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State Bar Court of California

**Hearing Department
Los Angeles
ACTUAL SUSPENSION**

PUBLIC MATTER

<p>Counsel For The State Bar Hugh G. Radigan Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 213-765-1206 Bar # 94251</p>	<p>Case Number(s): 12-C-17458 -RAH 13-J-11710 13-J-13733</p>	<p>For Court use only FILED NOV 22 2013 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent Edward O. Lear 5200 West Century Blvd. Suite 345 Los Angeles, California 90045 310-642-6900 Bar # 132699</p>	<p>Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: ROBERT NARESH VOHRA Bar # 163798 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 1, 1993.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.



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- (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):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: The two billing cycles immediately following the effective date of the Supreme Court order in this matter. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (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.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See attachment page 10.

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- (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 attachment page 10.
- (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. See attachment page 11.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No prior discipline; see attachment, page 11.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of three years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of three years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of two years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: See Other Conditions, Section F(5) below..
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

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

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

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:** As an additional condition of Probation, in lieu of attending Ethics School in California, Respondent shall attend the Mandatory Course on the D.C. Rules of Professional Conduct and District of Columbia Practice administered by the District of Columbia Bar, within one year of the effective date of the discipline herein and provide to the Office of Probation satisfactory proof of attendance and passage of the test given at the end of that session, if any.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT NARESH VOHRA
CASE NUMBERS: 12-C-17458, 13-J-11710 and 13-J-13733

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 misconduct warranting discipline.

Case No. 12-C-17458 (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. On May 9, 2010, the Court of Appeals, District of Columbia, filed an order to show cause why Respondent should not be held in criminal contempt and designated the hearing to the Superior Court, District of Columbia pursuant to District of Columbia Code section 11-707(a).
3. On August 25, 2010, the Superior Court of the District of Columbia, by interlineation (no formal complaint was filed), charged and found Respondent guilty of violation of District of Columbia Code section 11-944(a) (criminal contempt of court), a misdemeanor.
4. On December 14, 2010, the Superior Court of the District of Columbia sentenced Respondent to sixty days incarceration, suspended as to all but nine days (to be served on weekends), eighteen months' probation and a fine of \$250, for one count of misdemeanor contempt for failing to comply with multiple court orders in conjunction with a properly issued subpoena from the District of Columbia Bar.
5. On May 24, 2013, the Review Department of the State Bar Court issued an order referring 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 for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

6. On October 29, 2009, the District of Columbia Bar issued an investigatory subpoena duces tecum, requesting Respondent to produce specified documents and files. Respondent failed to comply resulting in the District of Columbia Bar filing a motion to enforce the subpoena, which the court granted on December 22, 2009. On December 31, 2009, Respondent filed a motion for reconsideration challenging the ruling of December 22, 2009.
7. On January 27, 2010, Respondent's motion to reconsider the court's ruling of December 22, 2009, was denied at which time the court again ordered Respondent to comply with the subpoena and advised Respondent that a failure to comply with the court order would result in charges of contempt. Respondent continued to fail to comply with the subpoena resulting in the issuance of an order on March 9, 2010 requiring Respondent to show cause why he should not be held in criminal contempt. Upon issuance of the order to show cause, the court scheduled a status hearing for April 30, 2010, at which time the hearing on the order to show cause was continued at the Respondent's request to May 28, 2010.

8. The hearing was concluded on July 9, 2010. On August 25, 2010, the court made findings of fact and conclusions of law determining that Respondent's failure to produce the requested documents and files in compliance with multiple court orders was knowing and willful, finding the Respondent guilty of criminal contempt.

CONCLUSIONS OF LAW:

9. The facts and circumstances surrounding the above-described violation do not involve moral turpitude but do involve other misconduct warranting discipline.

Case No. 13-J-11710 (Discipline in Other Jurisdiction)

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes.

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

10. On December 31, 1990, Respondent was admitted to the practice law in the District of Columbia.

11. Following a hearing, the District of Columbia Court of Appeals Board on Professional Responsibility filed a report and recommendation on April 12, 2000, finding that the District of Columbia Bar had proven by clear and convincing evidence that Respondent had committed violations of rules 1.1(a), 1.2(a), 1.3 and 8.4(c) of the D.C. Rules of Professional Conduct.

12. On November 22, 2000, the District of Columbia Court of Appeals filed its Judgment and Order accepting the Board's findings and adopted the recommended sanction ordering that Respondent be suspended from the practice of law for thirty days, that the suspension be stayed and that Respondent be placed on probation for a term of two years for the violations found in the Board on Professional Responsibility report and recommendation. Thereafter, the order of the District of Columbia Court of Appeals became final.

13. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

14. Respondent was retained by a Canadian corporation in late 1995 to determine and ensure compliance with United States registration requirements so as to facilitate their offer of sales franchises throughout the United States.

15. Respondent failed to perform the assigned task with respect to the services required by the Canadian corporation. At various times between September 9, 1996 and June 29, 1997, Respondent misrepresented to his law partner that work had been performed on behalf of the Canadian corporation.

16. On December 5, 1996, Respondent wrote to the Canadian corporation enclosing a chart listing the states in which the company was registered to sell franchises that was partly correct and partly inaccurate. Based upon the inaccurate representations, Respondent's law firm sought reimbursement from the Canadian corporation for the registration fees allegedly incurred which they paid.

17. On June 20, 1997, an employee of the Canadian corporation met with Respondent to discuss the status of the retained objective at which time files were requested to be produced. Those files were either empty, incomplete or contained outdated documents.

18. Shortly after the June 20, 1997 meeting, Respondent admitted to his law partner that he misrepresented the facts about various state registration filings and that some of his correspondence to the Canadian corporation contained false representations.

19. Respondent's misconduct in the District of Columbia is equivalent to a willful violation of rule 3-110(A) of the Rules of Professional Conduct and section 6106 of the Business and Professions Code.

CONCLUSIONS OF LAW:

20. As a matter of law, Respondent's culpability of professional misconduct determined in the proceeding in District of Columbia warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

Case No. 13-J-13733 (Discipline in Other Jurisdiction)

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes.

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

21. On December 31, 1990, Respondent was admitted to the practice law in the District of Columbia.

22. Following a hearing concluded on April 11, 2011, the District of Columbia Court of Appeals Board on Professional Responsibility Hearing Committee Number One filed a report and recommendation on August 9, 2011, finding that the District of Columbia Bar had proven by clear and convincing evidence that Respondent had committed violations of rules 1.1(a), 1.1(b), 1.3(a), 1.3(b)(1), 1.3(b)(2), 1.3(c), 1.4(a), 1.4(b), 3.3(a)(1), 8.1(a), 8.4(b), 8.4(c) and 8.4(d) of the D.C. Rules of Professional Conduct.

23. On December 14, 2011, the District of Columbia Court of Appeals Board on Professional Responsibility filed its report and recommendation accepting the Hearing Committee's findings and adopted the recommended sanction ordering that Respondent be suspended from the practice of law for three years, and that Respondent be required to demonstrate his fitness to practice pursuant to D.C. Bar rule XI, section 3(a)(2).

24. On June 27, 2013, the District of Columbia Court of Appeals filed its report and recommendation accepting the District of Columbia Court of Appeals Board on Professional Responsibility's findings and adopted the recommended sanction ordering that Respondent be suspended from the practice of law for three years, and that Respondent be required to demonstrate his fitness to practice pursuant to D.C. Bar rule XI, section 3(a)(2). Thereafter, the order of the District of Columbia Court of Appeals became final.

25. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

26. On September 30, 2004, Respondent was employed by Mr. and Mrs. Choi ("Chois") to obtain E-2 visas based on their investment in a UPS store in Arlington, Virginia. At the time Mr. and Mrs. Choi were lawfully present in the United States on an H1-B1 and H4 visa, respectively, each of which expired June 1, 2005.

27. In January 2005, Respondent filed E-2 applications for the Chois on an incorrect form. The forms were rejected and returned to Respondent in February 2005. From February through November 2005, Respondent failed to advise the Chois of the rejection. It was not until late November 2005 that Respondent re-submitted the applications on the correct form. Respondent failed to advise the Chois of the resubmission and signed their names on the application without the Choi's knowledge or authorization. The forms required personal signatures certifying under penalty of perjury the accuracy of the contained information.

28. On December 8, 2005, Respondent was advised by the court that the applications required additional documentation to complete the processing of the visas. Respondent complied with the request without advising the Chois.

29. The re-submitted applications were denied January 13, 2006. From January through June of 2006, Respondent continued to misrepresent to the Chois that their applications were pending. Concerned about the status of the visa applications, Mr. Choi made an appointment with an immigration officer in June of 2006 at which time he learned the applications were denied five months earlier. Armed with this information, Mr. Choi met with Respondent to discuss the situation at which time Respondent lied to the client concerning the status of the applications telling Mr. Choi he had filed a motion to reopen and reconsider which he had not done.

30. In July of 2006, Mr. Choi hired replacement counsel who was successful in obtaining the Choi's status change. Replacement counsel secured from Respondent an affidavit executed August 9, 2006, wherein he admitted that the wrong form was originally filed, that he failed to request appropriate documentation to support the second filing, and that he made repeated misrepresentations to the Chois regarding the status of their applications. During the course of the underlying disciplinary hearing of this matter, Respondent repudiated the affidavit and was found to have made numerous misrepresentations under oath to the Bar Committee.

31. Respondent's misconduct in the District of Columbia is equivalent to willful violations of Rules of Professional Conduct, rule 3-110(A) as well as Business and Professions Code sections 6068(a), (d), (m) and 6106.

CONCLUSIONS OF LAW:

32. As a matter of law, Respondent's culpability of professional misconduct determined in the proceeding in District of Columbia warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent committed multiple acts of misconduct in three different matters. (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93.)

Harm (Standard 1.2(b)(iv)): Respondent's continuous misrepresentations to the Chois that their visa applications had been properly submitted and were pending when they had been rejected by the court placed the clients at risk of deportation and necessitated the retention of replacement counsel at greater cost and expense to complete the visa application process. Respondent's failure to comply with court orders in conjunction with the District of Columbia Bar subpoena constituted harm to the administration of justice. (*In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117.)

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Although his misconduct is serious, Respondent is entitled to significant mitigation by virtue of his twenty plus years of discipline free practice. (*Hawes v. State Bar* (1990) 51 Cal. 3rd 587, 596. See also *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13, citing *Rodgers v. State Bar* (1989) 48 Cal. 3rd 300, 317; *Cooper v. State Bar* (1987) 43 Cal. 3rd 1016, 1029 (the Supreme Court has repeatedly given mitigation for no prior record of discipline in cases in which the misconduct was serious).)

Emotional/Physical Difficulties (Std. 1.2(e)(iv)): In the first discipline matter, Case No. 13-J-11710, the District of Columbia retained expert psychiatrist concluded that Respondent suffered from a major depression with symptoms including difficulty concentrating, insomnia and weight loss, which was a significant contributor to his ethical violations in that matter. Respondent has obtained medical treatment and has made progress toward recovery.

Pretrial Stipulation: Respondent has stipulated to misconduct and thereby demonstrated his cooperation with the State Bar and saved the State Bar's resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal. 3rd 1071, 1079 [where mitigation credit was given for entering into a stipulation as to facts and culpability].)

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 multiple 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 2.3, which applies to Respondent's misconduct in Case Nos. 13-J-13733 and 13-J-11710, the equivalent of violations of Business and Professions Code section 6106.

Standard 2.3 provides that culpability of a member of an act of moral turpitude toward a court or client, or of concealment of a material fact to a court or client shall result in actual suspension or disbarment depending upon the extent to which victim is harmed or misled and the magnitude of the act of misconduct and degree it relates to the member's acts within the practice of law. In the present matters, the multiple misrepresentations to the clients and the court constituted moral turpitude. The harm visited both upon the Chois during the course of the visa application process was significant. Similarly, harm to

the administration of justice was occasioned by Respondent's continued defiance of properly issued process and court orders. Respondent's misconduct in these three matters also directly involved the practice of law. A significant period of actual suspension is warranted when considering the factors in standard 2.3.

In this case a two year actual suspension with a standard 1.4(c)(ii) obligation is appropriate due to the multiple violations embraced within these three matters and the Respondent's apparent defiance and indifference to the disciplinary rules of the District of Columbia Bar. The variety of misconduct involving multiple matters includes failing to competently perform, failure to respond to client inquiries, intentional neglect, dishonesty, acts of forgery and criminal contempt of court as well as misrepresentations to his clients in two of these matters. Respondent compounded his misconduct by making multiple misrepresentations within the disciplinary hearing to the District of Columbia Bar to cover up his misconduct and provided false testimony to the District of Columbia Bar court. Ultimately, the Respondent continued to defy the District of Columbia Bar requiring the issuance of multiple court orders to enforce an investigatory subpoena, that Respondent failed to oblige in timely responsive fashion. This defiance and lack of insight suggests the misconduct will be repeated in the future absent strong disciplinary measures which also merits increasing both the probationary term and the term of stayed suspension herein to three years.

Balancing the misconduct, as well as the mitigation and aggravation, a two year actual suspension together with the imposition of a 1.4(c)(ii) provision, is in keeping with the standards and purposes of attorney discipline. (See Standard 1.3.)

The level of discipline is also consistent with case law. For example, in *Arm v. State Bar* (1990) 50 Cal. 3rd 763, the court ordered a five year stayed suspension and five year probation, plus eighteen months actual suspension for misleading the court and multiple other acts of misconduct including trust fund violations. This case was less serious than the instant matter since the *Arm* court noted that respondent had neither acted in bad faith nor caused significant harm to his clients by virtue of his misconduct. And in *In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, the attorney was found culpable of fourteen acts of misconduct in four client matters, including failure to perform, improper withdrawal, failure to render accounting, failure to promptly return unearned fees, failure to communicate and failure to return files. Discipline consisted of a two year actual and until respondent showed proof of rehabilitation, present fitness and present learning and ability pursuant to standard 1.4(c)(ii). The discipline exacted in *Brockway* is analogous to the collective misconduct found within these three pending matters.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 16, 2013, the prosecution costs in this matter are \$10,097.50. 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.

EXCLUSION FROM MCLE CREDIT

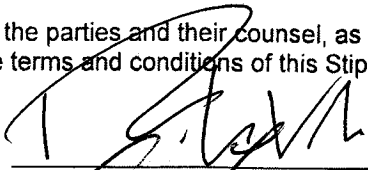
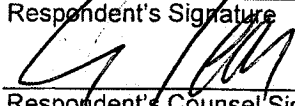
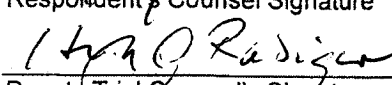
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: ROBERT NARESH VOHRA	Case number(s): 12-C-17458, 13-J-11710, 13-J-13733
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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>OCTOBER 25, 2013</u> Date	 Respondent's Signature	<u>ROBERT NARESH VOHRA</u> Print Name
<u>10/27/13</u> Date	 Respondent's Counsel Signature	<u>EDWARD O. LEAR</u> Print Name
<u>OCTOBER 28 '13</u> Date	 Deputy Trial Counsel's Signature	<u>HUGH G. RADIGAN</u> Print Name

(Do not write above this line.)

In the Matter of: ROBERT NARESH VOHRA	Case Number(s): 12-C-17458-RAH, 13-J-11710, 13-J-13733
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

GEORGE E. SCOTT, JUDGE PRO TEM
Judge of the State Bar Court

(Do not write above this line.)

In the Matter of:
ROBERT NARESH VOHRA

Case Number(s):
12-C-17458; 13-J-11710; 13-J-13733

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1. On page 4, the box under E(1) is unchecked as respondent is required to comply with that requirement by virtue of D(3)(a)(i) on the same page.
2. On page 11, under the heading "No Prior Discipline," the words "in California" are added to the end of the first sentence in order to reflect that respondent does not have prior discipline in California.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

11-21-13


GEORGE E. SCOTT, JUDGE PRO TEM
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 November 22, 2013, 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:

**EDWARD O. LEAR ESQ
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045**

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

Hugh Gerard Radigan, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 22, 2013.



Paul Barona
Case Administrator
State Bar Court