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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

<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): 13-O-13297-GES 13-O-13607</p>	<p>For Court use only</p> <p>FILED MAY 09 2014 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Harold Marion Hewell Hewell Law Firm 101 California St Ste 2710 San Francisco, CA 94111 (415) 365-7157</p> <p>Bar # 171210</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: HAROLD MARION HEWELL</p> <p>Bar # 171210</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 13, 1994**.
- (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."

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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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two (2) billing cycles immediately following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [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
 - (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.
- (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 10.**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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 page 10.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Lack of prior record of discipline; pre-filing stipulation, see stipulation, at page 10.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **thirty (30) days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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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) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

6. On August 21, 2012, an attorney for Chase Bank sent Respondent an email inviting the Geils to re-submit a loan modification application without any guarantee of an offer. Respondent communicated the invitation to Geil. Shortly thereafter, Geil and Respondent participated in a conference call with Chase Bank regarding the invitation to submit another loan modification application. Because Chase Bank had only offered an invitation to submit another loan modification application without any indication of an actual offer despite the pre-existing application previously submitted by the Geils, Geil rejected the invitation and requested Respondent to continue pursuing the lawsuit to facilitate an actual offer for a loan modification.

7. On November 15, 2012, Chase Bank filed a motion for judgment on the pleadings.

8. Unbeknownst to the Geils and without receiving their consent and authorization to do so, on December 28, 2012, Respondent filed a request for dismissal of the Geils' lawsuit without prejudice, which resulted in the Geils' case being dismissed by the court on January 9, 2013. At no point did Respondent inform the Geils that he was seeking to file a request to dismiss their lawsuit, that he had filed a request to dismiss their lawsuit or that their lawsuit had been dismissed by the court.

9. Instead, between January 2013 and April 2013, Geil and Respondent continued to correspond about the Geils' case. On February 15, 2013, Geil emailed Respondent requesting a status update. Respondent received the email and responded by email on February 19, 2013, indicating that he had been busy with trial, that he was ill and would follow up by phone or if necessary email within a week.

10. On April 22, 2013, Geil sent another email to Respondent requesting a status update on the Geils' case. Later that same day, Geil discovered and learned for the first time solely through his own efforts that the court had dismissed the Geils' case because Respondent had filed a request for dismissal in December 2012. The same day, Geil sent Respondent a letter terminating Respondent's services.

11. In October 20103, Respondent refunded to the Geils \$1,000 of the \$4,000 of the illegal advanced fees that he had collected from them. On April 15, 2014, Respondent refunded the remaining \$3,000 illegal fees to the Geils.

CONCLUSIONS OF LAW:

12. By filing a request for dismissal without prejudice of the Geils' lawsuit without their knowledge, authority or consent, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

13. By negotiating, arranging or offering to perform a home mortgage loan modification for a fee paid by the Geils, and demanding, charging, collecting and receiving at least \$4,000 from the Geils 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, subdivision (a)(1), Respondent willfully violated Business and Professions Code section 6106.3, subdivision (a).

14. By arranging and offering to perform a home mortgage loan modification for a fee paid by the Geils in advance of any service and thereafter entering into a fee agreement with the Geils without providing them, prior to entering into the agreement, the separate statement, in not less than 14-point bold type, specifically required by Civil Code section 2944.6, subdivision (a), Respondent willfully violated Business and Professions Code section 6106.3, subdivision (a).

15. By failing to inform the Geils that Respondent intended to file a request to dismiss their lawsuit, that Respondent filed a request to dismiss the Geils' case on December 28, 2012, and that that the court granted the request to dismiss the Geils' lawsuit and that their case was dismissed, Respondent failed to keep the Geils 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-13607 (Complainant: Francisco Leon Segura)

FACTS:

16. On May 21, 2010, Francisco Leon Segura ("Segura") and his wife hired Respondent to file a lawsuit against their lender, Bank of America, for predatory lending violations. The retainer agreement required Segura to pay a total of \$3,750 for Respondent's services.

17. On May 25, 2010, Segura made a payment of \$1,000 to Respondent. On July 13, 2010, Segura made a second payment of \$1,000 to Respondent.

18. Between May 2010 and March 2012, Respondent failed to file a lawsuit on behalf of Segura and his wife. According to Respondent, he did not file a lawsuit on behalf of the Seguras because Respondent was waiting on a loan audit report that Segura was to have provided for purposes of the lawsuit and that Segura failed to provide Respondent him with this report.

19. On March 13, 2012, Segura met with Respondent to terminate Respondent's services and request a refund. At the meeting Respondent convinced Segura to continue with Respondent's employment for pursuing the litigation against Bank of America on a different legal theory. Segura agreed and on March 13, 2012, Segura paid Respondent the remaining \$1,750 under the original retainer agreement.

20. Thereafter, Respondent failed to file a lawsuit on behalf of the Seguras, abandoned their case and effectively terminated the employment by failing to take any action on behalf of the Seguras. Accordingly, Respondent failed to earn any portion of the \$3,750 advanced legal fees.

21. In March 2014, Respondent refunded \$2,750 to Segura. On April 15, 2014, Respondent refunded the remaining \$1,000 to Segura.

CONCLUSIONS OF LAW:

22. By failing to file a lawsuit against the lender or perform any other legal services of value on behalf of the Seguras, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

23. By failing to refund to the Seguras any part of the \$3,750 unearned advanced fees upon Respondent's termination of employment, 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).

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(f)): Respondent's misconduct harmed significantly a client, the public or the administration of justice in that it has caused significant harm to the Geils, who were in financial distress throughout the period of Respondent's misconduct in their case, by depriving them of at least \$4,000 of their funds for over two and a half years, while the Geils were particularly vulnerable due to their financial predicament.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's misconduct evidences multiple act of wrongdoing, involving at least six distinct acts of misconduct including collecting illegal advanced fees, failures to perform, refund unearned fees promptly and notify clients of significant developments, between August 2011 and the present. Multiple acts of misconduct is an aggravating circumstance here. (See e.g., *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555.)

MITIGATING CIRCUMSTANCES.

Lack of Prior Record of Discipline over Many Years of Practice: Respondent has no prior record of discipline since being admitted in June 1994, but the current misconduct is serious. Notwithstanding the seriousness of his misconduct, Respondent's approximately seventeen-year discipline-free record prior to the instant misconduct is entitled to significant mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [more than 10 years of discipline-free practice entitled to "significant" mitigation]; *Friedman v. State Bar* (1990) 51 Cal.3d 235, 245 [20 years of discipline-free practice deemed to be "highly significant"].)

Pre-filing 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 proceedings prior to the filing of disciplinary charges and 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].) Moreover, by entering into this stipulation Respondent has acknowledged his misconduct and demonstrated accountability for his actions.

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).)

In this matter, Respondent admits to committing at least six acts of professional misconduct. Standard 1.7(a) requires that where an attorney "commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed." The most severe sanction applicable to Respondent's misconduct is found in standards 2.5(b) and 2.14, which apply to Respondent's failures to perform legal services competently and notify the Geils of significant developments in their case, as well as to Respondent's collection of illegal fees in violation of Business and Professions Code section 6106.3, subdivision (a).

Standard 2.5(b) provides that actual suspension is appropriate for failing to perform legal services or properly communicate in multiple client matters, not demonstrating a pattern of misconduct. Standard 2.14 provides that disbarment or actual suspension is appropriate for any violation of a provision of Article 6 of the Business and Professions Code, not otherwise specified in the standards, such as a violation of Business and Professions Code section 6106.3, subdivision (a)(1). Accordingly, Respondent's collection of illegal fees and failure to give the required notice in the loan modification matter in violation of Civil Code section 2944.7, subdivision (a)(1) and section 2944.6, subdivision (a) (i.e., Senate Bill 94) warrants some period of actual suspension. Notwithstanding Respondent's violations of Senate Bill 94, the gravamen of his misconduct concerns his failures to perform in both client matters and his failure to notify the Geils regarding significant developments in their case, including the dismissal of their case. His failures to perform and notify the Geils about the significant developments also warrant a period of actual suspension pursuant to standard 2.5(b). Taking into consideration Respondent's lack of prior record of discipline as a significantly mitigating factor and the fact that Respondent has belatedly made restitution to the clients, which demonstrate his willingness and ability to conform to ethical responsibilities in the future, the imposition of discipline at the lower range of actual suspension is warranted. Therefore, a two (2) year stayed suspension and a two (2) year probation with conditions including a 30-day actual suspension with conditions is appropriate discipline under the circumstances for the misconduct described herein.

The case law also supports the recommended discipline here. In the only currently published decision regarding collection of illegal fees in violation of Senate Bill 94, *In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar. Ct. Rptr. 221, the attorney collected illegal fees from at least eight different clients in violation of Senate Bill 94. In *Taylor*, the Review Department imposed a two (2) year stayed suspension and a two (2) year probation with conditions including a six (6) month actual suspension and until he paid approximately \$14,350.00 of the \$30,100.00 total he illegally collected from his clients in or about 2010 for charging upfront fees in advance of completing each and every service contemplated by his loan modification fee agreements. Because Respondent's misconduct is not as egregious as that of attorney Taylor in so far as Respondent's misconduct involves fewer clients and less restitution, and because Respondent has more years of discipline-free practice prior to his

misconduct (17 years versus 5 years), Respondent's misconduct warrants a lesser period of actual suspension.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 15, 2014, the prosecution costs in this matter are approximately \$3,982. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

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

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In the Matter of: HAROLD MARION HEWELL	Case number(s): 13-O-13297, 13-O-13607
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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.

April 19, 2014 _____ Harold Marion Hewell
Date Respondent's Signature Print Name

_____ Respondent's Counsel Signature Print Name

April 21, 2014 _____ Anand Kumar
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of: HAROLD MARION HEWELL	Case Number(s): 13-O-13297, 13-O-13607
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ACTUAL SUSPENSION ORDER

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

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

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 MAY 9, 2014 
GEORGE E. SCOTT, JUDGE PRO TEM
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 9, 2014, 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:

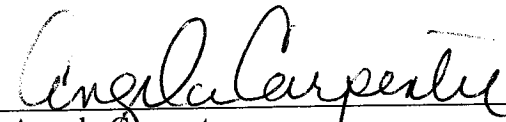
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

HAROLD M. HEWELL
HEWELL LAW FIRM
101 CALIFORNIA ST STE 2710
SAN FRANCISCO, CA 94111

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 9, 2014.



Angela Carpenter
Case Administrator
State Bar Court