13557: effective 6/25/2011 RPC 4-100 (B); 4-100(B)(4); B&P 6068(m) One year actual suspension.
- (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. Please see Stipulation Attachment, page 2, section: "Mitigation/Aggravation" "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. Please see Stipulation Attachment, page 3, section: "Mitigation/Aggravation" "Multiple/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. Please see Stipulation Attachment page 3: "Mitigation/Aggravation" "Candor/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. Please see Stipulation Attachment page 3: "Mitigation/Aggravation" "Remorse".
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

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**Additional mitigating circumstances:**

**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 \_\_\_\_\_ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

**ATTACHMENT TO STIPULATION**

**REGARDING: FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                      Paul Frederick Opel

CASE NUMBER:                          11-O-15181

**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 Number: 11-O-15181 (State Bar Investigation)

**FACTS:**

1. On May 26, 2011, the Supreme Court of California filed an Order, effective June 25, 2011, suspending Respondent from the practice of law for a period of two years, staying execution, placing Respondent on probation for a period of four years, placing Respondent upon actual suspension for one year, ordering that Respondent comply with California Rules of Court rule 9.20, perform the acts specified in subdivisions (a) and (c) of that rule within either 30 and 40 days respectively, and pay all costs associated with that matter. Respondent was not authorized to practice law during the following period: June 25, 2011 through June 24, 2012.

2. Respondent reasonably should have known that he was not authorized to practice law. Respondent was properly served with and received the Order.

3. Respondent engaged in the unauthorized practice of law while he was actually suspended as follows:

4. On June 27, 2011, Respondent announced he was ready for trial on a misdemeanor child abuse case in Department 5 of the California Superior Court, Los Angeles County, Los Cerritos Courthouse, Case No. 1BF00532, *People v. Juan Rivera*, ("*Rivera matter*") presided by the Honorable Lyle M. Mackenzie. The prosecutor, Deputy District Attorney Troy Davis ("Davis"), also announced ready. The case was trailed to June 29, 2011.

5. On June 29, 2011, Respondent and Davis selected a jury and impaneled twelve jurors and two alternates.

6. Respondent failed to inform Judge Mackenzie in the Rivera matter that he was ineligible to practice law and suspended from the practice of law as required by the Supreme Court Order.

7. On June 29, 2011, Davis discovered Respondent's status and reported the information to Judge Mackenzie. On June 30, 2011, Judge Mackenzie met with Respondent and advised Respondent that he was not permitted to appear in the court due to the suspension order. The Judge notified the Defendant, Mr. Juan Rivera, who agreed to reset the trial on a future date.

8. On June 27, 2011, Respondent appeared at a hearing in the California Superior Court, Los Angeles County, for the Defendant in Case No. OWN03890, *People v. Bibiano Evan Garcia*.

9. On June 29, 2011, Respondent appeared at a hearing in the California Superior Court, Los Angeles County, for the Defendant in Case No. OWN05410, *People v. Roy Luis Solis*.

10. On June 28, 2011, Respondent appeared at a hearing in the California Superior Court, Los Angeles County for the Defendant in Case No. P273712, *People v. Juan Manuel Rios*.

#### CONCLUSIONS OF LAW:

By appearing in court in the 4 matters and holding himself out as entitled to practice law while suspended from the practice of law Respondent willfully engaged in the unauthorized practice of law in violation Business and Professions Code sections 6125 and 6126 and thereby failed to support the Constitution and laws of the United States and of this state in willful violation of Business and professions Code section 6068(a).

By willfully failing to inform the court that Respondent was suspended from the practice of law, Respondent failed to comply with the Supreme Court Order issued on May 26, 2011 and thereby violated Business and Professions Code section 6103 and rule 9.20 California Rules of Court.

#### PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A (7), was March 9, 2012.

#### MITIGATION/AGGRAVATION.

##### **Aggravation:**

**Harm:** Respondent appeared as counsel of record in four criminal matters in the Superior Court after being suspended from practicing law. In one matter both sides announced ready for trial, the jury trial

commenced, and a jury was impaneled. After the jury had been impaneled and the trial commenced, the court became aware of the Respondent's suspension. Jeopardy had attached, the defendant, Respondent's client, waived his right against double jeopardy and stipulated to a retrial. Ultimately the criminal matter was dismissed. The Respondent's misconduct harmed the administration of justice. The Respondent's misconduct caused an aborted trial with attending time and costs to the court and the jurors.

**Multiple/Pattern of Misconduct:** Respondent appeared as counsel of record in four criminal matters in the Superior Court after being suspended from practicing law. Respondent failed to advise any of the clients or courts of his suspension. Respondent failed to comply with Rule of court section 9.20 in the four matters as ordered in the prior matter.

**Mitigation:**

**Candor/Cooperation:** Respondent displayed candor and cooperation with the former clients and the State Bar during the State Bar investigation and proceedings.

**Remorse:** Respondent promptly initiated restitution to involved clients and initiated assistance to clients in pending matters which were the subject of this discipline.

**AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 1.3 provides that the primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct 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. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

Standard 1.6(a) provides that the appropriate sanction for an act of professional misconduct shall be the sanction set forth in the standards for the particular misconduct found.

Standard 1.7(b) provides that if a member is found culpable of misconduct and has two prior records of imposition of discipline, which includes discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate. The underlying conduct involves a 1.2(f) issue consisting of a violation of 9.20, violation of a Supreme Court Order .

Standard 2.3 provides that if a member is found culpable of intentional dishonesty toward a court or client it shall result in actual suspension or disbarment, depending upon the extent of the harm, magnitude of the misconduct, and the degree it relates to the member's practice of law.

The Supreme Court gives the Standards "great weight," and will reject a recommendation consistent with the Standards only where the Court entertains "grave doubts" as to its propriety. (*In re Naney* (1990) 51 Cal. 3d 186, 190; *In re Silverton* (2005) 36 Cal. 4<sup>th</sup> 81, 91, 92.) Further, although the Standards are not mandatory, it is well established that the Standards may be deviated from only when there is a compelling, well-defined reason to do so. (See *Aronin v. State Bar* (1990) 52 Cal. 3d 276, 291; *Bates v. State Bar* (1990) 52 Cal. 3d 1056, 1060, fn. 2.)



**DISMISSALS.**

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
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None		
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**COSTS OF DISCIPLINARY PROCEEDINGS.**


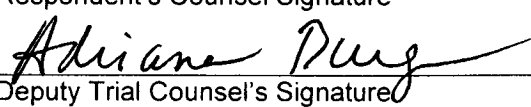
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 9, 2012 the prosecution costs in this matter are \$ 2,797. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: Paul Frederick Opel	Case number(s): 11-O-15181;
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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>3-18-17</u> Date	<u></u> Respondent's Signature	<u>Paul Frederick Opel</u> Print Name
<u>3-27-12</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Adriana Burger</u> Print Name

(Do not write above this line.)

In the Matter of:  
Paul Frederick Opel

Case Number(s):  
11-O-15181

### 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 Paul Frederick Opel 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

04-04-12

  
RICHARD A. PLATEL  
Judge of the State Bar Court

RICHARD A. PLATEL

## 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 April 10, 2012, 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:

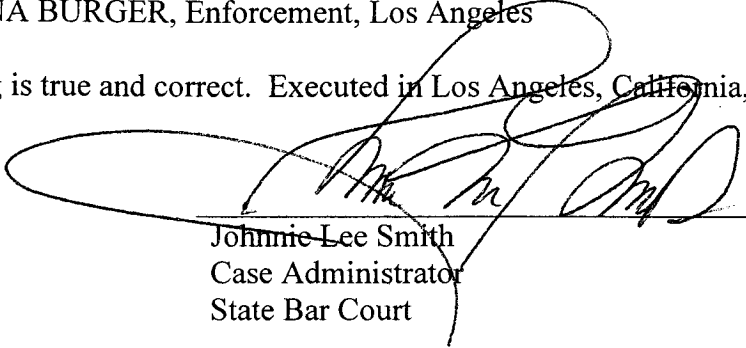
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL FREDERICK OPEL  
PAUL F. OPEL  
5945 ALONZO AVE  
ENCINO, CA 91316

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

ADRIANNA BURGER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 10, 2012.



Johnnie Lee Smith  
Case Administrator  
State Bar Court