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State Bar Court of California Hearing Department Los Angeles PUBLIC MATTER DISBARMENT		
Counsel For The State Bar Kim Kasrellovich Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1378 Bar # 261766	Case Number(s): 12-C-14551-CV	For Court use only FILED <i>P.B.</i> FEB 15 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Kent Wycliffe Easter 153 Baywood Dr Newport Beach, CA 92660 (949) 981-9447 Bar # 199838	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: KENT WYCLIFFE EASTER Bar # 199838 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 16, 1998**.
- (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.
- (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):
- ☒ 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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. 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) ☐ Intentional/Bad Faith/Dishonesty: Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ Misrepresentation: Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) ☐ Concealment: Respondent's misconduct was surrounded by, or followed by concealment.
- (5) ☐ Overreaching: Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) ☐ Uncharged Violations: Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.

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- (7) ☐ **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.
- (8) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. For a further discussion of Harm, see page 8.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☐ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. 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 likely to recur.
- (2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 with a good faith belief that was honestly held and objectively reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (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 extraordinarily 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 subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:
No Prior Discipline, see page 8.

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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:**

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ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: KENT WYCLIFFE EASTER

CASE NUMBER: 12-C-14551 – CV

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved moral turpitude.

Case No. 12-C-14551 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. By Indictment filed October 25, 2012, in Orange County Superior Court Case no. 12ZF0153, Respondent was accused of three felony counts, including as Count 2, "On or about February 16, 2011, in violation of sections 236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE / DECEIT), a FELONY, ... KENT WYCLIFFE EASTER, did unlawfully violate the personal liberty of Jane Doe by violence, menace, fraud, and deceit." On November 4, 2013 Counts One and Three were dismissed and Count 2 was re-numbered Count 1.

3. On August 26, 2014, Respondent began trial before a jury and a verdict was rendered on September 11, 2014. The jury found Respondent guilty as charged for violating Penal Code sections 236/237(a), false imprisonment by violence, fraud or deceit.

4. On October 17, 2014, Respondent was sentenced to 180 days in county jail, 100 hours of community services and three years of formal probation.

5. On November 21, 2014, the Review Department of the State Bar Court ordered that Respondent be suspended from the practice of law, effective December 10, 2014, because he had been convicted of a felony. The Review Department reserved classification of the conviction until the filing of further evidence by the Office of the Chief Trial Counsel ("OCTC") showing whether the false imprisonment was by fraud, deceit or violence.

6. On December 15, 2014, OCTC filed a response to the court's request for briefing about whether the false imprisonment was by fraud, deceit, or violence.

7. On January 5, 2015, OCTC filed a supplemental transmittal of records of conviction because Respondent had filed a notice of appeal regarding his conviction. Briefing commenced on Respondent's appeal but on February 9, 2016, he filed a request for dismissal and on February 10, 2016, the court dismissed the appeal. On February 17, 2016, the court issued a remittitur and the conviction was final.

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8. On July 26, 2016, OCTC transmitted notice of the finality of Respondent's conviction to the Review Department. On September 1, 2016, the Review Department ordered supplemental briefing by OCTC regarding OCTC's position that Respondent's crime is a felony that involves moral turpitude as a matter of law, therefore warranting summary disbarment.

9. On December 20, 2016, the Review Department denied OCTC's motion for summary disbarment on the grounds that false imprisonment is a divisible crime and the jury verdict did not specify whether Respondent's crime was by violence, fraud or deceit. The Review Department referred the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

10. Respondent and his wife, Jill Easter, lived in Irvine with three children. Both of the Easters were attorneys.¹ On February 17, 2010, their six year old son, who attended Plaza Vista Elementary, was briefly locked outside the school between his afterschool tennis class and when his mom was supposed to pick him up.

11. The person responsible for shepherding the kids from their afterschool activities to the front of the school for pickup was Kelli Peters, a parent volunteer. On this particular day, the Easter's child was left at the locked back door waiting for someone to let him in. He was found by the tennis instructor and walked to the front office. Jill was very upset that the child was locked outside and was unsatisfied by the explanation or apologies from Peters.

12. On February 24, 2010, the Easters wrote to the school and demanded Peters be fired or removed as volunteer.

13. On February 26, 2010, the Easters filed a police report with the Irvine police regarding the incident with their son.

14. On March 2, 2016, Jill filed for a temporary restraining order against Peters, claiming Peters was stalking her.

15. On March 12, 2010, the Easters filed a civil lawsuit claiming false imprisonment of their son by Peters and Plaza Vista Elementary.

16. Despite the Easters many attempts to have Peters removed as a volunteer at the school, she remained the volunteer director of the afterschool program.

17. On February 16, 2011, a call was placed to the Irvine Police Department by a person with an Indian accent named Vijay Chandrasekhr. The caller claimed to have seen Peters driving erratically near the school and with drugs in her car.

¹ Jill Easter, SBN 198399, was summarily disbarred in case no. 12-C-14550, due to her conduct and conviction in the same matter. Mrs. Easter entered into a plea with the district attorney which specifically enumerated her crime to be false imprisonment by fraud or deceit. The disbarment was effective October 16, 2014.

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18. The police arrived at the school and found Peters' vehicle parked in the school lot. A baggie of marijuana was visible from the window. Upon opening the car, police found the baggie containing marijuana, a marijuana pipe, Vicodin and Percocet.

19. For nearly two hours, Peters was detained and questioned in the school parking lot visible to everyone. Peters was not free to leave during the questioning. Afterwards, the police drove Peters home and searched her house. Throughout the interrogation, Peters insisted that the drugs were not hers and indicated that she had been recently targeted by Jill Easter. After searching Peters' home, the police began to question the legitimacy of the call to police. Peters was not arrested but DNA cheek swabs were taken of her and her minor daughter.

20. Thereafter, police began investigating whether Peters was framed.

21. The police investigation revealed the following: On February 16, 2011 at 2am, Respondent's blackberry placed him outside of Peter's home; Respondent and Jill exchanged multiple text messages between 2am-4am; On February 16, 2011, Respondent entered the Island Hotel (Respondent's office is across the street) and placed a call to police pretending to be someone named Vijay Chandrasekher; Respondent claimed he had seen Peters with drugs and driving erratically; Respondent's DNA was found on one set of the pills and the marijuana pipe located in Peter's car.

22. The Easters were arrested and convicted of false imprisonment for planting the drugs in Peter's car and thereafter enlisting the police based on fraud and deceit to detain Peters. Even though Peters was exonerated the actions of the Easters took a terrible emotional toll on her.

CONCLUSIONS OF LAW:

23. Respondent used fraud and deceit in execution of a felony, false imprisonment. Therefore, the facts and circumstances surrounding the above-described violation involved moral turpitude.

AGGRAVATING CIRCUMSTANCES.

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)): Respondent's actions significantly harmed the victim in this case by causing her extreme emotional distress. (*In the Matter of Dixon* (1999) 4 Cal. State Bar Ct. Rptr. 23, 45 [Repeatedly falsely accusing opposing counsel, witnesses, judges and others of committing misconduct or engaging in criminal acts is significantly aggravating].)

MITIGATING CIRCUMSTANCES.

No Prior Discipline: At the time of the misconduct, Respondent had 13 years of discipline free practice. Over 10 years of discipline free practice is entitled to significant mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.) However, the mitigation in this case is tempered by the serious nature of the misconduct.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit.

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IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

The sanction applicable to Respondent's misconduct is found in Standard 2.15(b) which applies to Respondent's felony criminal conviction for false imprisonment. Standard 2.15 (b) provides that "Disbarment is the presumed sanction for final conviction of a felony in which the facts and circumstances surrounding the offense involve moral turpitude, unless the most compelling mitigating circumstance clearly predominate, in which case actual suspension of at least two years is appropriate."

When the Review Department declined to summarily disbar Respondent in this case and sent the matter to the Hearing Department, it did so because Respondent's specific conviction under Penal Code section 236/237(a) did not enumerate whether Respondent falsely imprisoned the victim by violence or by fraud and deceit. False imprisonment is considered a divisible statute for purposes of summary disbarment. Therefore, the question before the Hearing Department is simply whether this conviction involves moral turpitude or other misconduct warranting discipline. "When a statute is divisible into several crimes, some of which may involve moral turpitude and some of which may not, it is appropriate to '...examine the 'record of conviction' to determine which part applies to the defendant.'" (*Carty v. Ashcroft* (9th Cir. 2005) 395 F.3d 1081, 1083-1084, citing *Wadman v. INS* (9th Cir. 1964) 329 F.2d 812, 814.)

The facts and circumstances surrounding Respondent's conviction clearly demonstrate actions of dishonesty, deceit and the misuse of law enforcement to engage in criminal acts. "An offense necessarily involves moral turpitude if the conviction would in every case evidence bad moral character. This is a question of law to be determined by this court." (*In re Lesansky* (2001) 25 Cal.4th 11, 16 (citations omitted).) Review of the facts of this case unmistakably demonstrate moral turpitude. There were many times during the course of the commission of this crime that Respondent could have acted to extricate himself or to end the scheme and at every turn he failed to do so. Respondent's actions were dishonest and offensive and they clearly involve moral turpitude. There are no compelling circumstances to counter the presumption of disbarment and protection of the public is a serious concern where an



attorney engages in such a prolonged and premeditated act of criminal fraud. Disbarment is the only appropriate outcome.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of January 27, 2017, the discipline costs in this matter are \$2,343. 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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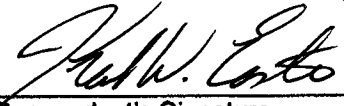
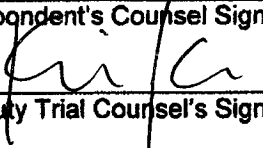
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In the Matter of:
KENT WYCLIFFE EASTER

Case number(s):
12-C-14551 - CV

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>2/7/17</u> Date	<u></u> Respondent's Signature	<u>Kent W. Easter</u> Print Name
<u>2/9/17</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Kim Kasreliovich</u> Print Name

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In the Matter of: KENT WYCLIFFE EASTER	Case Number(s): 12-C-14551 – CV
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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 Kent Wycliffe Easter 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.

Feb. 14, 2017
Date

Cynthia Valenzuela
CYNTHIA VALENZUELA
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 February 15, 2017, 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:

**KENT W. EASTER
153 BAYWOOD DR
NEWPORT BEACH, CA 92660**

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

KIMBERLY G. KASRELIOVICH, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 15, 2017.



Paul Barona
Case Administrator
State Bar Court