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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  <b>Adriana Burger</b> Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1229  Bar # 92534	Case Number(s): 12-O-17542 - RAP 12-O-17580 13-O-10240	For Court use only  <div style="text-align: center;"> <p><b>FILED</b></p> <p>MAR 05 2014 <i>HL</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
Counsel For Respondent  <b>Paul Jean Virgo</b> 9909 Topanga Boulevard #282 Chatsworth, CA 91311 (310) 666-9701  Bar # 67900	<p><b>PUBLIC MATTER</b></p>	
In the Matter of: <b>WILFORD THOMAS LEE</b>  Bar # 166168  A Member of the State Bar of California (Respondent)	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	

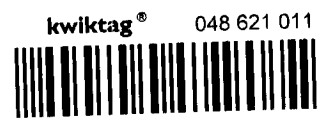
**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **December 1, 1993**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** 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".

(Effective January 1, 2014)

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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: (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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was 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. **Please see page 13.**
- (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.

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- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Please see page 13.**
- (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.
- (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:**

**No Prior Discipline and Pre-trial Stipulation - please see page 13.**

**D. Discipline:**

(1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of **two (2) 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 **three (3) 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 (6) 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.

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- (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: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" 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:

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- (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:**

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In the Matter of: <b>WILFORD THOMAS LEE</b>	Case Number(s): <b>12-O-17542</b> <b>12-O-17580</b> <b>13-O-10240</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Bradley and Allison Betke	\$4,367.00	May 17, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **Please see page 4, paragraph (3)(ii) which provies that Respondent must pay restitution as provided above as a condition of returning to active status.**

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
    - i. A written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.





8. On May 22, 2012 Respondent sent a letter to the State Bar. The following appeared at the bottom of the letter: "William T. Lee, Admitted to Practice Law in Utah, UT Bar #0447." Respondent has never been licensed to practice law in Utah. When Respondent stated in his letter that he was admitted to practice law in Utah, he knew that the statement was not true.

9. Respondent provided to Harris a full refund of all fees in the amount of \$1,200 in February 2012.

#### CONCLUSIONS OF LAW:

10. By accepting employment with Harris and agreeing to perform legal services in connection with Harris's home mortgage loan modification for Harris's North Carolina property, Respondent held himself out as entitled to practice law and actually practiced law in a jurisdiction where practicing is in violation of the regulations of the profession in that jurisdiction and therefore wilfully violated Rules of Professional Conduct, rule 1-300(B).

11. By entering into an agreement for, charging, and collecting legal fees from Harris when he was not licensed to practice law in North Carolina, Respondent entered into an agreement for, charged, or collected an illegal fee and therefore wilfully violated Rules of Professional Conduct, rule 4-200(A).

12. By stating in his December 27, 2012 letter to the State Bar that he had jointly engaged in loan modification services with Myers and Eichelberger, PL and that they were licensed in North Carolina, when he knew that those representations were not true, Respondent knowingly made a misrepresentation to the State Bar and committed an act involving moral turpitude and dishonesty and therefore wilfully violated Business and Professions Code, section 6106.

13. By stating in his May 22, 2012 letter to the State Bar that he was licensed to practice law in the state of Utah, when he knew that the representation was not true, Respondent knowingly made a misrepresentation to the State Bar and committed an act involving moral turpitude and dishonesty and therefore wilfully violated Business and Professions Code, section 6106

#### Case No. 12-O-17580 (Complainant: Beverly Gilbert)

#### FACTS:

14. On April 27, 2012, North Carolina resident Beverly Gilbert ("Gilbert") employed Respondent to perform legal services to obtain a home mortgage loan modification for Gilbert's North Carolina property. Gilbert paid Respondent an fee in the amount of \$2,680.

15. North Carolina law prohibits the practice of law in North Carolina by persons not admitted to practice law in North Carolina.

16. Respondent is not now, nor ever has been, admitted to practice law in the state of North Carolina.

17. Respondent entered into an agreement to perform legal services for Gilbert in North Carolina, which he was not legally permitted to perform in North Carolina.

18. Respondent charged and collected fees from Gilbert for legal services that he was not legally permitted to perform in North Carolina.

19. Respondent provided to Gilbert a full refund of all fees in the amount of \$2,680 in February 2012.

CONCLUSIONS OF LAW:

20. By accepting employment with Gilbert and agreeing to perform legal services in connection with Gilbert's home mortgage loan modification for Gilbert's North Carolina property, Respondent held himself out as entitled to practice law and actually practiced law in a jurisdiction where practicing is in violation of the regulations of the profession in that jurisdiction and therefore wilfully violated Rules of Professional Conduct, rule 1-300(B).

21. By entering into an agreement for, charging, and collecting legal fees from Gilbert when he was not licensed to practice law in North Carolina, Respondent entered into an agreement for, charged, or collected an illegal fee and therefore wilfully violated Rules of Professional Conduct, rule 4-200(A).

Case No. 13-O-10240 (Complainants: Bradley and Allison Betkes)

FACTS:

22. On May 17, 2012, Illinois residents Bradley and Allison Betke (the "Betkes") employed Respondent to perform legal services to obtain a home mortgage loan modification for the Betkes' Illinois property. The Betkes paid Respondent a fee in the amount of \$4,367.

23. Illinois law prohibits the practice of law in Illinois by persons not admitted to practice law in Illinois.

24. Respondent is not now, nor has ever been, admitted to practice law in the state of Illinois.

25. Respondent entered into an agreement with the Betkes to perform legal services in Illinois, which he was not legally permitted to perform in Illinois.

26. Respondent charged and collected fees from the Betkes for legal services that he was not legally permitted to perform in Illinois.

27. Respondent has not refunded to the Betkes any portion of the fees in the amount of \$4,367 that he was not legally permitted to collect.

28. On December 4, 2012, the Betkes became dissatisfied with Respondent's legal services and requested assurances from Respondent that Respondent was permitted to practice law in Illinois. Respondent reassured the Betkes that he was permitted to practice law in Illinois and also that he had associates working on the Betkes' matter who were licensed to practice law in Illinois. Respondent told the Betkes that Owen Myers and Jon Eichelberger were the Illinois associates working on their matter. None of Respondent's representations to the Betkes were true. When Respondent told the Betkes that he was permitted to practice law in Illinois; that Myers and Eichelberger were Illinois attorneys; and that Myers and Eichelberger were working on the Betkes' matter, he knew that the statements were not true.

29. On the same day, the Betkes contacted Myers and Eichelberger. Eichelberger told the Betkes that his firm was not associated with Respondent and was not representing the Betkes. At all relevant times, neither Myers nor Eichelberger were licensed to practice law in Illinois.

30. Shortly thereafter, the Betkes filed a complaint with the Illinois Office of the Attorney General alleging that Respondent failed to perform in their loan modification matter. Virginia Luevano, Citizen Advocate for the Consumer Protection Division, was assigned to handle the Betkes' complaint. Luevano wrote to Respondent and requested that he respond to the Betkes' complaint.

31. On January 28, 2013, Respondent responded to Luevano's letter and *inter alia* stated: "...W.T. Lee & Associates provides legal services to clients as part of the licensed practice of law in Illinois." At the time Respondent represented to Luevano that he was licensed to practice law in Illinois, he knew that this was not true.

32. On January 18, 2013, the State Bar opened an investigation concerning Respondent's conduct in the Betkes' matter. On January 30, 2013, a State Bar investigator sent Respondent a letter asking for a written response to allegations that Respondent practiced law in Illinois while not licensed in that state. Respondent received the letter.

33. On February 13, 2013, Respondent provided a written response to the State Bar's January 30, 2013 letter. In his response, Respondent stated that he was affiliated with Myers and Eichelberger, who were licensed in Illinois or who had associates licensed in Illinois who were permitted to practice law in Illinois. This was not true, and Respondent knew this was not true at the time he made the statement.

34. At all relevant times, neither Owen Myers nor Jon Eichelberger were licensed to practice law in Illinois, nor did they have associates licensed to practice law in Illinois. At no time has Respondent been affiliated with Myers and Eichelberger.

#### CONCLUSIONS OF LAW:

35. By accepting employment with the Betkes and agreeing to perform legal services in connection with the Betkes' home mortgage loan modification for the Betkes' Illinois property, Respondent held himself out as entitled to practice law and actually practiced law in a jurisdiction where practicing is in violation of the regulations of the profession in that jurisdiction and therefore wilfully violated Rules of Professional Conduct, rule 1-300(B).

36. By entering into an agreement for, charging, and collecting legal fees from the Betkes when he was not licensed to practice law in Illinois, Respondent entered into an agreement for, charged, or collected an illegal fee and therefore wilfully violated Rules of Professional Conduct, rule 4-200(A).

37. By knowingly misrepresenting to the Betkes that he was licensed to practice law in Illinois, that Myers and Eichelberger were Illinois attorneys, and that Myers and Eichelberger were working on the Betkes' matter, and by knowingly misrepresenting to Luevano that he was licensed to practice law in Illinois, Respondent knowingly made material misrepresentations of facts and thereby committed acts involving moral turpitude and dishonesty and therefore wilfully violated Business and Professions Code, section 6106.

38. By stating in his letter to the State Bar that he was affiliated with Myers and Eichelberger, that they were licensed in Illinois, and that they had associates who were licensed to practice law in

Illinois, when he knew that those representations were not true, Respondent knowingly made a misrepresentation to the State Bar and committed an act involving moral turpitude and dishonesty and therefore wilfully violated Business and Professions Code, section 6106.

### **AGGRAVATING CIRCUMSTANCES.**

**Harm: (Std. 1.5(f)):** The three clients were already in financial distress when they hired Respondent to assist them in obtaining home mortgage loan modifications, so Respondent's misconduct exacerbated their precarious situations. Further, the Betkes have been without use of the \$4,367 that they paid to Respondent since May 17, 2012.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Standard 1.5(b) applies to this matter because Respondent committed eleven acts of wrongdoing in three separate matters. Moreover, Respondent made multiple misrepresentations to the State Bar and to the Betkes.

### **MITIGATING CIRCUMSTANCES.**

**No Prior Discipline:** Respondent had been in practice for more than eighteen (18) years without any prior discipline at the time the instant misconduct began. Although Respondent's misconduct is serious, he is entitled to some mitigation credit for no prior record of discipline. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96.)

**Pretrial Stipulation:** Respondent is entitled to credit for entering into a full stipulation as to facts, culpability, and disposition prior to trial in this matter, thereby saving State Bar time and 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 Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) 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 discipline 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 members' willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Respondent admits to committing eleven (11) acts of professional misconduct. Standard 1.7(a) requires that where a respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct is standard 2.7, which applies to Respondent's violation of Business and Professions Code section 6106. Standard 2.7 provides that:

Disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member's practice of law.

Respondent violated Business and Professions Code section 6106 by making material misrepresentations to his clients, to the Consumer Protection Division of the Illinois Office of the Attorney General, and to the State Bar. In all three matters, Respondent was dishonest and caused harm by misleading the clients to believe that he was qualified to practice law in their jurisdiction and that he would promptly assist in the resolution of their loan modification matters. Respondent's actions towards his clients are directly related to the practice of law. Respondent's false statements to the Consumer Protection Division and the State Bar regarding his status and his alleged affiliation with Myers and Eichelberger were serious and constituted acts of dishonesty directly related to the practice of law. Respondent's misconduct towards his clients adversely impacted the public's confidence in the legal system. The clients were distressed, so the misconduct exacerbated their already precarious situations. Two of the three clients received refunds.

Respondent's misconduct is serious, is directly related to the practice of law, and caused harm to the clients. However, Respondent had been in practice many years without prior discipline when the misconduct commenced, the misconduct was limited to a period of less than a year, and by entering into this comprehensive stipulation, Respondent has acknowledged and accepted responsibility for his misconduct and is saving State Bar resources by avoiding the necessity of a trial.

Accordingly a two-year suspension, stayed, with a three-year period of probation with conditions including a six-month actual suspension and until Respondent pays restitution to his client is appropriate pursuant to standard 2.7 and will fulfill the purposes of imposing discipline set forth in standard 1.1 to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession.

A six-month actual suspension is also consistent with case law. For example, in a case involving a similar type of misconduct, *Levine v. State Bar* (1989) 47 Cal.3d 1140, the court evaluated all the relevant factors and determined that a six-month actual suspension was sufficient to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession. Levine committed serious acts of misconduct consisting of

wilfully deceiving a client and misrepresenting to opposing counsel that he had authority to execute a settlement agreement on behalf of his client. The misconduct in *Levine* is similar to Respondent's misconduct because Respondent and Levine committed acts of dishonesty by making misrepresentation involving client matters that put their interests ahead of their clients' interests. Like Levine, Respondent made initial misrepresentations and then compounded the misconduct by making more misrepresentations. The *Levine* court did not disregard the egregious nature of the misconduct but balanced the misconduct with Levine's mitigation consisting of no prior discipline over many years of practice. And as in the Levine matter, Respondent's misconduct was of a limited duration with similar characteristics.

In consideration of the misconduct, the aggravating and mitigating facts surrounding the misconduct, and an applicable standard, discipline consisting of a six-month actual suspension is warranted in order to satisfy the purposes of attorney discipline.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 29, 2013, the prosecution costs in this matter are \$5,285. 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**

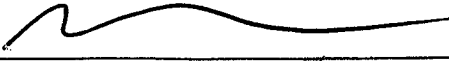

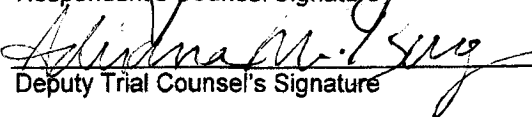
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: WILFORD THOMAS LEE	Case number(s): 12-O-17542, 12-O-17580, 13-O-10240
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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>2-5-14</u> Date	 Respondent's Signature	<u>Wilford Thomas Lee</u> Print Name
<u>2/7/2014</u> Date	 Respondent's Counsel Signature	<u>Paul Jean Virgo</u> Print Name
<u>2/13/14</u> Date	 Deputy Trial Counsel's Signature	<u>Adriana M. Burger</u> Print Name



(Do not write above this line.)

In the Matter of: WILFORD THOMAS LEE	Case Number(s): 12-O-17542, 12-O-17580, 13-O-10240
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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.

P. 11, PARAGRAPH 19 - DELETE "FEBRUARY 2013". INSERT "FEBRUARY 2013".  
P. 11, CASE NO. 13 O-10240 HEADING - DELETE "BETKE". INSERT "BETKE".  
P. 12, PARAGRAPH 38, LINE 2 - DELETE "AND". INSERT "OR".  
P. 14, PARAGRAPH 4, LINE 3 - DELETE "IN ALL THREE MATTERS".  
INSERT "IN TWO MATTERS".

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.)**

03-04-2014  
Date

  
RICHARD A. PLATEL  
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 March 5, 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:

PAUL JEAN VIRGO  
9909 TOPANGA BLVD # 282  
CHATSWORTH, CA 91311

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

ADRIANA BURGER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 5, 2014.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court