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ORIGINAL

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>			<b>PUBLIC MATTER</b>
<b>Counsel For The State Bar</b>  <b>Tyrone A. Sandoval</b> <b>Contract Attorney</b> <b>845 S. Figueroa St.</b> <b>Los Angeles, CA 90017-2515</b>  <b>Bar # 286250</b>	<b>Case Number(s):</b> <b>13-O-10966</b>	<b>For Court use only</b>  <b>FILED</b>  <b>MAR 21 2014</b> <i>[Signature]</i>  <b>STATE BAR COURT</b> <b>CLERK'S OFFICE</b> <b>LOS ANGELES</b>	
<b>Counsel For Respondent</b>  <b>George E. Omoko</b> <b>3255 Wilshire Blvd.</b> <b>Suite 1220</b> <b>Los Angeles, CA 90010</b>  <b>Bar # 210896</b>	<b>PUBLIC MATTER</b>		
<b>In the Matter of:</b> <b>OZOEME MOSES ONYEJEKWE</b>  <b>Bar # 152809</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</b>  <b>ACTUAL SUSPENSION</b>  <input checked="" 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 **June 6, 1991**.
- (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 **13** 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)

*ABD*  
*2/7/14*



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two 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 [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 **98-O-03665 (00-O-11393) (See, Attachment at Page 10).**
  - (b) ☒ Date prior discipline effective **September 30, 2001.**
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code, section 6068(m) (Failure to Inform Client of Significant Developments) and Rules of Professional Conduct, rule 4-100(B)(4) (Failure to Pay Client Funds Promptly, two counts).**
  - (d) ☒ Degree of prior discipline **30 days of stayed suspension and four years of probation.**
  - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **(See, Attachment at Page 10.)**
- (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:**

**Pre-filing stipulation (See, Attachment at Page 11).**

**D. Discipline:**

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **two years**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be placed on probation for a period of **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **six months**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (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:**

(Do not write above this line.)

In the Matter of: OZOEME MOSES ONYEJEKWE	Case Number(s): 13-O-10966
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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

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

### 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.



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

IN THE MATTER OF:                      OZOEME MOSES ONYEJEKWE

CASE NUMBER:                          13-O-10966

**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. 13-O-10966 (Complainant: Cynthia Johnson)

**FACTS:**

1. On September 10, 2007, Cynthia Johnson employed Respondent to represent her in a personal injury case. On June 9, 2010, Respondent settled the case for \$7,500. On June 28, 2010, the terms of the settlement were memorialized in a settlement agreement signed by Ms. Johnson.

2. Between June 14, 2010 and June 22, 2010, Respondent received three checks totaling \$7,500 for the settlement of Ms. Johnson's case ("settlement funds").

3. On June 28, 2010, prior to depositing the settlement funds into his client trust account ("CTA"), Respondent issued a check from his CTA to Ms. Johnson in the amount of \$2,316.66, which represented her one-third portion of the personal injury settlement. Respondent made the payment using earned fees that he had failed to withdraw from his CTA.

4. On July 1, 2010, Respondent deposited the settlement funds into his CTA. After disbursing \$2,316.66 to Ms. Johnson and deducting his attorney fees of \$2,316.66, Respondent maintained a balance of \$2,316.66 of the settlement funds in his CTA on behalf of Ms. Johnson in order to pay one of Ms. Johnson's medical providers pursuant to a medical lien (\$7,500 settlement funds - \$2,316.66 disbursement to Ms. Johnson - \$2,316.66 attorney fees = \$2,316.66). Respondent did not pay the medical lien until February 7, 2013, after receiving notice from Ms. Johnson that the debt had gone unpaid since July 1, 2010, that the debt was sent to collections, and that a collection agency was pursuing her to pay the debt.

5. Between May 1, 2010 and February 28, 2013, Respondent, without the intent to deceive or defraud, did not promptly remove funds from his CTA which he had earned as fees and paid numerous personal expenses – including payments for his son's rent, office rent, payroll, and office supplies – with those funds, including but not limited to the following:

- a) 35 payments to Nkiruka T. Onyejekwe for rent payments;
- b) 30 payments to Leonard Tyler for payroll expenses;
- c) 19 payments to Chuck Emenike for personal expenses, including a loan and payroll expenses;
- d) 18 payments to Wilshire Center, Inc. for office rent;

- e) 17 payments to Diana Gutierrez for personal expenses, including office supplies and payroll expenses;
- f) 16 payments to Dwayne Lowe for payroll expenses;
- g) 15 payments to Chigo/Chigozie Opara for personal expenses, including office rent;
- h) 15 payments to Gloria Anigbo for payroll expenses;
- i) 13 payments to George Omoko for payroll expenses;
- j) 12 payments to Standard Parking for monthly parking services;
- k) 9 payments to Cavalry Cross for tuition expenses;
- l) 8 payments to Simon Chill for payroll expenses;
- m) 7 payments to Peter Oboli for personal expenses;
- n) 4 payments to Ace Toner Plus for office overhead expenses;
- o) 3 payments to Bird's Eye Consultants, Inc. for personal business consulting expenses;
- p) 3 payments to the State Bar of California for bar fees;
- q) 3 payments to Wilfred Aka for personal business expenses;
- r) 2 payments to Joseph Onyejekwe for personal expenses;
- s) 2 payments to JAS Computer Services for office expenses, including computer repair;
- t) 2 payments to African Book Club for personal expenses;
- u) 1 payment to Thelma Onyejekwe for personal expenses;
- v) 1 payment to the L.A. Law Library for membership fee;
- w) 1 payment to Easy Life Furniture for office expenses;
- x) 1 payment to The Madrid for rent.

#### CONCLUSIONS OF LAW:

6. By delaying from July 1, 2010 until February 7, 2013 to pay the client's medical provider pursuant to a lien, Respondent failed to pay promptly, as requested by the client, funds that the client's medical provider was entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

7. By maintaining earned fees as well as client funds in the CTA, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has a prior record of discipline involving two client matters for misconduct occurring between June 1995 and March 2000. Respondent's misconduct consisted of failing to inform the client of a settlement offer and of Respondent's acceptance of the settlement offer in one client matter, and failing to promptly pay medical liens in both client matters. Respondent received a 30-day stayed suspension and four years of probation. Respondent's prior record of discipline is a significant aggravating factor.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent has engaged in multiple acts of misconduct by failing to promptly pay a medical lien and by continuously comingling earned fees and client funds in his CTA and paying numerous personal expenses from his CTA with earned fees that he had failed to remove between May 1, 2010, and February 28, 2013.

## MITIGATING CIRCUMSTANCES.

**Pre-filing Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to filing of charges, thereby saving the State Bar Court 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 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).)

Standard 2.2(a) provides that actual suspension of three months is appropriate for commingling or failure to promptly pay out entrusted funds.

Here, Respondent committed multiple violations of the Rules of Professional Conduct. Specifically, Respondent failed to promptly pay a medical lien and failed to remove earned fees from his CTA over a period of nearly two-and-a-half years and thereby commingled funds. Respondent’s actions constitute violations of rule 4-100(B)(4) and rule 4-100(A), respectively.

Respondent’s misconduct is aggravated because Respondent received prior discipline for failing to promptly pay medical liens in two client matters in violation of rule 4-100(B)(4). Respondent’s current offenses “plainly echo his prior record of discipline and provide a disturbing repetitive theme.” (*In re Thompson* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 966 (internal quotations omitted).) Therefore, Respondent’s prior record of discipline deserves significant weight in aggravation.

It is well-established that an attorney is culpable of a violation of rule 4-100 whenever the attorney commingles funds or fails to manage funds in a manner designated by the rule, even if no person is injured. (*Guzetta v. State Bar* (1987) 43 Cal. 3d 962, 976.) However, it is relevant to consider for the purposes of determining the appropriate level of discipline that Respondent's acts of misconduct were not committed with the intent to deceive or defraud.

Furthermore, Respondent is entitled to mitigation for entering into this pre-filing stipulation. By entering into this stipulation, Respondent acknowledges that he failed to handle his client's funds properly and failed to administer his CTA properly. The probation conditions included in this stipulation, specifically the requirement that he attend the State Bar Ethics and Client Trust Accounting Schools, and the requirement that he submit a Client Funds Certificate with each quarterly report are intended to educate Respondent and to correct his practices with respect to the administration of his CTA.

In consideration of Respondent's misconduct, Standard 2.2(a), and the aggravating and mitigating factors that are presented, a discipline consisting of a two-year stayed suspension, and a three-year term of probation, with conditions including a six-month actual suspension adequately serve the purposes of attorney discipline as described by the California Supreme Court and Standard 1.1.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 5, 2013, the prosecution costs in this matter are \$3,565.20. 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 State Bar Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: OZOEME MOSES ONYEJEKWE	Case number(s): 13-O-10966
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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.

2/26/14

Date



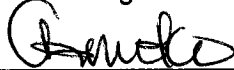
Respondent's Signature

OZOEME MOSES ONYEJEKWE

Print Name

2/26/14

Date



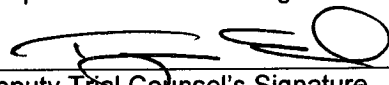
Respondent's Counsel Signature

GEORGE E. OMDKO

Print Name

2/27/14

Date



Deputy Trial Counsel's Signature

Tyrone A. Sandoval

Print Name

(Do not write above this line.)

In the Matter of:  
OZOEME MOSES ONYEJEKWE

Case Number(s):  
13-O-10966

### 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.

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

MARCH 21, 2014

  
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 March 21, 2014, I deposited a true copy of the following document(s):

### STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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 E. OMOKO  
LAW OFFICES OF GEORGE E. OMOKO  
3255 WILSHIRE BLVD STE 1220  
LOS ANGELES, CA 90010**

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

**TYRONE SANDOVAL, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 21, 2014.



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Tammy Cleaver  
Case Administrator  
State Bar Court