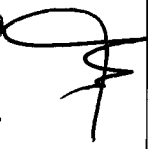


PROHIBITED

ORIGINAL

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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Erin McKeown Joyce Senior Trial Counsel 845 South Figueroa Street Los Angeles, California 90017 (213) 765-1356</p> <p>Bar # 149946</p>	<p>Case Number(s): 12-O-14894 - RAP 13-O-13964 (Inv.)</p>	<p>For Court use only</p> <p style="text-align: center;">FILED </p> <p style="text-align: center;">MAY 01 2014</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Steven Earl Smith, Jr. 24011 Ventura Boulevard, Suite 201 Calabasas, California 91302 (818) 347-1940</p> <p>Bar # 140031</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: STEVEN EARL SMITH, JR.</p> <p>Bar # 140031</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, 1989**.
- (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 **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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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- (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: **two (2) 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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **09-O-19233, 09-O-19348 and 10-J-00226. See page 8 of the Attachment to the Stipulation Re Facts, Conclusions of Law and Disposition for a further explanation of the facts and circumstances of Respondent's prior imposition of discipline.**
 - (b) Date prior discipline effective **June 15, 2012.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **In case no. 10-J-02206, Respondent stipulated to one count of violating Rule of Professional Conduct 3-110(A) (failing to perform with competence), one count of violating Rule of Professional Conduct 4-100(A) (failing to maintain funds in trust), one count of violation Rule of Professional Conduct 3-500(A) (failing to respond to client inquiries), and one count of violating Rule of Professional Conduct 1-300(A) (aiding the unauthorized practice of law) in 18 Chapter 11 and Chapter 13 Bankruptcy matters. In case nos. 09-O-19233 and 09-O-19348 Respondent stipulated to two counts of violating Rule of Professional Conduct 3-700(D)(2) (failing to promptly refund unearned fees).**
 - (d) Degree of prior discipline **One year of stayed suspension, two years of probation, and 90 days of actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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.
- (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.
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (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 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 with a good faith belief that was honestly held and 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 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.

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- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's 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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial stipulation - See pages 8 and 9 of the Attachment to the Stipulation Re Facts, Conclusions of Law and Disposition for a fuller explanation and factual basis for this mitigating circumstance.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law 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 1.2(c)(1) 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 **two 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 **six months**.
- 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 1.2(c)(1), 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 1.2(c)(1), 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.
- (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:

Respondent completed State Bar Ethics School on August 22, 2013 in connection with Case No. 09-O-19233, et al. (See Rules Proc. of the State Bar, Rule 5.135(A)).

- (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.

(Do not write above this line.)

- (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:

Respondent passed the MPRE administered March 17, 2012 in connection with Case No. 09-O-19233, et al. The protection of the public and the interests of Respondent therefore do not require passage of the MPRE in this case. (See In the Matter of Respondent G. (Review Dept. 1982) 2 Cal. State Bar Ct. Rptr. 181).

- (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:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVEN EARL SMITH, JR.

CASE NUMBERS: 12-O-14894 and 13-O-13964

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that he is culpable of violating of the specified statutes and Rules of Professional Conduct.

Case Nos. 12-O-14894 (Complainant: Patricia Basset) and 13-O-13964 (a State Bar Investigation)

FACTS:

1. On May 16, 2012, the California Supreme Court issued an order against Respondent imposing a 90-day actual suspension from the practice of law. In connection with the May 16, 2012 Supreme Court order, Respondent was required to comply with Rule 9.20 of the California Rules of Court.
2. The May 16, 2012 Supreme Court order was effective June 15, 2012.
3. The May 16, 2012 Supreme Court order required that Respondent comply with Rule 9.20, by performing the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the order.
4. The May 16, 2012 Supreme Court order required that Respondent comply with subdivision (a) of Rule 9.20 no later than July 15, 2012, by notifying all clients and any co-counsel of his suspension, delivering to all clients any papers or other property to which the clients are entitled, refunding any unearned attorney fees, notifying opposing counsel and adverse parties of his suspension, and filing a copy of the required notice with the court, agency, or tribunal before which the litigation is pending.
5. The May 16, 2012 Supreme Court order also required that Respondent comply with subdivision (c) of Rule 9.20 no later than July 25, 2012, by filing with the Clerk of the State Bar Court an affidavit showing that he fully complied with those provisions of the May 16, 2012 order regarding Rule 9.20.
6. Respondent was counsel of record in several bankruptcies pending as of May 16, 2012, including the bankruptcy petition of his client James Hoover, filed in the Eastern District of California, and the related adversary proceeding brought by Patricia Basset against Hoover, in which Basset represented herself.
7. Respondent failed to file the required notices of his suspension in the bankruptcies in which he was counsel of record as of May 16, 2012, including in the bankruptcy adversary proceeding in which Basset was the adverse party.
8. Respondent complied in all other respects with Rule 9.20 by notifying clients, opposing counsel and adverse parties of his suspension.

9. Because the discipline imposed against Respondent by the May 16, 2012 Supreme Court order resulted from a referral from the Bankruptcy Court, and the bankruptcy online records known as PACER (Public Access to Court Electronic Records) reflected Respondent's actual suspension effective June 15, 2012, Respondent was under the mistaken impression that he did not need to file notices of his suspension with the Bankruptcy Court in the matters in which Respondent was counsel of record as of May 16, 2012.

10. Eleven days after the effective date of his actual suspension, on June 26, 2012, Respondent prepared a substitution of counsel pleading in the adversary proceeding involving Basset, substituting Hoover as his own attorney in place of Respondent. Respondent also prepared the answer for Hoover to file on his own in the adversary proceeding. Respondent met with Hoover and explained the substitution of counsel pleading and the answer to Hoover, providing Hoover with legal advice.

11. Respondent prepared the answer and provided legal advice to Hoover in an effort to avoid prejudice to his former client, who was without means to secure substitute counsel immediately upon Respondent's suspension.

CONCLUSIONS OF LAW:

12. By failing to notify the courts where he was counsel of record as of May 16, 2012, of his disciplinary suspension, Respondent willfully failed to comply with subdivision (a)(4) of Rule 9.20, California Rules of Court.

13. By preparing the substitution of counsel pleading and answer on behalf of Hoover and providing legal advice to Hoover after the effective date of his suspension, Respondent practiced law while he was not an active member of the State Bar, in violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of Business and Professions Code section 6068(a).

AGGRAVATING CIRCUMSTANCES

Prior Record of Discipline (Standard 1.5(a)): Respondent has one prior imposition of discipline, a 90-day actual suspension, one-year stayed suspension and two-year probation, effective June 15, 2012, arising from State Bar Case Nos. 09-O-19233, et al. (Supreme Court Order S198345). In Case No. 10-J-0226 (which was part of Respondent's prior), Respondent was disciplined by the United States Bankruptcy Court for misconduct in 18 Chapter 13 and Chapter 11 bankruptcies which occurred in 2008 and 2009. Respondent stipulated in the reciprocal discipline proceeding brought by the State Bar of California to one count of violating Rule of Professional Conduct 3-110(A) (failing to perform with competence), one count of violating Rule of Professional Conduct 4-100(A) (failing to maintain funds in trust), one count of violation Rule of Professional Conduct 3-500(A) (failing to respond to client inquiries), one count of violating Rule of Professional Conduct 1-300(A) (aiding the unauthorized practice of law). In case nos. 09-O-19233 and 09-O-19348, Respondent stipulated to two counts of violating Rule of Professional Conduct 3-700(D)(2) (failing to promptly refund unearned fees).

MITIGATING CIRCUMSTANCES

Pretrial Stipulation: Respondent met with the State Bar trial counsel, admitted his misconduct, and entered this Stipulation fully resolving these matters. Respondent provided his deposition testimony

during the investigation. Respondent's cooperation has saved the State Bar significant resources and time. Respondent's stipulation to the facts, culpability, and discipline is a mitigating circumstance. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigating credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521).

AUTHORITIES SUPPORTING DISCIPLINE

The Standards for Attorney Sanctions for Professional Misconduct "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 of Procedure of State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, standard 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 standard 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. (Standard 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Standard 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. (Standards 1.7(b) and (c).)

Respondent admits that he violated Rule 9.20 of the California Rules of Court, and engaged in the unauthorized practice of law in violation of Business and Professions Code section 6068(a) by violating Business and Professions Code sections 6125 and 6126. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.6(a), which applies to Respondent's unauthorized practice of law. Under Standard 2.6(a), "[d]isbarment or actual suspension is appropriate when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on actual suspension for disciplinary reasons. . . . The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law."

The Standards do not directly address the appropriate discipline for a violation of Rule 9.20. Rule 9.20(d), however, expressly provides that an attorney's wilful failure to comply "is cause for disbarment or suspension . . ."

Here, Respondent's violation of Rule 9.20 resulted from his mistaken belief that he did not need to notify the Bankruptcy Court of his disciplinary suspension, since the Bankruptcy Court was already aware of the discipline imposed. His unauthorized practice of law in the adversary proceeding involving Hoover was a misguided attempt to help his client who otherwise was without counsel due to Respondent's suspension. Respondent was taking steps to protect Hoover by preparing the answer to be filed by Hoover as his own attorney, and to formally substitute out of the adversary proceeding. While he should have completed these tasks before the start of his suspension, Respondent's actions were not venal, but motivated by an effort to help his former client.

The aggravating and mitigating circumstances need also to be considered. In aggravation, Respondent has one prior imposition of discipline. In mitigation, Respondent cooperated with the State Bar's prosecution of this matter by entering this stipulation, and admitted his wrongdoing.

Under Standard 1.8(a), "[i]f a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." That is not the case here. Respondent engaged in the unauthorized practice of law at the inception of his suspension, and failed to comply with the notice requirement of California Rule of Court 9.20. The six-month actual suspension agreed to herein is consistent with the Standards for Respondent's misconduct, and fully comports with the triple aims of the attorney discipline system, the protection of the public, the courts and the legal profession, the maintenance of the highest professional standards and the preservation of public confidence in the legal profession enunciated in Standard 1.1.

This level of discipline is also consistent with case law. In *In the Matter of Babero* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 322, 334, the court observed that "the sanction recognized and generally imposed by the Supreme Court in [former] rule 955 violation cases [now Rule of Court 9.20] is disbarment. . . . When it had not been imposed, the attorneys had complied with the notification requirement, orally or in writing, to all their clients, participated in the disciplinary process, and presented substantial mitigating evidence regarding the non-compliance and their present good character."

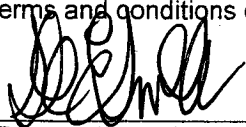
In the present case, Respondent complied with the notification requirements by notifying all of his clients and opposing counsel in writing of his suspension, participated in the State Bar disciplinary process, and admitted wrongdoing by entering into a pretrial stipulation with the State Bar. He did not file notices in the Bankruptcy Court, since he mistakenly believed that was unnecessary, since the Bankruptcy Court records reflected his suspension. Accordingly, considering the nature of the misconduct, and the aggravating and mitigating circumstances, imposition of a six-month actual suspension is consistent with case law and the Standards and will serve the purposes of attorney discipline set forth in Standard 1.1.


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In the Matter of: STEVEN EARL SMITH, JR.	Case number(s): 12-O-14894, 13-O-13964
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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.

3-31-2014  Steven Earl Smith, Jr.
Date Respondent's Signature Print Name

April 2, 2014  Erin McKeown Joyce
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: STEVEN EARL SMITH, JR.	Case Number(s): 12-O-14894, 13-O-13964
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ACTUAL SUSPENSION ORDER

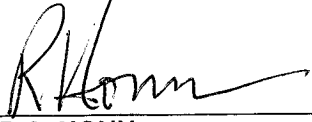
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

1. On page 2 of the Stipulation, at paragraph B.(1)(a), line 1, "10-J-00226" is deleted, and in its place is inserted "10-J-02206."
2. On page 6 of the Stipulation, the following language is added to the language inserted after "No MPRE recommended. Reason", at paragraph F.(1): "While it has now been just slightly more than two years since respondent took the March 17, 2012, MPRE which he passed, this stipulation was first submitted to the court in December 2013, but was rejected for certain deficiencies. Thus, although the current stipulation does not recommend that respondent take and pass the MPRE again, such recommendation is appropriate, as had the stipulation been approved in December 2013, it would have been well within two years since respondent took and passed the MPRE. The protection of the public, the courts, and the legal profession, as well as respondent's rehabilitation, do not require that respondent again take and pass the MPRE.
3. On page 8 of the stipulation, under the heading "Aggravating Circumstances," line 4, "10-J-0226" is deleted, and in its place is inserted "10-J-02206."

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.)**

4/30/14
Date


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 May 1, 2014, 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:

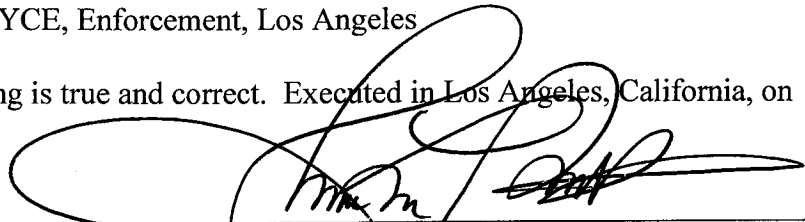
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEVEN E. SMITH JR
STEVEN E. SMITH, ATTORNEY AT LAW
24011 VENTURA BLVD STE 201
CALABASAS, CA 91302

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

ERIN JOYCE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 1, 2014.



Johnnie Lee Smith
Case Administrator
State Bar Court