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ORIGINAL

**State Bar Court of California
Hearing Department
Los Angeles
STAYED SUSPENSION**

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Drew Massey Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2525 Tel: (213) 765-1204</p> <p>Bar # 244350</p>	<p>Case Number(s): 13-O-11575-WKM 14-O-04475</p>	<p>For Court use only</p> <p>FILED JUL 21 2016 <i>P.B.</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Robert Baker Baker, Keener & Nahra LLP 633 W. 5th Street. #4900 Los Angeles, CA 90071 Tel: (213) 241-0900</p> <p>Bar # 49255</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: JOHN R. SWEENEY, JR.</p> <p>Bar # 37042</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 7, 1965**.
- (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."

(Effective July 1, 2015)



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **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..

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 8.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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.

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- (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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

Absence of prior misconduct, pretrial stipulation, and evidence of good character. See page 8.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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:

The above-referenced suspension is stayed.

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

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

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probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

No MPRE recommended. Reason:

- (2) **Other Conditions:**

Fee Arbitration and Accounting conditions. See pages 10-12.

CONCLUSIONS OF LAW:

10. By failing to release promptly, after termination of Respondent's employment, all of the client's papers and property following the client's request for the client's file, Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1).

11. By failing to render an appropriate accounting to the client regarding the client's request for such accounting, Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 13-O-11575 (Complainant: Linda Paduano)

FACTS:

12. Commencing in July 2010, Respondent represented Linda Paduano in connection with a legal malpractice matter.

13. Ms. Paduano delivered three checks to Respondent representing advanced fees in the total amount of \$15,000.

14. Although the retainer stated that Respondent would charge \$60 per hour for attorney work, the retainer was unsigned by both Respondent and Ms. Paduano.

15. The Paduano matter concluded in or about December 2012.

16. On December 13, 2012 and December 15, 2012, Ms. Paduano exchanged e-mails with Respondent in which she demanded a full accounting of the funds she had paid him for legal services. Respondent indicated that he had never done an accounting and would provide one at a later date.

17. No accounting was ever provided to Ms. Paduano. Instead, Respondent did not provide an accounting until one was provided to the State Bar during the disciplinary investigation which the State Bar then provided to Ms. Paduano in July 2013.

18. On January 25, 2013 and February 2, 2013, Ms. Paduano requested her client files. The files were not made available until May 7, 2013.

19. A fee dispute currently exists between Respondent and Ms. Paduano regarding the appropriateness of the fees charged and collected by Respondent.

CONCLUSIONS OF LAW:

20. By failing to release promptly, after termination of Respondent's employment, all of the client's papers and property following the client's request for the client's file, Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1).

21. By failing to render an appropriate accounting to the client following the client's request for such accounting, Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

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AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent has engaged in multiple acts of misconduct over two client matters. Respondent twice failed to timely return the client file and render an appropriate accounting. These represent separate and distinct acts of misconduct. Multiple acts of wrongdoing are an aggravating factor. (*In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 168.)

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to practice law in June 1965 and has been an active member at all times since. Respondent has been discipline-free for approximately 42 years of practice from admission to the misconduct herein. Respondent is entitled to significant weight in mitigation. (*In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 167.)

Good Character: Respondent has provided evidence of good character in the form of twelve character letters. The letters represent a wide range of members of the general and legal communities. Each is aware of the full extent of the misconduct. Therefore, mitigation is warranted. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 912; *In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319 [testimony from members of bench and bar entitled to serious consideration because judges and attorneys have "strong interest in maintaining the honest administration of justice"].)

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

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 2.7 is applicable to Respondent's failure to perform and failure to provide the client file. That Standard presumes disbarment where habitual disregard is demonstrated and actual suspension where it occurs over multiple client matters. Because these issues occurred over two separate client matters, Standard 2.7(b) is the most applicable in this case. It states that "actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests."

Although there were several violations of Respondent's duties and occurred in two separate client matters, they do not demonstrate a habitual disregard of client interests. Therefore, actual suspension is the presumed sanction.

Standard 2.2 is applicable to Respondent's failure to account and states that suspension or reproof is the presumed sanction. However, Standard 1.7(a) states that where two or more Standards are applicable to an attorney's misconduct, the more severe must be imposed. Here, that is Standard 2.7(b) which presumes actual suspension.

While the Standards provide a baseline, Standard 1.7(b)-(c) requires that, when evaluating the appropriate sanction, aggravating and mitigating circumstances must be considered. Here, Respondent has highly significant mitigation in the form of 42 years of discipline-free practice. This lengthy period tends to indicate that Respondent's conduct is unusual. Respondent has also provided evidence of good character which is likewise mitigating. While Respondent's actions do demonstrate multiple acts of misconduct, on balance mitigation outweighs aggravation. Given the significant mitigation, deviation from the Standard is warranted and actual suspension is unnecessary to meet the purposes of attorney discipline. In this case, Respondent should receive a one-year period of stayed suspension and a one-year period of probation with conditions.

Case law is in line with this recommendation. In *Matthew v. State Bar* (1989) 49 Cal.3d 784, the attorney was found culpable in three client matters of failing to perform, failing to communicate, and failing to return unearned fees. The misconduct was aggravated by harm to the clients and by indifference because he had still not returned the unearned fees. No factors were found in mitigation. The Court imposed a three-year stayed suspension and a three-year period of probation with conditions including an actual suspension of 60 days.

The misconduct at issue here is analogous, although less egregious. Respondent has not failed to perform or communicate, but he has failed to account to his clients or to provide them with their client file. And, like Respondent, the *Matthew* attorney's actions occurred in multiple client matters.

However, the *Matthew* attorney had no significant factors in mitigation whereas Respondent has a prior practice of over 40 years and has provided evidence in good character. Because of the significant mitigation, and because the misconduct is less serious in this matter, a lesser discipline is necessary to

protect the public. A lesser period of probation without a period of actual suspension is sufficient to meet the goals of attorney discipline.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-11575	3	3-700(D)(2)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 17, 2016, the prosecution costs in this matter are \$4,743.39. 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.

ACCOUNTING CONDITIONS OF PROBATION:

Within thirty (30) days of the effective date of discipline, Respondent will provide George Nelson or his counsel an accounting of all funds received or disbursed on behalf of the client or Salubrious Pharmaceutical, LLC. Within forty-five (45) days of the effective date of discipline, Respondent will provide the Office of Probation with a copy of the accounting and proof of mailing.

FEE ARBITRATION CONDITIONS OF PROBATION:

A. Respondent's Duty to Initiate and Participate in Fee Arbitration

Respondent must initiate fee arbitration within thirty (30) days from the effective date of this matter, including making any payment(s) and filing fees required by the organization conducting the fee arbitration to start the process. The fee arbitration will be for the \$ 15,000 in fees that Linda Paduano paid respondent in three installments on July 1, 2010, August 17, 2010, and July 14, 2011. Respondent must not request more fees than have already been paid by, or on behalf of, Linda Paduano.

Respondent must provide the Office of Probation with a copy of the conformed filing within forty-five (45) days from the effective date of this matter. Respondent must immediately provide the Office of Probation with any information requested regarding the fee arbitration to verify respondent's compliance.

Respondent must fully and promptly participate in the fee arbitration as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration. Respondent understands and agrees that the Office of Probation may contact the entity conducting the fee arbitration for information.

Respondent must accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, respondent must abide by the arbitration award and forego the right to file an action seeking a trial de novo in court to vacate the award.

B. Disputed Funds Must be Held in Trust by Respondent

Respondent must keep the disputed funds in a separate interest-bearing trust account (not an IOLTA). If respondent has removed the disputed funds from trust, respondent must open a separate interest-bearing trust account and deposit the disputed funds into such account within fifteen (15) days from the effective date of discipline. Respondent must provide evidence, e.g. a copy of respondent's bank statement showing that the disputed funds have been placed in trust within thirty (30) days from the effective date of this matter, and a statement under penalty of perjury that the funds have remained in trust with each of respondent's quarterly and final reports.

C. Respondent's Duty to Comply with the Arbitration Award

Within fifteen (15) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, respondent must provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent must abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth a deadline for any payment, respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award. Respondent must provide proof thereof to the Office of Probation within thirty (30) days after payment.

To the extent that respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of this matter, respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been provided to the Office of Probation.

D. Fee Arbitration Conditions can be Satisfied by Respondent's Full Payment to Linda Paduano

The Fee Arbitration Conditions can also be satisfied by respondent's full payment of \$ 15,000 in fees that Lina Paduano paid respondent in three installments on July 1, 2010, August 17, 2010, and July 14, 2011, plus interest of 10% per annum from July 14, 2011 within thirty (30) days from the effective date of this matter. Satisfactory proof of payment must be received by the Office of Probation within forty-five (45) days from the effective date of this matter.

If the Client Security Fund ("CSF") has reimbursed Linda Paduano for all or any portion of the principal amount(s), respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs. To the extent the CSF has paid only principal amounts, Respondent will still be liable for interest payments to Linda Paduano. Any restitution to the CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent must pay all restitution to before making payment to CSF. Satisfactory proof of payment(s) to CSF must be received by the Office of Probation within thirty (30) days of any payment.

E. Effect of Respondent's Failure to Comply with Fee Arbitration Conditions

Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court imposing additional discipline (with attendant costs) and conditions upon respondent, including ordering respondent to pay back the full amount of \$15,000 paid to respondent by plus 10% interest from July 14, 2011.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

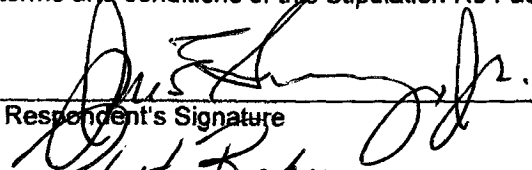
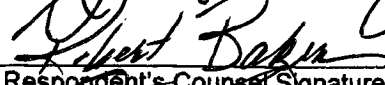
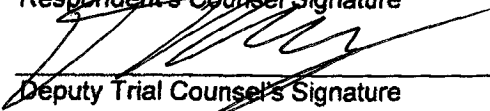
Respondent may not receive MCLE credit for completion of **State Bar Ethics School**. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: JOHN E. SWEENEY, JR.	Case number(s): 14-O-04475; 13-O-11575
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>June 28, 2016</u> Date	 Respondent's Signature	<u>John Sweeney, Jr.</u> Print Name
<u>6/29/2016</u> Date	 Respondent's Counsel Signature	<u>Robert Baker</u> Print Name
<u>6-30-16</u> Date	 Deputy Trial Counsel's Signature	<u>Drew Massey</u> Print Name

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In the Matter of: JOHN E. SWEENEY, JR.	Case Number(s): 13-O-11575; 14-O-04475
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STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.


1. In the caption on page 1 of the Stipulation, "JOHN R. SWEENEY, JR." is deleted, and in its place is inserted "JOHN E. SWEENEY, JR."
2. On page 8 of the Stipulation, the paragraph regarding no prior discipline, line 2, "approximately 42 years" is deleted, and in its place is inserted "more than 47 years".
3. On page 9 of the Stipulation, paragraph 5, line 3, "42 years" is deleted, and in its place is inserted "more than 47 years".
4. On page 9 of the Stipulation, paragraph 8, line 2, "40 years" is deleted, and in its place is inserted "47 years" and "and has entered into a pretrial stipulation in this matter" is inserted after "character".
5. On page 10 of the Stipulation, regarding fee arbitration, section A., paragraph 1, line 1, "discipline in" is inserted between "of" and "this".
6. On page 10 of the Stipulation, under fee arbitration probation conditions, section A., paragraph 2, line 2, "discipline in" is inserted between "of" and "this".
7. On page 11 of the Stipulation, under fee arbitration probation conditions, section B., line 6, "discipline in" is inserted between "of" and "this".
8. On page 11 of the Stipulation, under fee arbitration probation conditions, section B., line 7, "until compliance with any arbitration award or judgment or agreement reflected in a stipulated award" is inserted after "reports."
9. On page 11 of the Stipulation, under fee arbitration probation conditions, section C., paragraph 3, line 2, "discipline in" is inserted between "of" and "this".
10. On page 11 of the Stipulation, under fee arbitration probation conditions, section D., paragraph 1, line 2, "Lina" is deleted, and in its place is inserted "Linda".
11. On page 11 of the Stipulation, under fee arbitration probation conditions, section D., paragraph 1, lines 4 and 5, "discipline in" is inserted between "of" and "this".
12. On page 11 of the Stipulation, under fee arbitration probation conditions, section D., paragraph 2, line 5, "Linda Paduano" is inserted after "to".
13. On page 12 of the Stipulation, under fee arbitration probation conditions, section E., line 3, "Linda Paduano" is inserted after "by".

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In the Matter of: JOHN E. SWEENEY, JR.	Case Number(s): 13-O-11575; 14-O-04475
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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: July 20, 2016


REBECCA MEYER ROSENBERG
Judge Pro Tem 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 July 21, 2016, 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:

**ROBERT CRAIG BAKER
BAKER KEENER & NAHRA LLP
633 W 5TH ST # 4900
LOS ANGELES, CA 90071**

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

DREW D. MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 21, 2016.

Paul Barona

Paul Barona
Case Administrator
State Bar Court