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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION			PUBLIC MATTER
Counsel For The State Bar KELSEY J. BLEVINGS DEPUTY TRIAL COUNSEL 1149 S. Hill Street Los Angeles, CA 90015 Tel. (213) 765-1209 Bar # 271271	Case Number(s): 12-O-17453	For Court use only <div style="text-align: center;"> FILED AUG 09 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
In Pro Per Respondent GUILLERMO SUAREZ M. 6457 Whittier Blvd. East Los Angeles, CA 90022 Tel. (323) 722-6100 Bar # 181893	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: GUILLERMO SUAREZ M. Bar # 181893 A Member of the State Bar of California (Respondent)			

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted April 12, 1996.
- (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 10 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)

7/31/13

- (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 are added to membership fee for calendar year following effective date of discipline.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycles following the effective date of the Supreme Court order. (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 or a separate attachment entitled "Prior Discipline."
- (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, p. 8.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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

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(13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

No Prior Discipline: See attachment, p. 8.

Pre-Filing Stipulation: See attachment, p. 8.

Remedial Measures: See attachment, p. 8.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☐ Respondent must be suspended from the practice of law for a period of one (1) year.

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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of one (1) year, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ 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.

(3) ☒ 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.

(4) ☒ 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.

(5) ☐ 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.

- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ 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.
- (9) ☐ 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 within one year. **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) ☐ **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GUILLERMO SUAREZ M.

CASE NUMBER: 12-O-17453

FACTS AND CONCLUSIONS OF LAW

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

Case No. 12-O-17453 (Complainant: Setrak Pokradjian)

FACTS:

1. Between September 2011 and October 2012, Respondent was employed as an attorney at Inland Empire Immigration Service, Inc. ("Inland Empire"), a California corporation owned and operated by non-attorneys, and in existence prior to Respondent's employment.
2. Inland Empire utilized non-attorney employees to prepare and file immigration forms on behalf its customers. In preparing the immigration forms, the non-attorney employees would make strategic legal decisions such as assessing a customer's eligibility for relief under the various provisions of the Immigration and Nationality Act, making recommendations as to which particular form of relief to seek where the customer is eligible for multiple forms of relief, and ultimately deciding which immigration forms to file on behalf of the customer. Additionally, in the course of consulting with the customers, the non-attorney employees would provide legal advice such as predicting the customer's likelihood of success in obtaining relief. By permitting its non-attorney employees to make strategic legal decisions on behalf of its customers and furnish legal advice to its customers, Inland Empire was engaged in the unauthorized practice of law.
3. In the course of his employment, Respondent's primary duty was to make immigration court appearances for Inland Empire customers who were referred to him by the non-attorney employees. Yet, the non-attorney employees decided which customers would be referred to respondent and which would not. Furthermore, Respondent knew that only a portion of Inland Empire's customers were being referred to him while many others were handled solely by the non-attorney employees. In those latter cases, Respondent knew the non-attorney employees were making strategic legal decisions on behalf of customers and furnishing customers with legal advice. Respondent's other duties involved providing support to the non-attorney employees, which facilitated the unauthorized practice of law. For example, Respondent conducted bi-weekly office training to ensure that the non-attorney employees were kept apprised of current developments in immigration law and made himself available to answer questions from the non-attorney employees should the need arise. By engaging in the foregoing conduct, Respondent aided Inland Empire in its unauthorized practice of law.

4. In September 2011, Setrak Pokradjian hired Inland Empire to represent him in removal proceedings before the immigration court and to assist him in obtaining a work authorization from the United State Citizenship and Immigration Service ("USCIS"). Mr. Pokradjian consulted exclusively with a non-attorney employee of Inland Empire. The non-attorney employee assured Mr. Pokradjian that he would be issued a work authorization and that he would not have to appear in immigration court for removal proceedings for at least a year. In completing Mr. Pokradjian's immigration paperwork, the non-attorney employee applied for a type of removal relief that Mr. Pokradjian was legally ineligible to receive. Further, the non-attorney employee failed to notify Mr. Pokradjian that he was required to appear before the immigration court for a hearing on November 16, 2011. As a result of the non-attorney employee's mistake and failure to inform Mr. Pokradjian of the hearing, Mr. Pokradjian did not receive a work permit and, in fact, was ordered deported *in absentia*.

CONCLUSIONS OF LAW:

5. By training and advising Inland Empire's non-attorney employees how to prepare and file immigration documents while exercising no oversight over the non-attorney employees and while knowing that the non-attorney employees were engaged in the unauthorized practice of law by making strategic legal decisions for and furnishing legal advice to Inland Empire customers, Respondent aided an entity in the unauthorized practice of law in willful violation of Rules of Professional Conduct, rule 1-300(A).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Harm: Respondent's professional affiliation with Inland Empire harmed the administration of justice by creating the illusion that Inland Empire was a reputable business authorized to practice law. (See *In the Matter of Trousil* (Review Dept. 1990) 1. Cal. State Bar Ct. Rptr. 229 [harm to the public, the client, and to the administration of justice is inherent in the unauthorized practice of law]; Std. 1.2(iv).)

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Although his misconduct was serious, Respondent has no record of discipline since his admission to the State Bar of California in 1996. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49 [where mitigative credit was given for long period of discipline-free practice despite serious misconduct].)

Pre-Filing Stipulation: Respondent has cooperated with the State Bar by admitting his culpability and entering into this stipulation prior to the filing of formal disciplinary charges. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

Remedial Measures: Respondent terminated his relationship with Inland Empire in October 2012, shortly after being contacted by the State Bar in this matter. (See *In the Matter of Lais* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 907, 926 [where mitigative credit was given for substantial efforts made to correct the problems surrounding the misconduct].)

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 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.) 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.)

The sanctions applicable to Respondent’s misconduct are found in standard 2.10 which prescribes reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. Here, Respondent entered into an improper professional relationship with a business entity owned and operated by non-attorneys and aided the entity’s unauthorized practice of law for over a year. Additionally, in aiding Inland Empire’s unauthorized practice of law, Respondent harmed the administration of justice. In mitigation, Respondent has been practicing law since 1996 without a prior incident of discipline and he cooperated fully with the State Bar by admitting culpability and entering into this stipulation. In addition, Respondent terminated his relationship with Inland Empire in October 2012, shortly after being contacted by the State Bar in this matter. Based on the facts and circumstances including the aggravating and mitigating circumstances surrounding Respondent’s misconduct, a one year stayed suspension is sufficient to protect the public and serves the purposes of attorney discipline as set forth in standard 1.3

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 20, 2013, the prosecution costs in this matter are approximately \$2,925. 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 or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:
GUILLERMO SUAREZ M.

Case number(s):
12-O-17453

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.

07/25/2013 Guillermo Suarez M
Date Respondent's Signature

GUILLERMO SUAREZ M.
Print Name

07/31/2013 Kelsey J. Blevings
Date Respondent's Counsel Signature
Deputy Trial Counsel's Signature

KELSEY J. BLEVINGS
Print Name

(Do not write above this line.)

In the Matter of: GUILLERMO SUAREZ M.	Case Number(s): 12-O-17453
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STAYED 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

8-9-13


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 August 9, 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:

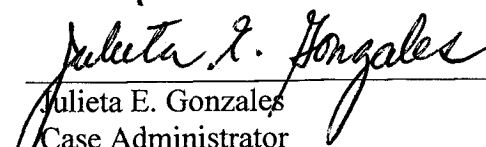
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GUILLERMO SUAREZ M.
BUFETE JURIDICO LAW OFFICES
6457 WHITTIER BLVD
EAST LOS ANGELES, CA 90022

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

Kelsey J. Blevings, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 9, 2013.



Julieta E. Gonzales
Case Administrator
State Bar Court