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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 12-Q-15932
)	
GEORGE A. JUAREZ,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 75295.)	
_____)	

On August 20, 2012, George A. Juarez filed a resignation with charges pending. In light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ we recommend Juarez's resignation be accepted. Juarez was admitted to practice law in 1977. He is currently suspended and subject to probation as a result of prior discipline cases, but no unresolved discipline matters or investigations are pending against him. He has stipulated to the one pending charge that he failed to comply with rule 9.20 as ordered in a prior discipline case, but has since fully complied with that rule. His prior records of discipline involve only two client matters, followed by several probation violations. The record demonstrates that much of Juarez's misconduct was mitigated by physical and emotional difficulties suffered by Juarez, his mother, and most recently, his daughter. The State Bar Office of the Chief Trial Counsel (State Bar) recommends acceptance of Juarez's resignation. Under these unique circumstances, we conclude the acceptance of his resignation would be consistent with the need to protect the public, the courts and the legal profession.

¹ Unless otherwise noted, all further references to "rule(s)" are to this source.

I. BACKGROUND

A. Juarez's Prior Disciplinary Record

Juarez was admitted to practice law in California on July 14, 1977, and has a record of four prior disciplines. First, on January 25, 2008, Juarez was ordered publically reprovved in State Bar Court case no. 07-O-10786 (*Juarez I*). Juarez stipulated to failing to adequately communicate with one client (Bus. & Prof. Code, § 6068, subd. (m))²: he missed two scheduled meetings with the client and failed to update her on the status of the case. He also failed to promptly release his client's file upon his termination, and failed to cooperate in his disciplinary investigation in violation of section 6068, subdivision (i). Juarez's misconduct was mitigated by his 28 years of practice without prior discipline and pro bono and community service work. In aggravation were his multiple acts of misconduct.

In his second discipline, effective October 21, 2010, the Supreme Court ordered Juarez suspended for one year and stayed the execution of that suspension subject to conditions including a 30-day actual suspension. (Supreme Court case no. S184645; State Bar Court case no. 09-H-12713 (*Juarez II*.) Juarez willfully violated several conditions of probation ordered in *Juarez I*: he did not meet with his probation deputy, submit five quarterly reports to the State Bar Office of Probation (Office of Probation), or timely complete Ethics School. In aggravation were Juarez's prior record of discipline, multiple acts of misconduct, and indifference including failure to respond to the Office of Probation. In mitigation, Juarez cooperated with the State Bar in the proceedings, demonstrated remorse, participated in community service and pro bono activities, and suffered from serious emotional and physical difficulties in 2008 and 2009 following his mother's terminal illness and death.

² Unless otherwise noted, all further references to "section(s)" are to this source.

Third, effective February 4, 2012, the Supreme Court ordered Juarez suspended for two years and stayed the execution of that suspension subject to conditions including two years of probation and a one-year actual suspension.³ (Supreme Court case no. S197351; State Bar Court case no. 09-O-10247 (*Juarez III*)). In one client matter, Juarez engaged in the unauthorized practice of law while suspended for nonpayment of State Bar dues in 2004 and again in 2008 while suspended for nonpayment of a fee arbitration award. This conduct also constituted moral turpitude in violation of section 6106. In the same litigation he sought to mislead a court and failed to competently perform services. Additionally, he did not cooperate with the State Bar's investigation. Juarez received minimal mitigation credit for evidence of good character and cooperation with the State Bar by stipulating to easily provable facts, and substantial credit for community service and pro bono work. In aggravation were Juarez's two prior records of discipline, multiple acts of misconduct, significant client harm, and lack of insight into the seriousness of, and indifference towards rectification for, his misconduct.

Fourth, effective June 22, 2012, the Supreme Court ordered Juarez suspended for two years and stayed the execution of that suspension subject to conditions including three years of probation and a nine-month actual suspension. (Supreme Court case no. S200331; State Bar Court case no. 11-O-13659 (*Juarez IV*)). Juarez was culpable of violating section 6068, subdivision (k), by failing to timely submit to the Office of Probation two quarterly reports due January 10 and April 10, 2011. Juarez's prior record of discipline aggravated his misconduct. In mitigation, he cooperated with the State Bar, demonstrated remorse and recognition of wrongdoing, and presented evidence of good character and pro bono activities. Further, the hearing judge found that since September 2010, Juarez spent a considerable amount of time

³ This one-year actual suspension is still in effect.

responding to serious drug and mental health problems suffered by his 20-year old daughter, and he sincerely regretted that this crisis distracted his focus from his duties as an attorney.

B. Pending Matters and Claims

At the time Juarez's resignation was filed, there was one disciplinary complaint pending against him (State Bar Court case no. 12-N-13327), alleging he failed to comply with rule 9.20 as ordered in *Juarez III*. As part of this resignation proceeding, Juarez has stipulated that he was properly served with the 9.20 order, which required him to comply no later than March 15, 2012. Although Juarez timely submitted his compliance declaration on March 15, 2012, the Office of Probation rejected it because Juarez had not fully completed the form. After a letter and reminder from the Office of Probation, Juarez filed his compliance declaration on July 6, 2012. Juarez has stipulated that by not filing his rule 9.20 compliance declaration as required by the Supreme Court in *Juarez III*, he willfully disobeyed or violated an order of the Supreme Court.

In the stipulation filed October 16, 2012, the parties represented that there are no other discipline matters, investigations, or inquiries pending against Juarez.

The State Bar also reports there are no Client Security Fund claims pending against Juarez. The State Bar also reports that although Juarez timely paid discipline costs in full in his first two discipline matters, he still owes \$11,836.50 in disciplinary costs in *Juarez III* and \$15,287 in disciplinary costs in *Juarez IV*. On September 25, 2012, the State Bar Court granted Juarez an extension of time to pay these costs in equal amounts in 2014, 2015, 2016, 2017.

C. State Bar Recommendation on Resignation

On October 16, 2012, the State Bar filed its Report and Recommendation and recommends the Supreme Court accept Juarez's resignation. (Rules Proc. of the State Bar, rule 5.427(C).) On November 29, 2010, the Review Department ordered the State Bar to file a

supplemental report because the first was inadequate. The State Bar filed this Supplemental Report on December 6, 2012.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Juarez's resignation in light of the grounds set forth in rule 9.21(d).

Below is a summary of the relevant information as to each ground.

1. Whether the preservation of testimony is complete

The State Bar reports that all necessary testimony and evidence has been obtained.

2. Whether Juarez committed the unauthorized practice of law after he submitted his resignation

The State Bar reports that it has no evidence that Juarez continued to practice law or hold himself out as entitled to practice law since his transfer to inactive status.

3. Whether Juarez performed the acts specified by rule 9.20(a)-(b)

Juarez filed a rule 9.20 compliance declaration that states he complied with the requirements specified by rule 9.20(a)-(b).

4. Whether Juarez provided proof of compliance with rule 9.20(c)

Juarez filed the rule 9.20(c) compliance declaration on September 28, 2012.

5. Whether the Supreme Court has filed a disbarment order

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment

The State Bar Court has not filed a decision or opinion recommending Juarez's disbarment.

7. Whether Juarez previously resigned or has been disbarred and reinstated to the practice of law

Juarez has not previously resigned or been disbarred.

8. Whether Juarez and the State Bar have entered into a stipulation as to the facts and conclusions of law regarding the pending disciplinary matter

The parties entered into a written stipulation as to facts and conclusions of law regarding the disciplinary matter pending at the time the resignation was tendered.

9. Whether the acceptance of Juarez's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession

We find that permitting Juarez to resign would be consistent with the need to protect the public, the courts, and the legal profession. As for the record of his misconduct, the Supreme Court's discipline orders in his prior matters are final, and thus, he is not avoiding the imposition of discipline. The orders in his prior disciplines and the stipulation he entered into in this resignation proceeding provide a complete account of Juarez's misconduct and are available to the public and any licensing agency or other jurisdiction. No other unresolved discipline matters or investigations are pending against him and he owes no restitution.

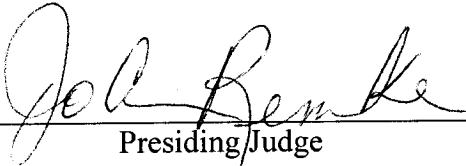
Juarez remains on probation ordered in *Juarez III* and *Juarez IV*. Probation conditions are designed to serve the critical function of rehabilitating attorneys in order to assure that they are fit to practice and no longer a danger to the public. (*In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 652.) In this case, however, Juarez no longer practices law and is prepared to forfeit his license. It is unnecessary to require the Office of Probation to monitor Juarez, who no longer wishes to be an attorney, in order to establish his rehabilitation for the purposes of bar membership. Such use of limited resources would be inconsistent with the goal of public protection.

We recognize that Juarez's current misconduct could result in his disbarment. (Rules Proc. of State Bar, tit. IV, Stds for Atty. Sanctions for Prof. Misconduct, std. 1.7(b) [third imposition of discipline shall result in disbarment unless most compelling mitigating circumstances clearly predominate]; *Powers v. State Bar* (1988) 44 Cal.3d 337 [disbarment after

attorney with three prior disciplines failed to comply with former rule 955].) But, the totality of the record shows that Juarez practiced law without incident for almost 28 years. His four prior disciplines involve misconduct that, albeit serious, affected only two clients, followed by numerous, but less significant, violations of probation. He has been afforded mitigating credit for mental and physical difficulties involving his mother and himself in 2008 and 2009, and his daughter beginning in 2010. These significant problems undoubtedly have impacted his ability to fully comply with the requirements of his probation. But Juarez has cooperated in these proceedings by filing a stipulation regarding the one charge pending against him and by complying with rule 9.20. The State Bar recommends accepting his resignation, which means that he is forfeiting his license and not entitled to practice law. Under these circumstances, we do not believe that public confidence in the discipline system would be undermined by accepting Juarez's resignation.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of George A. Juarez, State Bar number 75295. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.



Presiding Judge

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 January 7, 2013, I deposited a true copy of the following document(s):

**RECOMMENDATION ON RESIGNATION
FILED JANUARY 7, 2013**

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:

**GEORGE A. JUAREZ
3527 MT DIABLO BLVD STE 322
LAFAYETTE, CA 94549**

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

Treva R. Stewart, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 7, 2013.



Paul Barona
Case Administrator
State Bar Court