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| State Bar Court of California | | |
| Hearing Department | | |
| Los Angeles | | |
| DISBARMENT | | |
| <p>PUBLIC MATTER</p> <p>Counsel For The State Bar</p> <p>Anand Kumar Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1714</p> <p>Bar # 261592</p> | <p>Case Number(s):</p> <p>13-O-12308 (INV) 13-O-12425 13-O-17593 14-O-01302 14-O-03179</p> | <p>For Court use only</p> <p style="text-align: right;">FILED </p> <p style="text-align: center;">JUL 30 2014</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> |
| | | <p>Counsel For Respondent</p> <p>Artak Barsegyan Pansky Markle Ham LLP 1010 Sycamore Avenue, Unit 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 279064</p> |
| <p>In the Matter of:</p> <p>JOSEPH JAMES REGO</p> <p>Bar # 163183</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 **December 15, 1992**.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **(22)** 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."



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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 to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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 **11-O-199553**
 - (b) Date prior discipline effective **December 19, 2012**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-110(A) [failure to perform legal services competently] and Business and Professions Code section 6103 failure to obey a court order].**
 - (d) Degree of prior discipline a **one (1) year stayed suspension and a two (2) year probation with conditions including a thirty (30) day actual suspension.**
- For further discussion of Respondent's prior of discipline, see stipulation, at page 18.**
- (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. **See stipulation, at page 18.**

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See stipulation, at page 18.**
- (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 stipulation, at pages 18-19.**
- (8) **Restitution:** Respondent failed to make restitution. **See stipulation, at page 18.**
- (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.

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- (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:

Pre-filing stipulation, see stipulation, at page 19.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.

- (2) **Restitution:** Respondent must make restitution to **Henry Lee Wallace** in the amount of \$ 2,334 plus 10 percent interest per year from **October 21, 2009**. Respondent must also make restitution to **Jeffrey and Shannon Brundage** in the amount of \$5,800, which includes \$2,500 illegal fees collected for home mortgage loan modification services on May 2, 2011 and \$3,300 in unearned fees collected in advance for bankruptcy services and that Respondent failed to promptly refund upon termination by the Brundages by February 29, 2012. Of the restitution owed to the Brundages, Respondent must pay 10 percent interest per year from May 2, 2011 for the \$2,500 illegal fees collected, and 10 percent interest per year from February 29, 2012 for the \$3,300 unearned bankruptcy fees that he failed to promptly refund upon termination. If the Client Security Fund has reimbursed **Henry Lee Wallace and Jeffrey and Shannon Brundage** for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.

- (3) **Other:**

7. On November 2, 2011, Respondent appeared at the hearing. At the hearing, the court provided Respondent additional time to cure the deficiency by allowing him to file a modified debtors' plan by no later than November 16, 2011 and continued the hearing to December 14, 2011. The court advised Respondent that if he did not timely file the modified plan, the trustee could submit an order to dismiss the case.

8. Respondent failed to file a modified debtor's plan on behalf of the Brundages by November 16, 2011.

9. On December 4, 2011, Respondent filed a declaration apologizing to the court, the trustee and the Brundages for his failure to file a modified debtor's plan. In addition Respondent stated that he would file a modified debtors' plan on behalf of the Brundages with the court by no later than December 6, 2011. Thereafter, Respondent failed to file any modified plan on behalf of the Brundages with the court.

10. On December 14, 2011, Respondent appeared at the hearing, at which the court denied confirmation of the Brundages' debtors' plan and orally ordered that the Brundages' case be dismissed in part due to Respondent's failure to file a modified plan and due to delays in the Brundages obtaining a loan modification.

11. On December 22, 2011, the court filed an order dismissing the Brundages' case without prejudice. At no time prior to the dismissal of the Brundages' case did Respondent inform the Brundages of the court's order or that he had failed to file a modified plan on their behalf in violation of the court's order.

12. On December 23, 2011, Respondent sent the Brundages an email informing them that their case had been dismissed without prejudice by the court.

13. On January 9, 2012, Respondent retrieved a title report for the Brundages' home and realized that the title was no longer in their names as the house had been sold earlier in the day at a trustee's sale. Later that day, Respondent sent an email to the Brundages stating that their home had been sold earlier in the day and advised the Brundages to pursue a federal lawsuit against the lender for selling the home while the Brundages' loan modification application was pending.

14. The Brundages decided not to pursue litigation against their lender after the sale of their home, were evicted from their home in January 2012 and terminated Respondent's services by January 31, 2012. At no time did Respondent perform any bankruptcy services of value for or on behalf of the Brundages, or earn any portion of the \$3,300 advance bankruptcy fees.

15. In November 2013, the Brundages requested a full refund from Respondent of the unearned advance bankruptcy fees and home mortgage loan modification fees. To date, Respondent has failed to refund to the Brundages any portion of the \$3,300 unearned bankruptcy fees or the \$2,500 home mortgage loan modification fees.

CONCLUSIONS OF LAW:

16. By negotiating, arranging or offering to perform a home mortgage loan modification for a fee paid by the Brundages, and demanding, charging, collecting and receiving \$2,500 from the Brundages prior to fully performing each and every service he contracted to perform or represented that he would

perform, in violation of Civil Code section 2944.7, subsection (a)(1), Respondent willfully violated Business and Professions Code section 6106.3(a).

17. By filing a deficient amended debtor's plan on behalf of the Brundages and failing to cure the deficiency by filing a modified debtors' plan on behalf of the Brundages, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

18. By failing to refund to the Brundages any portion of the \$3,300 unearned bankruptcy fees after Respondent's services were terminated in January 2012, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

19. By failing to timely inform the Brundages of the court's November 2, 2011 order and that he had failed to file a modified plan on their behalf at any time prior to the dismissal of the Brundages' case, Respondent failed to keep the Brundages reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

Case No. 13-O-12425 (State Bar Investigation)

FACTS:

20. On August 2, 2012, Respondent entered into a disciplinary stipulation (the "stipulation") with the Chair of the Standing Committee on Discipline for the United States District Court, Southern District of California (the "Federal Discipline Committee"), Virginia C. Nelson ("Nelson"). The stipulation prohibited Respondent from practicing law for one-year in the United States Bankruptcy Court for the Southern District of California (the "Southern District"). The discipline was approved by the court on August 6, 2012 and became binding on Respondent effective on October 1, 2012.

21. Pursuant to the terms of the stipulation, Respondent was required to notify the Federal Discipline Committee in writing by no later than September 28, 2012, that Respondent had completed or referred all of his pending bankruptcy cases in the Southern District to other counsel.

22. On August 16, 2012, Nelson sent Respondent a letter reminding Respondent to notify the Federal Discipline Committee that all of his pending bankruptcy client matters had been referred to other counsel by no later than September 28, 2012. Respondent received the letter. However, Respondent failed to notify the Federal Discipline Committee regarding the status of his cases by September 28, 2012.

23. On October 1, 2012, Nelson sent Respondent an email reminding Respondent that his suspension in the Southern District had commenced, indicating that the Federal Discipline Committee had not received any notice from Respondent regarding the referral of his cases to other counsel and requesting a status update as to the pending cases. Respondent received the email.

24. Later that day, Respondent responded to Nelson by email stating that "I am well aware that the suspension commenced today. All of my matter [sic] have been concluded, if there are any existing matters to be completed Attorney Susan Schnepf ("Schnepf") will be making the court appearances for me, I shall provide you with her contact information and Bar Number."

25. Respondent sent Nelson a second email on October 1, 2012, with a caption that read, "Contact information and Bar Number for Susan Schnepf for your records, however all my cases are closed, and my 7's were filed and discharged, and I shall not be making any appearances for the next year, Joe." Nelson immediately replied to Respondent's email asking him to send a letter indicating that all of his cases in the Southern District were closed, and that Respondent would not be making any appearances in the Southern District for the next year. Respondent received the email and responded that day stating "Yes, I shall send you a formal letter indicating such...."

26. Respondent's statements that all of his matters in the Southern District had been concluded and that all of his chapter 7 bankruptcy cases were filed and discharged were false. Respondent knew his statements to Nelson were false. In fact, on October 1, 2012, Respondent was the attorney of record for at least 13 bankruptcy clients in the Southern District, including at least nine chapter 7 bankruptcy client matters, and he continued to practice law by holding himself out as entitled to practice law in the Southern District and filing documents on behalf of his clients with the court.

27. On October 23, 2012, Respondent emailed Nelson a brief letter entitled "LETTER OF VERIFICATION TO VIRGINIA NELSON AND DISCIPLINE COMMITTEE O[F] NON-APPEARANCE BY JOSEPH REGO IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT PURSUANT TO STIPULATION ENTERED FOR THE PERIOD OF 10-01-2012 THROUGH 10-01-2013." The letter stated, "My apologies this letter was to have been sent by 09-28-2012. Please be advised that I shall not be appearing in the United States Bankruptcy Court for the Southern District, pursuant to the stipulation entered and executed." Respondent's statement that he would not be appearing in the Southern District was false and Respondent knew his statement to Nelson was false.

28. After October 1, 2012, Respondent practiced law while he was suspended in the Southern District by holding himself out to the court, opposing counsel, and the public as the attorney of record and filing pleadings in the following 12 bankruptcy client matters in the Southern District:

- In case number 10-08621-LA-13, involving client Patrick L. DeBaca, Jr., Respondent held himself out by remaining as attorney of record between October 1, 2012 and February 26, 2013, and failing to timely substitute out of matter.
- In case number 10-17843-MM13, involving client Rita Gonzalez, Respondent has held himself out by remaining as attorney of record between October 1, 2012 to the present, and failing to timely substitute out of matter.
- In case number 10-22078-MM13, involving client Jorge Montano, Respondent held himself out by remaining as attorney of record between October 1, 2012 and April 24, 2013, and failing to timely substitute out of matter.
- In case number 12-11702-LT7, involving client Juan R. Gonzales, Respondent held himself out by remaining as attorney of record between October 1, 2012 and December 19, 2012, and failing to timely substitute out of matter. On October 1, 2012, Respondent also filed debtor's certification of completion of personal financial management course on Gonzales's behalf.

- In case number 12-11759-MM7, involving client Ann Noel Lande, Respondent held himself out by remaining as attorney of record between October 1, 2012 and December 2, 2012, and failing to timely substitute out of matter. On October 3, 2012, Respondent filed amended schedules of personal property and statement of financial affairs with the court on Lande's behalf. On November 19, 2012, Respondent also filed debtor's certification of completion of personal financial management course on Lande's behalf.
- In case number 11-11739-LT7, involving client Eduardo A. Macias, Respondent held himself out by remaining as attorney of record between October 1, 2012 and November 30, 2012, and failing to timely substitute out of matter. On November 19, 2012, Respondent also filed debtor's certification of completion of personal financial management course on Macias's behalf.
- In case number 12-11760-LA7, involving clients Mark E. and Rhonda J. Lewis, Respondent held himself out by remaining as attorney of record between October 1, 2012 and December 3, 2012, and failing to timely substitute out of matter. On October 9, 2012, Respondent filed an amended schedule of personal property with the court on behalf of the Lewises. On November 7, 2012, Respondent filed debtors' certification of completion of personal financial management course on behalf of the Lewises. On November 27, 2012, Respondent also filed two additional documents with the court on behalf of the Lewises, an amended schedule regarding the addition of new creditors and a notice to creditors of the amended schedule.
- In case number 12-11763-CL7, involving clients George A. Randazzo and Alicia M. Coyle-Randazzo, Respondent held himself out by remaining as attorney of record between October 1, 2012 and August 29, 2013, and failing to timely substitute out of matter. On October 15, 2012, Respondent filed amended schedules of personal property and statement of financial affairs with the court on behalf of the clients. On November 19, 2012, Respondent also filed debtors' certification of completion of personal financial management course on behalf of the clients.
- In case number 12-11801-MM7, involving clients Timothy S. and Tracy R. Powell, Respondent held himself out by remaining as attorney of record between October 1, 2012 and November 30, 2012, and failing to timely substitute out of matter. On November 19, 2012, Respondent also filed debtors' certification of completion of personal financial management course on behalf of the Powells.
- In case number 12-11897-LA7, involving client Michael G. Zimmerman, Respondent held himself out by remaining as attorney of record between October 1, 2012 and December 3, 2012, and failing to timely substitute out of matter. On November 19, 2012, Respondent also filed debtor's certification of completion of personal financial management course on behalf of Zimmerman.
- In case number 12-11898-LT7, involving clients Martin and Macrina Mosqueda, Respondent held himself out by remaining as attorney of record between October 1, 2012 and December 3, 2012, and failing to timely substitute out of matter. On November 7, 2012, Respondent filed two documents with the court on behalf of the Mosquedas, an amended schedule regarding the addition of new creditors and a notice to creditors of the

amended schedule. On November 8, 2012, Respondent filed debtors' certification of completion of personal financial management course on behalf of the Mosquedas.

- In case number 12-11894-LA7, involving client Sean W. McHenry, Respondent held himself out by remaining as attorney of record between October 1, 2012 and December 3, 2012, and failing to timely substitute out of matter. On October 29, 2012, Respondent also filed debtor's certification of completion of personal financial management course on McHenry's behalf.

29. In addition to the twelve client matters above, Respondent held himself out as entitled to practice law during his disciplinary suspensions in the Southern District in a thirteenth client matter, an adversarial proceeding arising out of chapter 13 bankruptcy matter involving client Vladamir Yakovlev ("Yakovlev") between October 1, 2012, and May 13, 2013.

30. During that period, Respondent filed a declaration in the Yakovlev matter on November 5, 2012 with the court under penalty of perjury, written on Respondent's letterhead, which stated he was an "attorney" and "associate counsel for the debtor" and that he was seeking to have another attorney, Schnepf, "assist" him in the matter. The declaration did not state that Respondent was suspended from practicing law in the Southern District.

31. In addition to his disciplinary suspension in the Southern District (which became effective on October 1, 2012), Respondent was also suspended from practicing law in California. Specifically, on November 19, 2012, the California Supreme Court entered a disciplinary order (S205509) ("Order"), effective on December 19, 2012, suspending Respondent from the practice of law for a period of thirty (30) days (i.e., until January 18, 2013) as a result of prior professional misconduct engaged in by Respondent. On November 19, 2012, the clerk of the Supreme Court properly served a copy of the Order on Respondent at his State Bar membership records address. Respondent received the order and at all relevant times knew the terms of the order including the time period of his State Bar suspension.

32. In addition to receiving the Order, on December 5, 2012, Respondent spoke with his assigned probation deputy from the Office of Probation of the State Bar of California by phone and confirmed the effective date of the Order; he received a December 5, 2012 reminder letter from the probation deputy confirming the effective date of the State Bar suspension and on December 12, 2012, he had a telephonic meeting with the probation deputy reviewing the terms of his probation, including the effective date of his State Bar suspension. By remaining attorney of record in four of the thirteen bankruptcy matters described above after December 19, 2012, Respondent held himself out as entitled to practice when he knew he was not an active member of the State Bar of California.

33. On December 17, 2012, Schnepf filed a response to a discovery motion filed by the opposing party as "associate counsel" for Yakovlev, in which she indicated that she was working in conjunction with Respondent and had been associated in as counsel to complete the matter, because Respondent had been suspended from practicing law in the Southern District until October 2013 and was also suspended from practicing law in California until January 19, 2013.

34. On December 20, 2012, Nelson sent Respondent another letter informing him that the Federal Discipline Committee had become aware that Respondent was continuing to practice law in the 13 bankruptcy cases mentioned above after his suspension had begun in the Southern District, and advised Respondent to refrain from participating in the cases, and to specifically substitute out as counsel and refrain from participating as co-counsel with Schnepf in the Yakovlev matter. The letter

further requested Respondent to provide proof in writing to the Federal Discipline Committee that Respondent had substituted out of four pending bankruptcy cases by no later than January 2, 2013. The letter also advised Respondent that if he did not comply by timely providing proof of substitution to the Federal Discipline Committee, that the Federal Discipline Committee would seek to pursue a petition to suspend Respondent for violations of the binding August 2012 disciplinary stipulation with the Federal Discipline Committee. Respondent received the letter.

35. On January 15, 2013, Respondent sent an email to Nelson in response to her December 20, 2012 letter, informing her that among other things, new counsel (Schnepf) had appeared and taken over the Yakovlev matter. This statement to Nelson was false and Respondent was grossly negligent in not knowing his statement to Nelson was false as Respondent had remained the attorney of record in the Yakovlev matter and Schnepf never substituted into the matter in lieu of Respondent.

36. On January 17, 2013, with information provided by Yakovlev, Respondent drafted responses on behalf of Yakovlev to discovery propounded by the opposing party and emailed the responses to Yakovlev. Each of the responses to the discovery requests required a declaration from Yakovlev attesting to the truth and correctness of the responses given made under penalty of perjury. Respondent knowingly and fraudulently simulated Yakovlev's signature to declarations on three separate discovery responses representing to the requesting party that the responses in the documents were Yakovlev's and that Yakovlev had attested to the responses as being true and correct under penalty of perjury with his respective signatures. Respondent then arranged for the discovery responses to be sent to the opposing party with Schnepf's assistance.

37. On February 25, 2013, the opposing party deposed Yakovlev and discovered for the first time that the discovery responses that were provided on Yakovlev's behalf and that the signatures on the documents attesting to their veracity were not his.

38. On April 15, 2013, Respondent filed a motion to withdraw as counsel of record from the Yakovlev matter. The court granted Respondent's motion on May 13, 2013.

39. By remaining as attorney of record, filing documents and continuing to practice law in the thirteen matters identified above while he was suspended from practicing law in the Southern District, Respondent violated the terms of his disciplinary stipulation in that jurisdiction and as a result, a second disciplinary proceeding was initiated by the Federal Discipline Committee, which resulted in Respondent stipulating to a three (3) year suspension from practicing law in the Southern District on August 29, 2013. The second term of suspension in the Southern District became effective on August 29, 2013 and is scheduled to end on September 30, 2015.

CONCLUSIONS OF LAW:

40. By remaining as attorney of record and filing documents in thirteen bankruptcy matters on behalf of his clients as attorney of record after October 1, 2012, Respondent held himself out as entitled to practice law and practiced law while suspended from practicing law before the Southern District, Respondent practiced law in a jurisdiction when to do so was in violation of the regulations of the profession in that jurisdiction, in willful violation of the Rules of Professional Conduct, rule 1-300(B).

41. By filing documents in nine bankruptcy matters on behalf of his clients as attorney of record, Respondent practiced law when he knew that he was not an active member of the Southern District and by remaining attorney of record in thirteen bankruptcy client matters after October 1, 2012, including

four matters after December 19, 2012, and holding himself out as entitled to practice law when he knew that he was not an active member of the Southern District and the State Bar of California, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

42. By sending emails to Nelson stating that all of his pending matters in the Southern District had been concluded, all of his chapter 7 bankruptcy cases were filed and discharged, and filing a declaration with the court identifying himself as an attorney while he was suspended from practicing law in the Southern District, Respondent made statements that were false and misleading and knew the statements were false and misleading. By sending an email to Nelson stating that Schnepf had taken over the Yakovlev matter when he was still attorney of record, Respondent made a false statement and was grossly negligent in not knowing this statement to Nelson was false. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

43. By knowingly and fraudulently simulating Yakovlev's signature on three declarations and representing to the requesting party that the responses in the documents were Yakovlev's and that Yakovlev had attested to the responses as being true and correct under penalty of perjury with his respective signatures, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

Case No. 13-O-17593 (Complainant: Henry Lee Wallace)

FACTS:

44. In October 2007, Henry Lee Wallace ("Wallace") hired Respondent to represent him on a contingency basis in 3 different civil cases: 1) a civil rights lawsuit against the Sacramento Sheriff's Department (the "Sheriff's" lawsuit); 2) a civil rights lawsuit against correctional officer Kimberly Lewis and others (the "Lewis" lawsuit) and 3) a defamation lawsuit against Jeffrey Henderson and others (the "Henderson" lawsuit) for making claims that were allegedly about Wallace in a book. In the Lewis and Henderson lawsuits, Respondent agreed to represent Wallace on a contingency basis.

45. In the Sheriff's lawsuit, Respondent substituted into the matter on July 15, 2008. After communicating a settlement offer to Wallace to settle his claims for \$5,000, and receiving Wallace's authorization to settle the lawsuit for that sum, Respondent settled the lawsuit and received \$5,000 ("settlement funds") from the defendants on October 19, 2009. Of that sum, Wallace was entitled to two-thirds (\$3,334).

46. On October 21, 2009, Respondent disbursed \$1,000 of the settlement funds to Wallace in the Sheriff's lawsuit, but thereafter failed to disburse the remaining \$2,334 to which Wallace was entitled despite his requests for the funds.

47. Respondent received Wallace's requests for the remaining funds, but failed to pay out the funds or provide Wallace with an accounting of the remaining funds.

48. To date, Respondent has failed to pay Wallace the remaining \$2,334 settlement funds. Respondent was required to disburse on Wallace's behalf in the Sheriff's lawsuit.

49. In the Lewis lawsuit, Respondent substituted into the matter as Wallace's counsel on January 22, 2008, and filed an amended complaint on Wallace's behalf. Thereafter, Respondent's actions in the Lewis lawsuit were limited to filing a supplemental exhibit for the amended complaint on February 5, 2008.

50. After filing the February 5, 2008 pleading, Respondent filed no other pleadings on Wallace's behalf in the Lewis lawsuit and failed to perform any other legal services in that matter on his behalf thereby constructively terminating his employment on that date.

51. After February 5, 2008, Respondent did not substitute out and he did not file a motion to withdraw as attorney of record on behalf of Wallace in the Lewis lawsuit.

52. In the Henderson lawsuit, Respondent filed the complaint on Wallace's behalf on October 8, 2008 in state court. The matter was removed to federal district court on July 24, 2009.

53. On January 8, 2010, Respondent sent Wallace a letter advising him that Respondent's law practice was suffering from severe financial stress making it difficult for Respondent to continue representing Wallace in the Lewis and Henderson lawsuits respectively. The letter enclosed substitution of attorney forms for Wallace's signature for both lawsuits. Wallace did not receive the letter and at no time did he execute any substitution of attorney forms for Respondent to be relieved as counsel.

54. During the litigation of the Henderson lawsuit, on April 26, 2010, Respondent filed an amended complaint on Wallace's behalf, to which the defendant filed a special motion to strike the amended complaint on May 13, 2010. The court set a hearing on the motion to strike for July 6, 2010.

55. Respondent failed to oppose the special motion to strike on Wallace's behalf, failed to perform any other legal services after April 26, 2010, in that matter on his behalf, thereby constructively terminating his services. After April 26, 2010, Respondent did not substitute out and he also did not file a motion to withdraw as attorney of record on behalf of Wallace in the Henderson lawsuit.

56. On June 28, 2010, the court vacated the July 6, 2010 hearing on the defendant's special motion to strike in the Henderson lawsuit, granted the defendant's special motion to strike, in part because no opposition had been filed on Wallace's behalf.

57. On October 26, 2010, the court dismissed the Henderson lawsuit.

58. At no time did Respondent inform Wallace that the defendant had filed a special motion to strike the amended complaint in the Henderson lawsuit, that Respondent did not file an opposition to the defendant's motion, or that the court dismissed the case.

CONCLUSIONS OF LAW:

59. By constructively terminating his employment in the Lewis lawsuit after February 5, 2008, and thereafter failing to file a motion to withdraw as attorney of record on behalf of Wallace, Respondent failed upon termination to take reasonable steps to avoid reasonably foreseeable prejudice to Wallace's rights, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

60. By failing to provide any accounting to Wallace regarding the disbursement of the remaining settlement funds from the Sheriff's lawsuit, Respondent failed to render an appropriate accounting, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

61. By failing to pay Wallace the remaining \$2,334 settlement funds from the Sheriff's lawsuit, Respondent failed to pay promptly, as requested by Wallace, funds in Respondent's possession that Wallace was entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

62. By failing to file any opposition to the defendant's special motion to strike leading to the dismissal of the Henderson lawsuit, file a motion to withdraw as attorney of record on behalf of Wallace and inform Wallace that the defendants in the Henderson lawsuit had filed a special motion to strike, that he did not oppose the motion and that the court dismissed the lawsuit, Respondent failed upon termination to take reasonable steps to avoid reasonably foreseeable prejudice to Wallace's rights, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

63. By failing to inform Wallace that the defendants in the Henderson lawsuit had filed a special motion to strike, that he did not oppose the motion and that the court dismissed the lawsuit, Respondent failed to keep Wallace reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

Case No. 14-O-01302 (Complainant: Marcelo and Ricardo Cortes)

FACTS:

64. On November 19, 2012, the California Supreme Court entered a disciplinary order (S205509), effective on December 19, 2012, suspending Respondent from the practice of law for a period of thirty (30) days (i.e., until January 18, 2013) as a result of prior professional misconduct engaged in by Respondent. On November 19, 2012, the clerk of the Supreme Court properly served a copy of this suspension order on Respondent at his State Bar membership records address. Respondent received the order and at all relevant times knew the terms of the order including when he was suspended. In addition to receiving the order, on December 5, 2012, Respondent spoke with his assigned probation deputy from the Office of Probation of the State Bar of California by phone and confirmed the effective date of the California Supreme Court order; he received a December 5, 2012 reminder letter from the probation deputy confirming the effective date of the State Bar suspension and on December 12, 2012, he had a telephonic meeting with the probation deputy reviewing the terms of his probation, including the effective date of his State Bar suspension.

65. In December 2012, Marcelo Cortes ("Marcelo") consulted with Respondent on his father Ricardo Cortes' ("Ricardo") behalf. Specifically, Marcelo and Ricardo sought legal advice from Respondent to salvage Ricardo's failing business, including pursuing a bankruptcy and negotiating with various credit lenders to pay off the significant credit card debt incurred by Ricardo.

66. On December 18, 2012, Respondent and Marcelo exchanged emails about prospective legal services to be provided by Respondent regarding Ricardo's business. In the emails, Respondent advised Marcelo as to specific legal services he could provide for Marcelo and Ricardo and in one of the emails, Respondent specifically stated to Marcelo that Respondent could start working on Marcelo and Ricardo's behalf "right away while things are quiet over the [h]olidays, and [Respondent's] court

schedule is less.” Based on Respondent’s representations, Marcelo suggested for the parties to have an in-person meeting to discuss their legal options.

67. On December 19, 2012, the first day of his disciplinary suspension, Respondent sent an email from his law office email address on his letterhead to Marcelo in which Respondent’s letterhead stated “attorney at law” and included his State Bar membership number.

68. On December 20, 2012, Respondent sent three more emails from his law office email address to Marcelo, in which he provided legal advice regarding Ricardo’s matter, including strategies for Ricardo to minimize his assets during negotiations with the credit lenders. In Respondent’s second email, he proposed an in-person meeting with Marcelo and Ricardo on December 22, 2012. Respondent’s third email to Marcelo provided Marcelo with directions to meet at his office. All three emails were written on Respondent’s letterhead stating “attorney at law” and included his California State Bar membership number.

69. On December 22, 2012, Marcelo and Ricardo met with Respondent at his office in San Diego and Respondent provided them with legal advice concerning Ricardo’s credit debt resolution.

CONCLUSIONS OF LAW:

70. By sending four emails to Marcelo on his letterhead identifying himself as “attorney at law” with his California State Bar membership number, and meeting with and providing legal advice to Marcelo and Ricardo Cortes between December 19, 2012, and December 22, 2012, Respondent held himself out as entitled to practice law and practiced law when he was not an active member of the State Bar of California, and thereby engaged in the unauthorized practice of law, in willful violation of Business and Professions Code sections 6125 and 6126. Respondent failed to uphold the laws of this State and thereby willfully violated Business and Professions Code section 6068(a).

71. By sending emails to Marcelo on his letterhead identifying himself as “attorney at law” with his California State Bar membership number, and meeting with and providing legal advice to Marcelo and Ricardo Cortes between December 19, 2012, and December 22, 2012 when he knew that he was not an active member of the State Bar of California, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

Case No. 14-O-03179 (State Bar Investigation)

FACTS:

72. Effective December 19, 2012, the California Supreme Court ordered Respondent suspended from the practice of law for a period of one (1) year stayed suspension with a two (2) year probation and conditions including a thirty (30) day actual suspension. Respondent was properly served with the disciplinary order, received the order and at all relevant times knew the terms of the order including when he was suspended. In addition to receiving the order, on December 5, 2012, Respondent spoke with his assigned probation deputy from the Office of Probation of the State Bar of California by phone and confirmed the effective date of the California Supreme Court order; he received a December 5, 2012 reminder letter from the probation deputy confirming the effective date of the State Bar suspension and on December 12, 2012, he had a telephonic meeting with the probation deputy reviewing the terms of his probation, including the effective date of his State Bar suspension.

73. As a condition of probation, Respondent was required to submit written reports to the Office of Probation for each calendar quarter of his probationary period, starting April 10, 2013, regarding his compliance with the provisions of the State Bar Act, Rules of Professional Conduct and conditions of his probation.

74. Respondent failed to submit timely the quarterly reports that were due by July 10, 2013, October 10, 2013 and April 10, 2014 respectively. Respondent submitted the report that was due by July 10, 2013, on December 4, 2013; he submitted the report that was due by October 10, 2013, on October 11, 2013; and he submitted the report that was due by April 10, 2014, on April 18, 2014.

75. During the initial reporting period (December 19, 2012 through March 31, 2013), Respondent failed to comply with the Rules of Professional Conduct by engaging in the unauthorized practice of law in the Southern District as set forth above in paragraphs 20 through 39, in violation of rule 1-300(B) of the Rules of Professional Conduct. In the initial reporting period, Respondent also failed to comply with the State Bar Act by committing acts of moral turpitude as set forth above in paragraphs 20 through 39, in willful violation of Business and Professions Code sections 6106, and by engaging in the unauthorized practice of law in California as set forth above in paragraphs 64 through 69, in willful violation of Business and Professions Code sections 6125, 6126, 6068(a) and 6106.

76. Additionally, in his initial quarterly report, Respondent indicated that he had complied with all provisions of the State Bar Act and Rules of Professional Conduct and that he did not practice law at any time during the reporting period, including the 30-day actual suspension period between December 19, 2012 and January 18, 2013. Respondent's representations to the Office of Probation, namely that he had complied with the State Bar Act and Rules of Professional Conduct and that he had not practiced law during the period of his actual suspension, were false and Respondent knew his statements to the Office of Probation were false, because he had been alerted as to the fact that he had continued to practice law in 13 bankruptcy client matters while suspended by the Federal Discipline Committee and he continued to provide legal advice to Marcelo and Ricardo Cortes during the period of his State Bar suspension.

77. As another condition of his probation, Respondent was required to make restitution to the Riverside County Public Guardian in the amount of \$25,000 plus interest as part of a court-awarded sanctions against Respondent, including quarterly restitution payments of \$5,500 to the Riverside County Public Guardian due before the first day of each calendar quarter beginning on April 1, 2013, with interest accruing at 10% per annum from February 3, 2011.

78. On February 4, 2013, Respondent filed a request to modify the terms of the restitution obligation based on his purported inability to pay, citing the fact that he had recently filed for bankruptcy. After the Office of Probation opposed Respondent's request, on February 15, 2013, the State Bar Court denied Respondent's request. Accordingly, Respondent was required to comply with the original restitution condition.

79. To date, Respondent has failed to make sufficient restitution payments in three calendar quarters. Respondent paid a total of \$344 between January 1 and March 31, 2013; he paid a total of \$1,044 between April 1 and June 30, 2013; and he paid a total of \$4,500 between January 1 and March 31, 2014. In total, Respondent, has failed to pay \$27,500 required by his restitution conditions; instead, he has paid \$20,906 towards the \$25,000 principal restitution owed. To date, Respondent owes \$4,094 towards the restitution principal amount and as of the date of his last payment, January 14, 2014, Respondent owed \$10,978.52 in interest.

CONCLUSIONS OF LAW:

80. By failing to timely submit three quarterly reports, failing to make sufficient restitution to the Riverside County Public Guardian, and failing to comply with the State Bar Act and the Rules of Professional Conduct by engaging in the unauthorized practice of law, Respondent failed to comply with all conditions attached to a disciplinary probation, in willful violation of Business and Professions Code section 6068(k).

81. By representing to the Office of Probation that he had complied with all provisions of the State Bar Act and Rules of Professional Conduct and that he had not practiced law at any time during his 30-day actual suspension period between December 19, 2012 and January 18, 2013, Respondent knew his statements and representations were false and misleading, and therefore committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Stds. 1.5(a) and 1.8(a)): Respondent has one prior record of discipline from 2012. Specifically, Respondent entered into a disciplinary stipulation in State Bar case number 11-O-19553 (S205509), for discipline consisting of a one (1) year stayed suspension and a two (2) year probation with conditions including a thirty (30) day actual suspension. The ensuing disciplinary order became effective on December 19, 2012. Respondent stipulated to two ethical violations, namely failing to perform services competently in violation of Rules of Professional Conduct, rule 3-110(A) and Business and Professions Code section 6103. Respondent had failed to timely complete a conservatorship matter causing the Riverside County Public Guardian to be appointed and complete the matter, and then subsequently failed to comply with a sanctions order requiring Respondent to pay the Riverside County Public Guardian \$25,000 by February 3, 2011.

Harm (Std. 1.5(f)): Respondent's misconduct caused significant harm to Wallace, because Respondent's improper withdrawal led to the dismissal of the Henderson lawsuit and deprived Wallace from obtaining the potential legal relief he was seeking. (See *In the Matter of Bach* (Review Dept. 1992) 1 Cal. State Bar Ct. Rptr. 631, 646 [significant harm found where respondent's conduct deprived his client of the ability to receive any damages at all, although the client could not reasonably have expected to receive a substantial award of damages had the case settled or gone to trial].)

Failure to Make Restitution (Std. 1.5(i)): To date, Respondent has failed to make restitution to the Brundages (a total of \$5,800, including \$2,500 from May 2, 2011, and \$3,300 from February 29, 2012) and Henry Lee Wallace (\$2,334 from October 21, 2009).

Indifference (Std. 1.5(g)): Respondent's unwillingness to recognize his professional obligations to his clients, to the Southern District and to the State Bar by repeatedly holding himself out and practicing law while suspended despite receiving admonishments and while on probation with the State Bar demonstrates indifference and a lack of insight into his misconduct. (See *In the Matter of Bach* (Review Dept. 1992) 1 Cal. State Bar Ct. Rptr. 631, 647.)

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed numerous State Bar Act and/or Rules of Professional Conduct violations. Multiple acts of misconduct is considered serious

aggravation. (See e.g., *In the Matter of Valinotti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555.)

Pattern of Misconduct (Std. 1.5(c)): Respondent's misconduct demonstrates a clear pattern of habitual disregard and abdication of responsibility of his client's interests by repeatedly holding himself out as entitled to practice and providing legal advice to clients while suspended. Typically a pattern of misconduct requires serious misconduct over a sufficient period of time to demonstrate the pattern and may require a common thread between the instances of the misconduct. (See *Young v. State Bar* (1990) 50 Cal.3d 1204, 1216-1217; *In the Matter of Wyrick* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 83, 93.) Here, Respondent represented at least 13 bankruptcy clients after October 1, 2012 while being reminded repeatedly by the Federal Discipline Committee to refrain from engaging in the unauthorized practice of law and met with and provided legal advice to at least two clients Ricardo and Marcelo Cortes during his State Bar suspension.

A pattern of misconduct is "egregious aggravation" and generally warrants disbarment. (See, e.g., *Twohy v. State Bar* (1989) 48 Cal.3d 502, 512-513 [An attorney's record that "evidences a serious pattern of misconduct involving recurring types of wrongdoing" "clearly warrants disbarment in the absence of the most compelling mitigating circumstances"], internal citations omitted); see also *In the Matter of Valinotti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 566 ["when an attorney commits multiple acts of similar misconduct or recurring types of wrongdoing, ... the gravity of each successive violation increases"].)

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: While some of the facts in this matter are easily provable, Respondent has cooperated with the State Bar by entering into the instant stipulation fully resolving the matter at an early stage in the disciplinary process without the necessity of a trial, thereby saving State Bar resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was

reached. (Std. 1.1.) “Any 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).)

In this matter, Respondent committed multiple acts of professional misconduct. Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.” While standard 1.8(a) is applicable to Respondent’s prior record of discipline, the gravamen of Respondent’s misconduct and the most severe sanction applicable to Respondent’s misconduct is in standard 2.6(a) which applies to Respondent’s unauthorized practice of law in violation of Business and Professions Code sections 6125 and 6126, and standard 2.7 concerning Respondent’s acts of moral turpitude in violation of Business and Professions Code section 6106.

Standard 2.6(a) provides that disbarment or actual suspension is appropriate when a member engages in the practice of law or holds himself out as entitled to practice law when he is on actual suspension for disciplinary reasons. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law. Here, Respondent was clearly aware that he had been suspended by the State Bar, and that his suspension was effective on December 19, 2012, because he received the Supreme Court order and confirmed the effective date of the discipline with his assigned probation deputy two weeks before the suspension began. Nonetheless, Respondent continued to meet with clients, provide legal advice and hold himself out as an attorney who was licensed to practice law. Specifically, Respondent provided legal advice to Marcelo and Ricardo Cortes the day after his suspension became effective and met with them at his law office to provide them with legal advice three days after his suspension began. Accordingly, Respondent knowingly engaged in the unauthorized practice of law. (See e.g., *In the Matter of Johnston* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585, 589 [attorney who met with a client at attorney’s home and lead client to believe that he was still working on her case while he was suspended for failing to pay membership dues found culpable of engaging in the unauthorized practice of law and an act of moral turpitude].)

Standard 2.7 provides that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law. Here, the magnitude of Respondent’s misconduct is significant in light of the misrepresentations that were made and to whom they were made—Respondent made misrepresentations regarding his cases being closed and the fact that he was no longer practicing law to the Federal Discipline Committee. He made identical misrepresentations to the Office of Probation of the State Bar in a quarterly report signed under penalty of perjury stating that he had not practiced law at any time during his State Bar suspension. He further misrepresented that he was entitled to practice law to the Southern District in the Yakovlev matter as well as at least 12 other client matters during his suspension in the Southern District. It is well established that an attorney “simply cannot expressly or impliedly create or leave undisturbed the false impression that he or she has the present or future ability to practice law when in fact [he] is ineligible to practice” in that jurisdiction. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 904, internal quotations)

marks omitted.) Respondent also signed a client's signature on three declarations made under penalty of perjury without disclosing, on the declaration, the fact someone other than the client was signing the declaration was misleading and therefore inappropriate. (See *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 184 [attorney deemed to have engaged in an act of moral turpitude by signing a client's name to a declaration: "even if [the attorney] had the [client's] authority to sign her name to this declaration [the attorney] would still be culpable of moral turpitude."].)

Respondent's misconduct is further aggravated by his prior record of discipline, which involved a failure to comply with a court order, the harm caused and the fact his misconduct demonstrates a pattern of misconduct. Additionally, Respondent's discipline in both the Southern District and the State Bar has had little to no effect on Respondent as his actions demonstrate that he is "unwilling or unable to confirm to ethical responsibilities." (Std. 1.7(b).) He has had every opportunity to learn from his past mistakes, and yet he has failed to do so. "Either he fails to understand his professional duties or his prior discipline fails to impress upon him the importance of compliance with these duties." (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar. Ct. Rptr. 829, 841.)

The repeated and intentional nature of Respondent's unauthorized practice of law, and the magnitude of his dishonesty to several entities warrant disbarment. There are numerous aggravating circumstances present, including egregious aggravation in the form of a pattern of misconduct, and no compelling mitigating circumstances by comparison. Therefore, disbarment is the only discipline appropriate to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

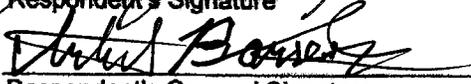
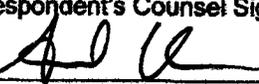
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 17, 2014, the prosecution costs in this matter are approximately \$6,812. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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| In the Matter of: JOSEPH JAMES REGO | Case number(s): 13-O-12308, 13-O-12425, 13-O-17593, 14-O-01302, 14-O-03179 |
|---|--|

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>July 18, 2014</u> Date |  Respondent's Signature | <u>Joseph James Rego</u> Print Name |
| <u>July 23, 2014</u> Date |  Respondent's Counsel Signature | <u>Artak Barsegyan</u> Print Name |
| <u>July 25, 2014</u> Date |  Deputy Trial Counsel's Signature | <u>Anand Kumar</u> Print Name |

(Do not write above this line.)

| | |
|--|--|
| In the Matter of: JOSEPH JAMES REGO | Case Number(s): 13-O-12308, 13-O-12425, 13-O-17593, 14-O-01302, 14-O-03179 |
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DISBARMENT 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.)**

Respondent Joseph James Rego is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

07-30-2014
Date



Judge of the State Bar Court

RICHARD A. PLATEL

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 30, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

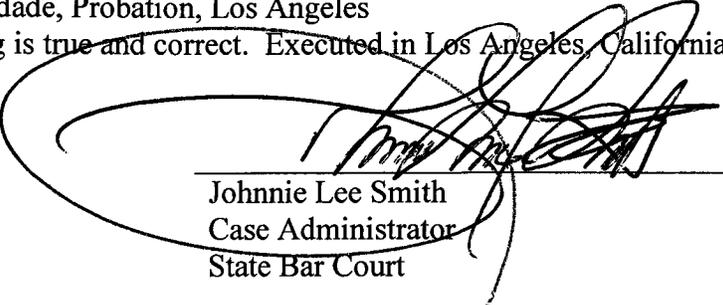
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTAK BARSEGYAN
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030

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

Anand Kumar, Enforcement, Los Angeles
Terrie Goldade, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 30, 2014.



Johnnie Lee Smith
Case Administrator
State Bar Court