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PUBLIC MATTER

State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

Counsel For The State Bar

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Bar # 259194

Case Number(s):
13-O-11113-RAP,
13-O-11599,
13-O-11893

For Court use only

FILED
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STATE BAR COURT
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LOS ANGELES

In Pro Per Respondent

Michael Parra
407 N. Broadway
Santa Ana, California 92701
714-352-0348

Bar # 216596

Submitted to: **Assigned Judge**

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION AND ORDER APPROVING

ACTUAL SUSPENSION

 PREVIOUS STIPULATION REJECTED

In the Matter of:
MICHAEL PARRA

Bar # 216596

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 December 4, 2001.
- (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 18 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)

ARB
10/23/13



- (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):
 - 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: the three billing cycles immediately following the effective date of the Supreme Court order in this matter. (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 12-O-13356, et al. Please see "Attachment to Stipulation," at page 13.
 - (b) Date prior discipline effective July 18, 2013
 - (c) Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct rules 3-110(A) (failure to perform) 3-700(D)(2) (failure to refund unearned fees), 4-100(A) (failure to deposit client funds in a client trust account) and 4-100(B)(3) (failure to account to client); Business and Professions Code sections 6068(j) (failure to update member records address), 6068(m) (failure to communicate) and 6104 (appearing without authority).
 - (d) Degree of prior discipline One year suspension, stayed, with six months' actual suspension and until restitution is paid and fee arbitration condition completed; two years' probation with standard conditions including Ethics School and Client Trust Accounting School; MPRE requirement.
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.

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- (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. Please see "Attachment to Stipulation," at page 13.
- (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.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Please see "Pre-Trial Stipulation" in "Attachment to Stipulation," at page 14.

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 1.4(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:
 - (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 1.4(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:

E. Additional Conditions of Probation:

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- (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 1.4(c)(ii), 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: As a result of Respondent's prior discipline he is already under order to complete Ethics School by July 18, 2014.
- (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: As a result of Respondent's prior discipline he is already under order to complete the MPRE by July 18, 2014. The protection of the public and the interests of Respondent therefore do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181).

- (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: MICHAEL PARRA	Case Number(s): 13-O-11113-RAP, et al.
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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
Denise Borbon	\$2,500	November 9, 2011
Teresa Gamez	\$2,500	September 24, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than N/A. Pursuant to the actual suspension provision on page 4, paragraph D (3)(a)(ii), Respondent will remain suspended until he pays restitution in full.

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 reproval), 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:
- 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:

MICHAEL PARRA

CASE NUMBERS:

13-O-11113, 13-O-11599, 13-O-11893

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 Rules of Professional Conduct.

Case No. 13-O-11113 (State Bar Investigation)

FACTS:

1. At all times relevant to the stipulated facts herein, Respondent represented Maria E. Chavez in a federal civil matter ("the Chavez matter"). On March 19, 2012, the court in the Chavez matter ordered Respondent to comply with Local Rule 3-2, which requires paper copies of claim-initiating documents be filed and that electronic copies of claim initiating documents also be filed by the close of business on the day following the filing. The court served Respondent with the order. Respondent received the order, but did not comply with Local Rule 3-2.
2. On June 7, 2012, the court in the Chavez matter issued an Order to Show Cause ("OSC") with a hearing set for June 25, 2012 regarding whether sanctions should be imposed for Respondent's failure to comply with Local Rule 3-2. The June 7, 2012 order was served on Respondent, and Respondent received the order. Nevertheless, Respondent failed to appear at the OSC hearing on June 25, 2012, and the court in the Chavez matter issued an order imposing sanctions against Respondent personally in the amount of \$500. The court ordered that the sanction be paid by July 5, 2012, reiterated that Respondent was to comply with Local Rule 3-2, and served Respondent with the June 25, 2012 order. Respondent received the order.
3. By July 16, 2012, Respondent had neither paid the sanctions nor complied with Local Rule 3-2. On that day, the court ordered Respondent to pay an additional sanction of \$1,000 due to Respondent's continued non-compliance with Local Rule 3-2, and his failure to pay the \$500 sanction previously ordered. The court's order raised the total sanction to \$1,500, and ordered that the full \$1,500 in sanctions be paid by July 30, 2012. The court served the July 16, 2012 order on Respondent, and Respondent received the order. To date, Respondent has not taken any action to modify or vacate the July 16, 2012 sanction order, has not paid any portion of the \$1,500 sanction, and has never complied with Local Rule 3-2 in the Chavez matter.
4. On July 18, 2012, the court in the Chavez matter sent the State Bar notice of the sanction orders imposed against Respondent in the Chavez matter. Respondent never reported to the State Bar the sanctions imposed against him by the court in the Chavez matter.
5. On March 8, 2013 and March 22, 2013, a State Bar investigator mailed letters to Respondent addressed to his official membership records address regarding the sanction orders issued

by the court in the Chavez matter. The letters requested that Respondent respond in writing to specified allegations of misconduct under investigation by the State Bar by no later than March 22, 2013 and April 5, 2013, respectively. Respondent received the letters, but he did not respond to them, and he did not otherwise cooperate in the State Bar's investigation.

CONCLUSIONS OF LAW:

6. By failing to obey the court's order to comply with Local Rule 3-2, failing to appear at the June 25, 2012 OSC hearing and failing to pay the \$1,500 in sanctions, Respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code section 6103.

7. By failing to report the \$1,000 sanction imposed on July 16, 2012 to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent in willful violation of Business and Professions Code section 6068 (o)(3).

8. By failing to provide a written response to either of the investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068 (i).

Case No. 13-O-11599 (Complainant: Denise Borbon)

FACTS:

9. On November 9, 2011, Denise Borbon ("Borbon") employed Respondent to represent her interests as a plaintiff in a pending civil matter. On the same day, Borbon and Respondent executed a fee agreement, and Borbon paid Respondent \$2,500 in advanced attorney fees for Respondent's legal services in connection with the civil matter. The fee agreement expressly required Respondent to provide Borbon a monthly accounting of fees charged against the advance.

10. Between November 2011 and April 2012, Borbon made weekly telephone calls to Respondent at his membership records telephone number and left voicemail messages for Respondent inquiring about the status of her case. Respondent received the messages, but did not respond to them. In June 2012, Borbon and Respondent discussed her case during a telephone conversation and scheduled an in-person meeting to be held in July. Respondent claimed he would have more information about the civil matter by the date of that meeting. But the meeting never took place, and Respondent did not otherwise communicate additional details to Borbon.

11. Between July 2012 and October 2012, Borbon made frequent telephone calls to Respondent at his membership records telephone number and each time left voicemail messages for Respondent inquiring about the status of her case. Respondent received the messages, but did not respond to them.

12. In November 2012, Respondent advised Borbon over the telephone that he would not take any further action on her behalf in connection with the civil matter because his research established that the estate upon which Borbon intended to present a claim was completely exhausted. Respondent said he would telephone Borbon within a few days to discuss arrangements for the return of Borbon's client file

and a refund of the unearned, advanced attorney's fees that Borbon paid to Respondent for his legal services in connection with the civil matter. Between November 2012 and March 2013, Borbon telephoned Respondent's cell phone number and discovered that the number was no longer in service.

13. On March 1, 2013, Borbon left a voicemail message at Respondent's office threatening to make a State Bar complaint against Respondent if he failed to refund the advanced, attorney's fees that she had paid to him and also return her file. Respondent returned the call and promised Borbon a refund of \$1,500, representing what Respondent described as the unearned portion of the advanced, attorney's fees he received from Borbon. Respondent also promised he would provide Borbon's file to her. Respondent and Borbon scheduled a meeting for March 4, 2013, but Respondent later cancelled the meeting, and the meeting was never rescheduled.

14. On April 10, 2013, Borbon sent Respondent a certified letter terminating his services and requesting a return of her client file. Respondent received the letter, but did not respond to it.

15. During the course of Respondent's employment by Borbon, Respondent never provided Borbon with an accounting of the \$2,500 in advanced, attorney's fees that she paid to him. Respondent never provided Borbon with a refund of any portion of the unearned, advanced attorney's fees that she paid to him, and has neither returned Borbon's client file to her nor made arrangements to return the file to her.

CONCLUSIONS OF LAW:

16. By failing to respond to Borbon's repeated telephone calls between November 2011, and April 2012, between July 2012 and November 2012, and between November 2012 and March 2013, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

17. By failing to provide Borbon with an accounting of the \$2,500 in advanced, attorney's fees that she paid to Respondent, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of Rules of Professional Conduct rule 4-100(B)(3).

18. By failing to return Borbon's case file upon receipt of the April 10, 2013 termination letter, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in willful violation of Rules of Professional Conduct rule 3-700(D)(1).

19. By failing to refund any of the unearned, attorney's fees paid by Borbon, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct rule 3-700(D)(2).

FACTS:

20. On September 24, 2012, Teresa Gamez ("Gamez") employed Respondent to file a lawsuit against her mortgage lender. On that same day, Gomez paid Respondent \$2,500 in advanced, attorney fees for Respondent's legal services. However, between September 25, 2012 and November 22, 2012, Gamez made multiple telephone calls to Respondent's membership records telephone number and each time left a voicemail message for Respondent inquiring about the status of her case. Respondent received the messages, but did not respond to them.

21. On November 23, 2012, Gamez sent Respondent an e-mail inquiring about the status of her case and requesting an accounting of the advanced attorney's fees that she had paid to him. On November 27, 2012, Respondent replied to Gamez's November 23, 2012 e-mail. Respondent apologized for not responding sooner, claimed he was in the process of moving his office, and further claimed that he would provide an accounting and a refund of unearned fees by the end of the week. However, Respondent failed to provide either the accounting or a refund of unearned fees as he promised.

22. Respondent never filed a lawsuit on behalf of Gamez, and Respondent did not perform any other legal services of value on her behalf.

23. On April 20, 2013, Gamez mailed Respondent a letter via certified mail requesting an accounting, a refund of the unearned, advanced attorney's fees that she had paid to Respondent, and the return of her client file. Respondent received the letter, but did not respond to it. Respondent never provided Gamez with an accounting or refund of the advanced attorney's fees that Gamez paid to Respondent and neither returned Gamez's client file to her nor made arrangements to return the file to her.

24. On March 26, 2013, Gamez made a complaint to the State Bar against Respondent, and on April 15, 2013 and April 29, 2013, a State Bar investigator mailed letters to Respondent addressed to Respondent's official membership records address regarding Gamez's complaint. The letters requested that Respondent respond in writing to specified allegations of misconduct under investigation by the State Bar in the Gamez matter by no later than April 29, 2013 and May 13, 2013, respectively. Respondent received the letters, but he did not respond to either of them, and he did not otherwise cooperate in the State Bar investigation.

CONCLUSIONS OF LAW:

25. By failing to failing to provide any legal services of value on behalf of Gamez, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct rule 3-110 (A).

26. By failing to respond to Gamez's telephone calls between September 25, 2012 and November 22, 2012, and by failing to respond to Gamez's April 20, 2013 letter, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

27. By failing to provide Gamez with an accounting of the advanced, attorney's fees that she paid to him, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of Rules of Professional Conduct rule 4-100 (B)(3).

28. By failing to return Gamez's file to her, or make arrangements to return the file to her, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in willful violation of Rules of Professional Conduct rule 3-700 (D)(1).

29. By failing to provide Gamez with a refund of the unearned, advanced, attorney's fees that she paid to him, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct rule 3-700 (D)(2).

30. By failing to provide a written response to either of the investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Respondent has a prior record of discipline. Effective July 18, 2013, the Supreme Court ordered that Respondent be suspended for six months and until he makes restitution to two former clients. Between 2011 and 2012, Respondent committed misconduct in five client matters. The misconduct included violations of the Rules of Professional Conduct, rules 3-110(A) (failure to perform), 3-700(D)(2) (failure to refund unearned fees), 4-100(A) (failure to deposit funds in a client trust account), and 4-100(B)(3) (failure to account to client). The misconduct also included violations of Business and Professions Code sections 6068(j) (failure to update membership record address), 6068(m) (failure to communicate) and 6104 (appearing without client's authority). Aggravation included trust violations, significant harm to clients and multiple acts of misconduct, while mitigation included the absence of prior discipline, cooperation displayed by entering into a pre-trial stipulation and community service. Respondent is currently suspended as a result of the Supreme Court's order.

The misconduct that Respondent committed in his prior discipline occurred during the same timeframe (2011-2012) as the instant misconduct. Generally, the aggravating force of prior discipline is diminished if the misconduct underlying that prior discipline occurred during the same time period as the current misconduct. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.) And, it is appropriate to consider the totality of the findings in the two cases to determine what Respondent's discipline would have been had all of Respondent's charged misconduct during the years 2011 and 2012 been analyzed in a single case. (*Id.*)

Respondent will be eligible to return to active practice, subject to his payment of restitution and his completion of fee arbitration conditions, on January 18, 2014.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent engaged in multiple acts of misconduct in each of three separate matters. In one matter, Respondent ignored court orders, failed to report judicial sanctions to the State Bar and failed to participate in the State Bar's investigation into his misconduct. In a second matter, Respondent failed to communicate with a client, failed to account for the fees he was paid, failed to return the client's file, and failed to refund the client's unearned fees. In a third matter, Respondent failed to perform, failed to communicate with a client, failed to account for the

fees he was paid, failed to return the client's file, failed to refund the client's unearned fees and failed to participate in the State Bar's investigation into his misconduct. The commission of multiple acts of misconduct is an aggravating circumstance. (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 105.)

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent has agreed to enter into a pre-trial stipulation, and thus is entitled to some mitigation. (*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].) However, the mitigation is tempered by Respondent's failure to cooperate with the State Bar's investigation in two out of the three matters included in this stipulation.

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.)

Respondent admits to committing 14 acts of professional misconduct. Standard 1.6 (a) requires that where an attorney 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 found in standard 2.2(b), which applies to Respondent's violations of Rules of Professional Conduct rule 4-100(B)(3) (failure to render an appropriate accounting) in the Borbon and Gamez matters. Standard 2.2(b) provides that culpability of a member of the State Bar of California of a violation of rule 4-100 which does not result in the willful misappropriation of entrusted fund shall result in at least three months' actual suspension from the practice of law, irrespective of mitigating circumstances.

Here, in addition to failing to render an appropriate accounting to Borbon or Gamez, Respondent also committed other serious and harmful misconduct. In the Borbon and Gamez matters, Respondent failed to communicate, failed to return unearned fees and failed to make their respective files available to them. Respondent also failed to participate in the State Bar's investigation in the Gamez matter. In a

third matter, Respondent failed to obey multiple court orders, failed to report a sanction order to the State Bar and failed to cooperate in the subsequent State Bar investigation.

Respondent's misconduct is mitigated only by the fact that he has agreed to enter into this stipulation, thereby saving the State Bar Court time and resources. The stipulation also indicates that Respondent has accepted responsibility for his misconduct. However, the fact that Respondent has agreed to enter into this stipulation is not sufficiently compelling to warrant a deviation from standard 2.2(b) given Respondent's multiple, serious acts of misconduct, including his prior failure to cooperate in the State Bar's investigation of two of the three matters contained in this stipulation.

Further, Respondent has one prior record of discipline. Standard 1.7(a) provides that if an attorney has a prior record of discipline, the misconduct in the current proceeding shall be greater than that imposed in the prior proceeding unless the discipline imposed in the prior proceeding was so remote in time to the current proceeding and offense for which it was imposed so minimal in severity that imposing greater discipline in the current would be manifestly unjust. However, as discussed above, the current misconduct occurred during the same time frame as Respondent's prior discipline. Therefore, Respondent's current misconduct must be analyzed with the prior misconduct to determine what the level of discipline would have been if the two matters were resolved at the same time. (*In the Matter of Sklar, supra*, 2 Cal. State Bar Ct. Rptr. at p. 619.)

Respondent's prior discipline involved five client matters and consisted of a one year stayed suspension, two years of probation with conditions including six months' actual suspension and until Respondent makes restitution to two former clients and complies with the fee arbitration condition.

Here, Respondent has committed an additional 14 acts of misconduct involving three more clients. If the totality of Respondent's misconduct in the prior and current matters is considered in light of the relevant standards and the aggravating and mitigating circumstances, a sanction more severe than six months' actual suspension is required to serve the purposes of attorney discipline as specified in standard 1.3. Specifically, a discipline consisting of two years' suspension, stayed, and three years' probation, with conditions including six months' additional actual suspension and until Respondent makes restitution to Borbon and Gamez is warranted in order to serve the purposes of attorney discipline. The suspension agreed to herein will become effective upon approval by the Supreme Court. Because Respondent will remain suspended in the prior matter until January 10, 2014 at the earliest, however, the additional suspension herein is reasonably anticipated to result in a net suspension of approximately one year and until payment of all restitution.

The applicable case law is consistent with a total actual suspension of one year for Respondent's misconduct. In *Baker v. State Bar* (1989) 49 Cal.3d 804, the attorney's misconduct extended over a period of two years, involved ten client matters, and included acts of misappropriation, failure to perform and return client documents and improper withdrawal. In mitigation, the attorney in *Baker* cited his history of substance abuse, and the Supreme Court ordered the attorney actually suspended for one year. Here, though this Respondent did not misappropriate client funds and thus engaged in less severe misconduct he also benefits from less substantial mitigation than the attorney in *Baker*. Therefore, the discipline imposed by the Supreme Court in *Baker* supports the discipline recommended herein.

COMPLIANCE WITH THE COURT ORDER IS A CONDITION OF PROBATION.

As a condition of probation, within one year of the effective date of the discipline in this matter Respondent must pay \$1,500 in sanctions to the United States District Court in *Long Point Properties*

LLC v. Maria E. Chavez, case no. CV 12-1993 PA (JEMx) (the matter previously referred to herein as “the Chavez matter”). Respondent must provide satisfactory proof of payment to the Office of Probation as an addendum to the quarterly report for each quarter in which payment is made.

COSTS OF DISCIPLINARY PROCEEDINGS.


Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 16, 2013, the prosecution costs in this matter are \$5,308. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

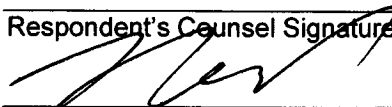
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In the Matter of: MICHAEL PARRA	Case number(s): 13-O-11113-RAP, et al.
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SIGNATURE OF THE PARTIES

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.

10/23/13  Michael Parra
Date Respondent's Signature Print Name

10/23/13  William Todd
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: MICHAEL PARRA	Case Number(s): 13-O-11113-RAP, et al.
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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.

PAGE 1 - A. (3) - DELETE "18"
INSERT "17".

PAGE 6 - F. (1) - DELETE CHECK MARK IN BOX

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.)**

10-29-2013
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 October 29, 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:

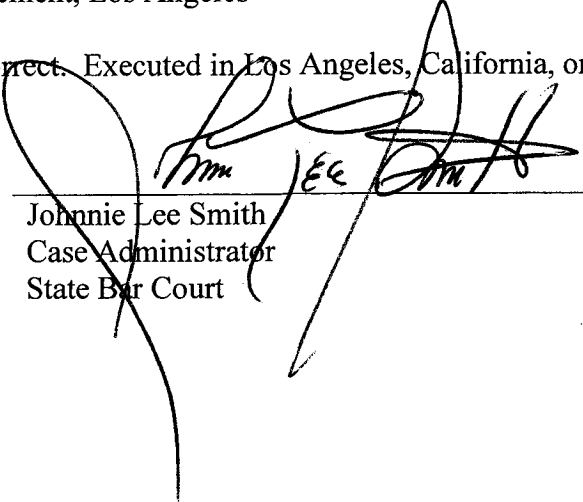
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL PARRA
LAW OFFICES OF MICHAEL PARRA
407 N BROADWAY
SANTA ANA, CA 92701

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

William S. Todd, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 29, 2013.



Johnnie Lee Smith
Case Administrator
State Bar Court