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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>DISBARMENT</b>		
<b>Counsel For The State Bar</b>  <b>Anand Kumar</b> <b>Deputy Trial Counsel</b> <b>845 South Figueroa Street</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1714</b>  <b>Bar # 261592</b>	<b>Case Number(s):</b> <b>12-O-16960-RAP,</b> <b>12-O-17365,</b> <b>13-O-10578,</b> <b>13-O-11290,</b> <b>13-O-13609</b>	<b>For Court use only</b>  <div style="text-align: center;"> <b>FILED</b>  <b>APR 02 2014</b> <i>He</i>  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<b>In Pro Per Respondent</b>  <b>Garry Lawrence Jones</b> <b>25661 Minoa Drive</b> <b>Mission Viejo, CA 92691</b> <b>(714) 558-7999</b>  <b>Bar # 66344</b>	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> <b>GARRY LAWRENCE JONES</b>  <b>Bar # 66344</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING; ORDER OF</b> <b>INVOLUNTARY INACTIVE ENROLLMENT</b>  <b>DISBARMENT</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	

**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 18, 1975**.
- (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 (17) 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(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **92-O-18074**.
- (b) ☒ Date prior discipline effective **September 28, 1994**.
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-110(A) [failing to perform competently] and Business and Professions Code, section 6068(o)(3) [failing to timely report sanctions to State Bar]**.
- (d) ☒ Degree of prior discipline **private reproof with public disclosure with conditions including a one-year reproof period**.
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:

**In addition to the discipline imposed against Respondent in case number 92-O-18074, Respondent has two other prior records of discipline.**

**In State Bar case number 05-O-04889, Respondent received a public reproof with conditions including a one (1) year reproof period for violations of rule 3-110(A), Rules of Professional Conduct [failing to perform competently] and Business and Professions Code, section 6103 [failing to obey court order]. The discipline became effective on August 22, 2007.**

**In State Bar case number 09-O-18676 (Supreme Court case number S194789), Respondent was suspended for one (1) year, execution of the suspension was stayed, and he was placed on a one (1) year probation with conditions including a forty-five (45) day actual suspension for a violation of rule 3-110(A), Rules of Professional Conduct [failure to perform competently]. The discipline became effective on October 20, 2011.**

**For further discussion of Respondent's prior of discipline, see stipulation, at pages 13-14.**

- (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. **See stipulation, at page 14.**
- (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 stipulation, at page 14.**
- (8) ☒ **Restitution:** Respondent failed to make restitution. **See stipulation, at page 14.**
- (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

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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:**

**Pre-trial stipulation, see stipulation, at page 14.**

**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 **Carlos and Maria Concha** in the amount of \$ **434** plus 10 percent interest per year from **July 23, 2012**. Respondent must also make restitution to **Antonio and Lourdes Luna** in the amount of **\$2,740** plus 10 percent interest per year from **May 10, 2012**. If the Client Security Fund has reimbursed **Carlos and Maria Concha or Antonio and Lourdes Luna** for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than                      days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:

GARRY LAWRENCE JONES

CASE NUMBERS:

12-O-16960-RAP, 12-O-17365, 13-O-10578,  
13-O-11290, 13-O-13609

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 12-O-16960-RAP (Complainant: Blanca Ramos Perez)

**FACTS:**

1. On September 20, 2011, the California Supreme Court entered a disciplinary order (S194789), effective on October 20, 2011, suspending Respondent from the practice of law for a period of forty-five days (i.e., until December 4, 2011) as a result of prior professional misconduct engaged in by Respondent. On September 20, 2011, the clerk of the Supreme Court properly served a copy of this order on Respondent at his State Bar membership records address. Respondent received the order and at all relevant times knew the terms of the order including when he was suspended.

2. During the period of Respondent's suspension, Respondent was not in his law office and had no direct supervision over his law practice or staff. Instead he delegated supervision of the law office to an associate attorney, his non-attorney senior paralegal, Marlina Torres ("Torres"), and his non-attorney office manager, Ramon Flores ("Flores"). Respondent provided instructions regarding how to operate his law practice during his suspension, which included instructions not to contact him regarding legal advice on any legal matter during this period. However, Respondent failed to make appropriate arrangements for the running of his law office in his absence while he was suspended. Instead, while he was suspended, Respondent permitted his staff to carry on business as usual at his office. As a result, the staff, including non-attorney staff, continued to sign up clients in Respondent's name, continued to use Respondent's name on designation of attorney forms presented to clients and third parties, and continued to send correspondence in Respondent's name to third parties.

3. On November 21, 2011, Blanca Ramos Perez ("Blanca"), her daughter, Pamela Velazquez Perez ("Pamela"), and Pamela's boyfriend, Edgar Zaragoza ("Edgar"), (collectively, the "clients") were involved in a multi-car auto accident, in which Edgar was driving Perez and Pamela. All three sustained physical injuries.

4. On November 22, 2011, Respondent's investigator, Alvaro Vidaurre ("Vidaurre"), went to Blanca's home at her request without any supervision by Respondent or any other attorney at Respondent's direction. As a result of Respondent's failure to properly advise his staff or maintain appropriate procedures in his office to supervise his staff, Vidaurre had the clients each execute designation of attorney forms on Respondent's letterhead and sign individual retainer agreements to hire

Respondent to pursue their separate personal injury claims against the at-fault drivers from the car accident.

5. At the November 22, 2011 meeting, the clients each executed doctors' liens to receive medical treatment from Whittier Health Services. Each of the liens indicated that the clients had hired Respondent as their attorney to represent them in their respective claims.

6. At the time Respondent's firm accepted representation of the clients, the interests of the clients potentially conflicted in that Edgar was driving the vehicle in which Blanca and Pamela were riding and Edgar may have been liable to some degree to Blanca and Pamela for their injuries. However, neither Respondent nor anyone else from Respondent's firm obtained the informed written consent of each client as to the potential conflict.

7. As a result of Respondent's failure to make appropriate arrangements for running his office in his absence and failure to properly instruct his staff or maintain appropriate procedures in his office to supervise his staff, between November 23, 2011 and December 4, 2011, three letters were sent out from Respondent's law office on his letterhead to Geico Insurance, Allied United Insurance and Travelers Insurance, on behalf of the clients, enclosing the designation of attorney forms executed by the clients. All three of the letters were signed electronically by Respondent's staff with the signature, "Garry Lawrence Jones, Attorney At Law." None of the letters contained any indication or notification that Respondent was not entitled to practice law at the time and implied Respondent was entitled to practice law while he was suspended which constituted the unauthorized practice of law.

8. On December 5, 2011, Respondent returned to his law office to resume his law practice but did not become aware that Blanca, Pamela and Edgar were his clients until March 2012.

9. By failing to make appropriate arrangements for running his office in his absence, by failing to properly instruct his staff prior to his suspension, by failing to place the appropriate procedures in his office to supervise his staff during his suspension and by permitting his staff to carry on business as usual while he was suspended, including permitting his staff to continue to sign up clients on his behalf and prepare and send out letters on his letterhead and under his name as the attorney of record, Respondent aided his office staff in the unauthorized practice of law.

10. By permitting his staff to carry on business as usual while he was suspended, including permitting his staff to continue to sign up clients on his behalf and prepare and send out letters on his letterhead and under his name as the attorney of record, Respondent engaged in the unauthorized practice of law.

#### CONCLUSIONS OF LAW:

11. By aiding his non-attorney staff in the unauthorized practice of law, Respondent willfully violated Rules of Professional Conduct, rule 1-300(A).

12. By engaging in the unauthorized practice of law, in willful violation of Business and Professions Code, sections 6125 and 6126, Respondent failed to uphold the laws of this State and thereby willfully violated Business and Professions Code, section 6068(a).

13. By accepting representation of the clients without obtaining the informed written consent of each client as to the potential conflict, Respondent willfully violated Rules of Professional Conduct, rule 3-310(C)(1).

Case No. 12-O-17365-RAP (Complainant: Carlos and Maria Concha)

FACTS:

14. On February 5, 2011, anticipating that their home would soon be sold in foreclosure, Carlos and Maria Concha (collectively, the "Conchas") hired Respondent to file a lawsuit against their mortgage lender for fraud and wrongful foreclosure. The Conchas paid Respondent advanced legal fees totaling \$8,000 in three installments, including \$2,500 on February 8, 2011, \$2,500 on March 22, 2011 and a final installment payment of \$3,434 on May 23, 2011, which included \$434 to be used for filing fees.

15. Respondent deposited the advanced filing fees into his business account at Farmers & Merchants Bank instead of his client trust account.

16. Respondent drafted a form complaint against the Conchas' lender on behalf of the Conchas, however, the Conchas' lender, JP Morgan Chase Bank ("Chase") never served the Conchas with a notice of default and never instituted foreclosure proceedings. Instead, in June 2012, due in no part to any efforts of Respondent, the Conchas entered into a loan modification agreement with Chase. Respondent did not perform any legal services on behalf of the Conchas other than preparing the form complaint which was never filed. Accordingly, Respondent earned some, but not all of the \$8,000 advanced fee paid by the Conchas.

17. On July 23, 2012, the Conchas met with Respondent, terminated his services and requested a refund of all advanced legal fees and filing fees. At the meeting, Respondent informed the Conchas that he intended to keep a portion of the advanced legal fees for the work he believed was of value to the Conchas, but at no time did Respondent provide the Conchas with an accounting for the fees he claimed to have earned.

18. To date, Respondent has failed to refund to the Conchas any portion of the unearned fees or the filing fees that were never used. To date, Respondent has failed to provide the Conchas with an accounting for the legal fees he purportedly earned.

CONCLUSIONS OF LAW:

19. By failing to refund to the Conchas the unearned portion of the \$8,000 in advanced fees after Respondent's services were terminated in July 2012, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

20. By failing to provide the Conchas with an appropriate accounting upon his termination in July 2012, Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

21. By failing to deposit the \$434 advanced filing fees received for the Conchas' benefit in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, Respondent willfully violated Rules of Professional Conduct, rule 4-100(A).



22. By failing to return the \$434 unused advanced filing fees to the Conchas, Respondent failed to pay promptly, as requested by the Conchas, funds in Respondent's possession which the Conchas were entitled to, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

Case No. 13-O-11290-RAP (Complainant: Hector Alvarado)

FACTS:

23. On May 17, 2012, Hector Alvarado ("Alvarado") hired Respondent for immigration legal services including preparing and filing an immigration petition to adjust the immigration status of his wife, Yanelly Flores Arias ("Arias"). The retainer agreement was written on Respondent's letterhead and Respondent signed the retainer agreement. However, the retainer agreement also stated that Asistencia Legal Latina ("ALL," dba Orange County Legal Services, Inc. ("OCLS")) would be responsible for performing the legal services for Alvarado and Arias. At the time of the retainer agreement, ALL was an immigration services provider operated by non-attorney Ramon Flores ("Flores"), who was working as an office manager for Respondent's law firm.

24. In exchange for the legal services, the retainer agreement contemplated that Alvarado would pay Respondent a total of \$2,950 in legal fees, including a \$500 initial deposit and monthly payments of \$306.25 for eight months ending in January 2013.

25. On May 17, 2012, Alvarado paid Respondent an initial deposit of \$500 in cash. Between June 2012 and January 2013, Alvarado made the remaining eight payments for a total of \$2,950. Of the \$2,950 sum, Respondent directly or indirectly allowed Flores to receive \$1,218.50 paid by Alvarado for Respondent's legal services vis-à-vis pre-authorized debits from Alvarado's credit card made to OCLS.

26. Sometime after May 17, 2012, Flores took the file to another office and maintained control and possession over Alvarado's client file at all relevant times.

27. Thereafter, on June 12, 2012, as a result of Respondent's failure to properly supervise Flores and non-attorney Sophia Sanchez ("Sanchez") in the handling of Alvarado's immigration matter, Sanchez prepared and submitted an immigration petition on behalf of Alvarado and Arias to the United States Citizenship and Immigration Services ("USCIS") in Respondent's name, which constituted the unauthorized practice of law. On August 13, 2012, the petition was approved by USCIS and on August 23, 2012, Sanchez sent Alvarado a letter informing him that the petition had been approved.

28. In November 2012, Respondent terminated Flores. According to Respondent, he terminated Flores for various reasons, including that Flores attempted to control Respondent's office, take Respondent's clients away and illegally collect legal fees from Respondent's business account over the course of two years.

29. On January 31, 2013, someone purporting to be from Respondent's office called Alvarado requesting an additional \$3,400 to proceed with the immigration matters on Alvarado's behalf. Alvarado immediately objected. On February 6, 2013, Alvarado sent Respondent a letter terminating his services and requesting a copy of the petition prepared and submitted on behalf of his wife. Respondent received the letter.

30. On February 16, 2013, Respondent sent a letter to Alvarado in response to the termination letter attaching an accounting prepared by Flores. Between February 16, 2013 and April 5, 2013, Respondent retrieved Alvarado's client file from Flores. On April 5, 2013, Respondent met with Alvarado and provided Alvarado with his client file.

#### CONCLUSIONS OF LAW:

31. By failing to properly supervise Flores and Sanchez, which resulted in Sanchez preparing and filing an immigration petition with USCIS in Respondent's name, and allowing Flores to collect legal fees from the client and maintain control and possession over the client's file at all relevant times, Respondent aided the unauthorized practice of law, in willful violation of Rules of Professional Conduct, rule 1-300(A).

32. By allowing Flores to receive \$1,218.50 in legal fees for Alvarado's immigration petition, Respondent directly or indirectly shared legal fees with a person who is not a lawyer, in willful violation of Rules of Professional Conduct, rule 1-320(A).

#### Case No. 13-O-13609-RAP (Complainant: Antonio and Lourdes Luna)

#### FACTS:

33. On September 27, 2011, Antonio and Lourdes Luna (collectively, the "Lunas") hired Respondent to file a Chapter 7 bankruptcy petition on behalf of the Lunas, to prevent a foreclosure sale on the Lunas' home, and to pursue litigation against the Lunas' mortgage lenders for fraud and predatory lending.

34. In exchange, the Lunas agreed to pay Respondent a total sum of \$10,400 on a payment schedule. The Lunas paid Respondent \$5,400 on October 5, 2011, \$2,500 on November 15, 2011 and \$2,500 on December 20, 2011.

35. On September 20, 2011, the California Supreme Court entered a disciplinary order (S194789), effective on October 20, 2011, suspending Respondent from the practice of law for a period of forty-five days (i.e., until December 4, 2011) as a result of prior professional misconduct engaged in by Respondent. On September 20, 2011, the clerk of the Supreme Court properly served a copy of this order on Respondent at his State Bar membership records address. Respondent received the order and at all relevant times knew the terms of the order including when he was suspended.

36. During the period of Respondent's suspension, Respondent collected the second advance fee payment in the amount of \$2,500 from the Lunas on November 15, 2011 while he was suspended and not entitled to fees for legal services and therefore Respondent collected an illegal fee. By collecting advanced legal fees when he was suspended, Respondent held himself out as entitled to practice law when he was not and thereby engaged in the unauthorized practice of law.

37. On March 5, 2012, the Lunas also paid Respondent \$635 by check as an advance for filing fees. Respondent deposited the advanced filing fees into his business account at Farmers & Merchants Bank instead of into his client trust account.

38. On April 25, 2012, Respondent filed a lawsuit on behalf of the Lunas in Los Angeles County Superior Court (the "lawsuit"). The filing fees for the lawsuit were at most \$395 and at no time did

Respondent file a Chapter 7 bankruptcy on the Lunas' behalf or any other lawsuits. Respondent did not perform any legal services on behalf of the Lunas other than filing the lawsuit. Accordingly, Respondent earned some, but not all of the \$10,400 advanced fee paid by the Lunas. Respondent did not incur any other filing costs on behalf of the Lunas. Therefore, the Lunas were entitled to at least \$240 of the unused balance of the advanced filing fees.

39. Between October 5, 2011 and May 14, 2012, the Lunas called Respondent's office and left numerous voice messages for Respondent inquiring about the status of their legal matters. Respondent received the voice messages but failed to respond.

40. On May 10, 2012, the Lunas terminated Respondent and on May 11, 2012, the Lunas requested a refund from Respondent's office, which was subsequently communicated to Respondent.

41. After being terminated, Respondent failed to substitute out or file a motion to withdraw as attorney of record on behalf of the Lunas in the lawsuit, thereby remaining attorney of record for the Lunas, and thereafter failed to appear at scheduled court hearings or notify the Lunas regarding the scheduled court dates, including case management conferences on October 2, 2012 and November 14, 2012, resulting in the dismissal of the Lunas' lawsuit. Respondent received the notice of dismissal of the lawsuit.

42. At no time did Respondent inform the Lunas that the lawsuit was dismissed because of Respondent's failure to take any steps to prosecute the action, including failing to appear at the scheduled case management conferences.

43. To date, Respondent has failed to refund any portion of the unearned fees or advanced costs or provide the Lunas with an accounting of the services performed.

#### CONCLUSIONS OF LAW:

44. By holding himself out as entitled to practice law while suspended, Respondent engaged in the unauthorized practice of law, in willful violation of Business and Professions Code, sections 6125 and 6126, and Respondent failed to uphold the laws of this State and thereby willfully violated Business and Professions Code, section 6068(a).

45. By collecting advanced legal fees in the sum of \$2,500 from the Lunas during the period of his suspension, Respondent collected an illegal fee, in willful violation of Rules of Professional Conduct, rule 4-200(A).

46. During the period prior to, and after his suspension, by failing to file a Chapter 7 bankruptcy petition on behalf of the Lunas, failing to prosecute the Lunas' lawsuit and by failing to provide any legal services of value on behalf of the Lunas, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

47. By failing to substitute out or file a motion to withdraw as attorney of record on behalf of the Lunas in their lawsuit, failing to appear at the scheduled court hearings resulting in the dismissal of the Lunas' lawsuit, and failing to notify the Lunas regarding the scheduled court dates and ultimate dismissal, Respondent failed upon termination to take reasonable steps to avoid reasonably foreseeable prejudice to the Lunas' rights, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

48. By failing to deposit the \$635 advanced costs received for the Lunas' benefit in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, Respondent willfully violated Rules of Professional Conduct, rule 4-100(A).

49. By failing to return the \$240 unused advanced filing fees to the Lunas after the Lunas terminated his legal services and requested the unused filing fees, Respondent failed to pay promptly, as requested by the Lunas, funds in Respondent's possession that the Lunas were entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

50. By failing to inform the Lunas that he failed to appear on behalf of the Lunas at the case management conferences in their lawsuit and that their lawsuit was dismissed because of Respondent's failure to prosecute the action, including failing to appear at the case management conference, Respondent failed to keep the Lunas reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

51. By failing to respond promptly to the Lunas' numerous reasonable telephonic status inquiries between October 5, 2011 and May 14, 2012 in a matter in which Respondent had agreed to provide legal services, Respondent willfully violated Business and Professions Code, section 6068(m).

52. By failing to refund to the Lunas any portion of the \$2,500 illegal fee or the unearned portion of the \$10,400 in advanced fees after Respondent's services were terminated in May 2012, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

53. By failing to render an appropriate accounting to the Lunas with an appropriate accounting upon his termination in May 2012, Respondent willfully violated the Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 13-O-10578-RAP (State Bar Investigation)

FACTS:

54. On September 20, 2011, the California Supreme Court entered a disciplinary order (S194789), which became effective on October 20, 2011, suspending Respondent from the practice of law for a period of forty-five days (i.e., until December 4, 2011) and placing Respondent on probation with conditions for a period of one year as a result of prior professional misconduct engaged in by Respondent. On September 20, 2011, the clerk of the Supreme Court properly served a copy of this order on Respondent at his State Bar membership records address. Respondent received the order.

55. At all relevant times, Respondent had notice of the September 20, 2011 Disciplinary Order and all conditions of probation imposed by that order.

56. One of the conditions of probation imposed by the September 20, 2011 Disciplinary Order required Respondent to comply with the provisions of the State Bar Act and Rules of Professional Conduct. Respondent failed to do so by aiding the unauthorized practice of law by his non-attorney staff during his suspension as set forth above in paragraphs 2 through 9, in violation of rule 1-300(A) of the Rules of Professional Conduct, by collecting an illegal fee during the period of his suspension to perform legal services for Antonio and Lourdes Luna as set forth above in paragraphs 33 through 36, in

violation of rule 4-200(A) of the Rules of Professional Conduct and by engaging in the unauthorized practice of law as set forth above in paragraphs 33 through 36, in willful violation of Business and Professions Code, sections 6125 and 6126 and 6068(a).

57. Respondent failed to comply with several other conditions of his probation. Specifically, Respondent failed to timely contact his assigned probation deputy by November 19, 2012 to arrange a meeting with the probation deputy to review the terms of the September 20, 2011 order. Respondent contacted his assigned probation deputy on January 11, 2012 and had the initial meeting with his probation deputy on January 12, 2012. Respondent also failed to timely submit to the Office of Probation the quarterly reports that were due by July 10, 2012 and October 10, 2012. Instead, Respondent submitted the reports on August 14, 2012 and November 15, 2012 respectively. Respondent failed to timely submit to the Office of Probation the final report that was due by October 20, 2012. He submitted the final report on January 2, 2013.

58. Respondent also failed to timely attend and complete State Bar Ethics School and Client Trust Accounting School and submit proof of same to the Office of Probation by October 20, 2012. Respondent completed Ethics School and Client Trust Accounting School on October 25 and 26, 2012 respectively, but failed to submit proof of same to the Office of Probation until December 26, 2012.

#### CONCLUSIONS OF LAW:

59. By failing to comply with the conditions attached to Respondent's disciplinary probation in State Bar case number 09-O-18676, Respondent willfully violated Business and Professions Code, section 6068(k).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has three prior records of discipline since being admitted to practice on December 18, 1975.

In Respondent's first State Bar discipline, which became effective on September 28, 1994 and consisted of a private reproof with public disclosure with conditions including a one-year reproof period, Respondent failed to appear at a pretrial hearing on behalf of a criminal defendant in August 1992 because he was engaged in trial on the same date in another matter in a different county. Respondent also failed to prepare for trial in the second criminal matter causing a mistrial and leading to a sanctions order against him for \$1,000, which Respondent subsequently failed to report to the State Bar of California within thirty days. Respondent stipulated to failing to perform competently on behalf of a client in violation of Rules of Professional Conduct, rule 3-110(A) and to failing to report the sanctions order within thirty days of the order in violation of Business and Professions Code, section 6068(o)(3). There were no aggravating circumstances present and in mitigation, Respondent had no prior record of discipline since his admission more than 16 years prior to the misconduct.

In connection with Respondent's second State Bar discipline, which became effective on August 22, 2007 and consisted of a public reproof with conditions including a one-year reproof period, Respondent stipulated to failing to perform on behalf of a client by failing to appear at multiple scheduled court hearings between November 2003 and September 2004 which resulted in the client's case being dismissed twice for lack of prosecution in violation of rule 3-110(A). Respondent also stipulated to failing to obey two court orders from July 2004 and January 2005 requiring him to pay monetary sanctions arising from his failures to perform for the client in violation of Business and

Professions Code, section 6103. In aggravation, Respondent stipulated to multiple acts of wrongdoing and having caused his client significant harm resulting in the client's case being dismissed twice and having one prior record of discipline. Respondent received credit for compelling mitigation for suffering extreme difficulties in his personal life, which were other than emotional or physical in nature. Beginning in June 2003, his law practice was complicated by the hospitalization and eventual death of his wife in August 2004. His wife had been hospitalized for months due to leukemia before she died of a lung condition. Prior to her death, Respondent relied heavily on his wife, both as a spouse and as his office manager. Due to her passing, Respondent ceased his law practice for a period of time to focus on raising his four children. Also considered in mitigation were that Respondent was candid and cooperative with the State Bar during its investigation and disciplinary proceedings and that he belatedly paid the sanctions.

Respondent's third and most recent State Bar discipline (case number 09-O-18676) became effective on October 20, 2011 and consisted of a one-year stayed suspension and a one-year probation with conditions including a forty-five (45) day actual suspension. Respondent stipulated to a violation of rule 3-110(A) for failing to promptly resolve a medical lien with a medical provider and collection agency after his receipt of settlement funds on behalf of a client between January 2006 and February 2009. As part of the discipline, Respondent was ordered to attend and complete State Bar Client Trust Accounting School by October 20, 2012, which he did belatedly but successfully on October 26, 2012. No aggravating or mitigating circumstances were considered in the stipulation.

**Harm (Std. 1.5(f)) / Failure to Make Restitution (Std. 1.5(i)):** To date, Respondent has failed to make restitution to the Conchas or to the Lunas. Respondent's misconduct has caused significant harm to his clients by depriving the Conchas of the unearned portion of the \$8,434 advanced fees and costs they paid Respondent for nearly twenty months after Respondent was terminated in July 2012 in their matter and by depriving the Lunas of the unearned portion of the \$10,640, including the \$2,500 illegal fees he collected or the \$240 unused filing fees, for nearly twenty-two months after Respondent was terminated in May 2012.

The instant stipulation does not contain a restitution condition for the unearned portion of the \$8,000 advanced legal fees paid by the Conchas or the unearned portion of the \$10,400 advanced legal fees paid by the Lunas (apart from the \$2,500 illegal fees collected from the Lunas) because Respondent earned an undetermined portion of the advanced legal fees and therefore the amounts owed to the Conchas and the Lunas are in dispute and restitution cannot be determined. The Conchas and the Lunas have remedies available through other legal process to obtain any refund owed to them.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent's misconduct evidences multiple acts of misconduct, including failing to refund unearned fees, failing to render appropriate accountings, collecting illegal fees, aiding and engaging in the unauthorized practice of law, fee-splitting, probation violations and trust account violations. Multiple acts of misconduct can be considered serious aggravation. (See e.g., *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555.)

#### **MITIGATING CIRCUMSTANCES.**

**Pre-trial Stipulation:** While some of the facts in this matter are easily provable, Respondent has cooperated with the State Bar by entering into the instant stipulation fully resolving the matter without the necessity of a trial, thereby saving State Bar resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

## 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. 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).)

In this matter, Respondent admits to committing several acts of professional misconduct. Standard 1.7(a) requires that where an attorney “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 1.8(b), which applies based on Respondent’s prior record of discipline.

Standard 1.8(b) provides that if an attorney has a record of two prior impositions of discipline, that unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct, “disbarment is appropriate” in the following circumstances: “1. Actual suspension was ordered in any one of the prior disciplinary matters; 2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or 3. The prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to confirm to ethical responsibilities.”

Respondent’s misconduct requires disbarment under Standard 1.8(b). Here, Respondent has been disciplined three times including two reprovations and an actual suspension. Respondent has committed misconduct in the 1990s, the 2000s, and the 2010s. While some of the prior misconduct is remote in time, Standard 1.8(b) makes no distinction between recent and remote prior disciplinary proceedings. (See *Morgan v. State Bar* (1990) 51 Cal.3d 598, 607 [discussing former Standard 1.7(b), the predecessor to Standard 1.8(b)].) Two of the three disciplines have been imposed in the last seven years for misconduct, which occurred starting in 2003 and has continued to 2009, until the most recent

misconduct occurred in 2011. Actual suspension was ordered in Respondent's most recent prior record of discipline, which included a 45-day actual suspension in 2011. Respondent's prior record misconduct coupled with the current record demonstrate that the State Bar's repeated attempts to rehabilitate Respondent by means of disciplinary orders, actual suspension and probation conditions have proven unsuccessful and show that Respondent has been unable to conform his conduct to comply with the law. Accordingly, disbarment is appropriate pursuant to Standard 1.8(b).

Prior to the instant disciplinary proceedings, Respondent practiced law for nearly 40 years, including nearly 17 years prior to the misconduct underlying his initial discipline. As recognized in Respondent's second State Bar discipline, Respondent's law practice was derailed by the death of his wife in August 2004 and resulted in Respondent having to cope with the impact of her loss on their family as well as on his law practice. Ultimately, in February 2011, Respondent hired Flores to replace his wife as his law office manager. Due in part to the fact that his wife had previously served as his office manager, Respondent failed to properly supervise Flores in the management of Respondent's law office, and thereby effectively allowed Flores to misuse Respondent's name and status as an attorney to the detriment of Respondent's clients and to Respondent himself by allowing Flores to usurp control over Respondent's law office and financially profit from Respondent's inadequate supervision. Ultimately, Respondent created an environment for Flores' actions without maintaining adequate controls and Respondent must bear the responsibility for the consequences, which he has done by the instant stipulation. (See *In the Matter of Jones* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 411, 420-421.) Disbarment is the only discipline appropriate to protect the public, the courts and the legal profession, maintain high professional standards by attorneys and preserve public confidence in the legal profession.

#### **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations from the two notices of disciplinary charges filed in case numbers 12-O-16960, et al. and 13-O-13609 (consolidated) in the interest of justice:

<u>Case no.:</u>	<u>Count</u>	<u>Alleged Violation</u>
12-O-16960	Three	Business and Professions Code, section 6106
13-O-15078	Ten	Business and Professions Code, section 6106
13-O-13609	One	Business and Professions Code, section 6106.3
13-O-13609	Two	Business and Professions Code, section 6106.3
13-O-13609	Four	Business and Professions Code, section 6106

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 27, 2014, the prosecution costs in this matter are approximately \$9,312.44. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.


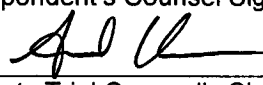


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In the Matter of: GARRY LAWRENCE JONES	Case number(s): 12-O-16960-RAP, 12-O-17365, 13-O-10578, 13-O-11290, 13-O13609
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>3-4-14</u> Date	 Respondent's Signature	<u>Garry Lawrence Jones</u> Print Name
<u>3.5.14</u> Date	 Deputy Trial Counsel's Signature	<u>Anand Kumar</u> Print Name

(Do not write above this line.)

In the Matter of: GARRY LAWRENCE JONES	Case Number(s): 12-O-16960-RAP, 12-O-17365, 13-O-10578, 13-O-11290, 13-O-13609
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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:

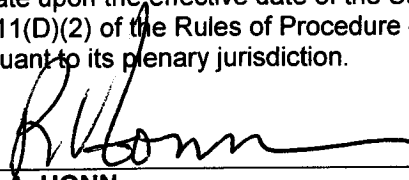
- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

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 Garry Lawrence Jones is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

4/2/14

  
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 April 2, 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:

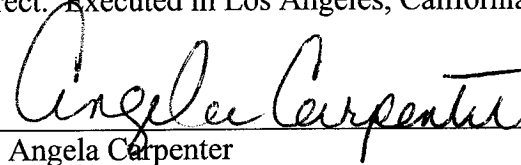
GARRY LAWRENCE JONES  
1801 PARK COURT PL BLDG E  
SUITE 207  
SANTA ANA, CA 92701

GARRY LAWRENCE JONES  
25661 MINOA DRIVE  
MISSION VIEJO, CA 92691

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 2, 2014.



Angela Carpenter  
Case Administrator  
State Bar Court