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ORIGINAL

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

Counsel For The State Bar

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Bar # 132003

Counsel For Respondent

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Bar # 67900

In the Matter of: **WILFORD THOMAS LEE** 

Bar # 166168

A Member of the State Bar of California (Respondent)

Case Number(s): 13-O-14744-RAP 13-O-10795 ·

For Court use only

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STATE BAR COURT CLERK'S OFFICE LOS ANGELES

# PUBLIC MATTER

Submitted to: Assigned Judge

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

STAYED SUSPENSION; NO ACTUAL SUSPENSION

☐ PREVIOUS STIPULATION REJECTED

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:

- Respondent is a member of the State Bar of California, admitted December 1, 1993. (1)
- The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or (2) disposition are rejected or changed by the Supreme Court.
- All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by (3) 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.
- A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included (4) under "Facts."
- Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of (5)

(Effective January 1, 2014)

Stayed Suspension

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(6)		ne parties must include supporting authority for the recommended level of discipline under the heading upporting Authority."				
(7)		o more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any ending investigation/proceeding not resolved by this stipulation, except for criminal investigations.				
(8)			t of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & (Check one option only):			
	<ul> <li>Costs are added to membership fee for calendar year following effective date of discipline.</li> <li>Costs are to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay a installment as described above, or as may be modified by the State Bar Court, the remaining balance due and payable immediately.</li> <li>Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".</li> <li>Costs are entirely waived.</li> </ul>					
Mis		duct	ting Circumstances [Standards for Attorney Sanctions for Professional t, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are			
(1)	$\boxtimes$	Prio	r record of discipline			
	(a)	$\boxtimes$	State Bar Court case # of prior case 12-O-17542, 12-O-17580, 13-O-10240			
	(b)	$\boxtimes$	Date prior discipline effective August 8, 2014			
	(c) <b>1-3</b> (	⊠ 00(B),	Rules of Professional Conduct/ State Bar Act violations: Rules of ProfessionI Conduct, rules 4-200(A) and Business and professions Code section 6106.			
	(d)	$\boxtimes$	Degree of prior discipline Two-year stayed suspension, three years of probation, with conditions including a six month actual suspension and until restitution is paid.			
	(e)		If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline.			
(2)		<b>Dishonesty:</b> 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)		<b>Trust Violation:</b> Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.				
(4)		Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.				
(5)		Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.				
(6)			of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her conduct or to the State Bar during disciplinary investigation or proceedings.			

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(7)	$\boxtimes$	Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See attachment, page 10.		
(8)	$\boxtimes$	Restitution: Respondent failed to make restitution. See attachment, page 11.		
(9)		No aggravating circumstances are involved.		
Add	lition	al aggravating circumstances		
		ating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating stances are required.		
(1)		<b>No Prior Discipline:</b> 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)		<b>Candor/Cooperation:</b> Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.		
(4)		<b>Remorse:</b> 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)		<b>Restitution:</b> Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.		
(6)		<b>Delay:</b> 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)		<b>Emotional/Physical Difficulties:</b> 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)		<b>Severe Financial Stress:</b> 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)		<b>Family Problems:</b> 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)		<b>Good Character:</b> 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)		<b>Rehabilitation:</b> Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.		

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(13) No mitigating circumstances are involved.				
Additional mitigating circumstances				
Pre-trial Stipulation - See attachment, page 11.				

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D.	Disc	iplin	<b>:</b>	
(1)	$\boxtimes$	Stay	d Suspension:	
	(a)	$\boxtimes$	Respondent must be suspended from the practice of law for a period of <b>one year</b> .	
		i.	and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation a present fitness to practice and present learning and ability in the law pursuant to standa 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.	
		ü.	and until Respondent pays restitution as set forth in the Financial Conditions form attacthis stipulation.	hed to
		iii.	and until Respondent does the following:	
	The	e abov	referenced suspension is stayed.	
(2)	$\boxtimes$	Prol	tion:	
			at is placed on probation for a period of <b>one year</b> , which will commence upon the effective da court order in this matter. (See rule 9.18 California Rules of Court.)	ate of the
E. /	Addi	tiona	Conditions of Probation:	
(1)	$\boxtimes$	Duri Prof	the probation period, Respondent must comply with the provisions of the State Bar Act and sional Conduct.	Rules of
(2)		State infor	ten (10) days of any change, Respondent must report to the Membership Records Office of Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all charation, including current office address and telephone number, or other address for State Bar es, as prescribed by section 6002.1 of the Business and Professions Code.	
(3)		and cond	thirty (30) days from the effective date of discipline, Respondent must contact the Office of Phedule a meeting with Respondent's assigned probation deputy to discuss these terms and ons of probation. Upon the direction of the Office of Probation, Respondent must meet with the on deputy either in-person or by telephone. During the period of probation, Respondent mustly meet with the probation deputy as directed and upon request.	he
(4)		July whet cond are a curre	ndent must submit written quarterly reports to the Office of Probation on each January 10, Apply, and October 10 of the period of probation. Under penalty of perjury, Respondent must state or Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and a cons of probation during the preceding calendar quarter. Respondent must also state whether or proceedings pending against him or her in the State Bar Court and if so, the case number a status of that proceeding. If the first report would cover less than 30 days, that report must be ded on the next quarter date, and cover the extended period.	e all there and
			tion to all quarterly reports, a final report, containing the same information, is due no earlier th (20) days before the last day of the period of probation and no later than the last day of prob	
(5)		cond	ndent must be assigned a probation monitor. Respondent must promptly review the terms and one of probation with the probation monitor to establish a manner and schedule of compliance the period of probation, Respondent must furnish to the monitor such reports as may be required.	e.

cooperate fully with the probation monitor.

in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must

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(6)	Ø	Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.				
(7)		Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage test given at the end of that session.				
			attendance at Ethics S prior discipline in State that discipline, that is,	chool and passa Bar case no. 12 no later than Au	age of 2-O-17 gust 8	spondent was ordered to provide proof of f the test given at the end as a condition of his 7542-RAP, within one year of the effective date of 8, 2015. Timely proof of attendance at Ethics end in that matter will satisfy the condition here.
(8)		must				tion imposed in the underlying criminal matter and on with any quarterly report to be filed with the Office
(9)		The f	following conditions are at	tached hereto an	d incor	prporated:
			Substance Abuse Cond	itions		Law Office Management Conditions
			Medical Conditions		$\boxtimes$	Financial Conditions
F. (	Other	· Cor	nditions Negotiated	by the Parties	;:	
(1)		Multistate Professional Responsibility Examination: Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.				
disc	ipline	discip , that	line in State Bar case no	o. 12-O-17542-R/	AP, wit	t was ordered to pass the MPRE as a condition of ithin one year of the effective date of that sage of the MPRE in that matter will satisfy the
(2)		Oth	er Conditions:			

VILFO	Matter of: DRD THOMAS LEE		Case Number(s): 13O-14744; 13-O-10795		
nanc	cial Conditions				
Res	titution				
	payee(s) listed below. If the	Client Security Fund ("CSF") has I amount(s) listed below, Respon	int, plus interest of 10% per annum) to the reimbursed one or more of the payee(s) dent must also pay restitution to CSF in t	) for	
Pay	yee	Principal Amount	Interest Accrues From		
Ra	yvon Lynch	\$3,457	February 15, 2012		
Ge	orgia Woods	\$1,318	April 24, 2012		
Insta	Probation not later than 90 data  allment Restitution Paymer  Respondent must pay the ab must provide satisfactory pro	ays following the effective date  nts  ove-referenced restitution on the of of payment to the Office of Pro	payment schedule set forth below. Responsition with each quarterly probation repo	spon	
Insta	Probation not later than 90 dallment Restitution Paymer Respondent must pay the abmust provide satisfactory proas otherwise directed by the probation (or period of reprovite payment of restitution, incompared to the payment of restitution, incompared to the payment of restitution.	ays following the effective date  nts  ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than val), Respondent must make any cluding interest, in full.	payment schedule set forth below. Responding with each quarterly probation reponding 30 days prior to the expiration of the pernecessary final payment(s) in order to content to the pernecessary final payment(s).	spon port, eriod	
Insta	Probation not later than 90 data  allment Restitution Paymer  Respondent must pay the about provide satisfactory properties of the satisfactory properties of the satisfactory proposation (or period of reprovements)	ays following the effective date  nts  ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than val), Respondent must make any cluding interest, in full.	payment schedule set forth below. Respond to the payment and the payment and payment and payment and payment and payment and the payment and payment a	spon bort,	
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Insta	Probation not later than 90 dallment Restitution Paymer Respondent must pay the abmust provide satisfactory proas otherwise directed by the probation (or period of reprovite payment of restitution, incompared to the payment of restitution, incompared to the payment of restitution.	ays following the effective date  nts  ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than val), Respondent must make any cluding interest, in full.	payment schedule set forth below. Responding with each quarterly probation reponding 30 days prior to the expiration of the pernecessary final payment(s) in order to content to the pernecessary final payment(s).	spon oort, erioc	
	Allment Restitution Paymer Respondent must pay the abmust provide satisfactory proas otherwise directed by the probation (or period of reprovide payment of restitution, incompayment of restitution, incompayment of the payment of restitution (as applicable)  If Respondent fails to pay any the remaining balance is due	ays following the effective date  nts  ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than val), Respondent must make any cluding interest, in full.  Minimum Payment Amount  y installment as described above	payment schedule set forth below. Responding with each quarterly probation reponding 30 days prior to the expiration of the pernecessary final payment(s) in order to content to the pernecessary final payment(s).	spon oort, erioc omp	
	Probation not later than 90 dallment Restitution Paymer Respondent must pay the abmust provide satisfactory properties of the probation (or period of reprovite payment of restitution, incompared (CSF (as applicable)) If Respondent fails to pay any	ays following the effective date  nts  ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than val), Respondent must make any cluding interest, in full.  Minimum Payment Amount  y installment as described above	payment schedule set forth below. Responsition with each quarterly probation reponsition of the pernecessary final payment(s) in order to co	spon oort, erioc omp	
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- b. Respondent has kept and maintained the following:
  - i. A written ledger for each client on whose behalf funds are held that sets forth:
    - 1. the name of such client:
    - 2. the date, amount and source of all funds received on behalf of such client;
    - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    - 4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    - 1. the name of such account;
    - 2. the date, amount and client affected by each debit and credit; and,
    - 3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
  - each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
- 2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
- 3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d.	Client	Trust .	Accounting	g School
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Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of
Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School,
within the same period of time, and passage of the test given at the end of that session.

#### **ATTACHMENT TO**

## STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

WILFORD THOMAS LEE

CASE NUMBER:

13-O-14744; 13-O-10795

#### FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

### Case No. 13-O-14744 (Complainant: Rayvon Lynch)

#### **FACTS:**

- 1. On February 15, 2012, North Carolina resident Rayvon Lynch employed Respondent to perform legal services in connection with a home mortgage loan modification for Lynch's North Carolina property.
  - 2. On February 15, 2012, Lynch paid Respondent \$3,457 in advanced attorney's fees.
- 3. North Carolina law prohibits the practice of law in North Carolina by persons not admitted to practice law in North Carolina, other than with exceptions for circumstances not relevant to this matter.
- 4. Respondent is not now, nor has he ever been, admitted to practice law in the State of North Carolina.
- 5. Respondent attempted to refund the fee of \$3,457 but the check was issued for payment against insufficient funds, and was returned.
  - 6. To date, Respondent has not refunded any portion of the advanced fees to Lynch.

## CONCLUSIONS OF LAW:

- 7. By accepting employment from Lynch to perform legal services in connection with a home mortgage loan modification for Lynch's North Carolina property, Respondent practiced law in the State of North Carolina, and thereby violated the regulations of the profession in the State of North Carolina, in willful violation of Rules of Professional Conduct, rule 1-300(B).
- 8. By entering into an agreement for, charging, and collecting legal fees from Lynch, when he was not licensed to practice law in North Carolina, Respondent entered into an agreement for, charged, and collected for an illegal fee from Lynch, in willful violation of Rules of Professional Conduct, rule 4-200(A).
- 9. By writing a check from his client trust account when he knew or was grossly negligent in not knowing there were insufficient funds in the account to cover the checks, Respondent committed an act

involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106.

## Case No. 13-O-10795 (Complainant: Georgia Woods)

#### **FACTS:**

- 10. On April 24, 2012, North Carolina resident Georgia Woods employed Respondent to perform legal services in connection with a home mortgage loan modification for Woods' Tennessee property.
  - 11. Between April and July, 2012, Woods paid Respondent \$1,318 in advanced attorney's fees.
- 12. Tennessee law prohibits the practice of law in Tennessee by persons not admitted to practice law in Tennessee, other than with exceptions for circumstances not relevant to this matter.
- 13. Respondent is not now, nor has he ever been, admitted to practice law in the State of Tennessee
  - 14. To date, Respondent has not refunded any portion of the advanced fees to Woods.

#### CONCLUSIONS OF LAW:

- 15. By accepting employment from Woods to perform legal services in connection with a home mortgage loan modification for Woods' Tennessee property, Respondent practiced law in the State of Tennessee, and thereby violated the regulations of the profession in the State of Tennessee, in willful violation of Rules of Professional Conduct, rule 1-300(B).
- 16. By entering into an agreement for, charging, and collecting legal fees from Woods, when he was not licensed to practice law in Tennessee, Respondent entered into an agreement for, charged, and collected for an illegal fee from Woods, in willful violation of Rules of Professional Conduct, rule 4-200(A).

#### AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has a prior record of discipline.

In State Bar matter 12-O-17542, et al., Respondent stipulated, in three client matters, to violations of Rules of Professional Conduct, rules 1-300(B), 4-200(A) and Business and Professions Code, section 6106 and, was ordered to pay restitution in four client matters, all of which misconduct occurred between March 2012 and January 2013. Respondent received a two-year stayed suspension, three years of probation, with conditions including a six month actual suspension and until restitution is paid.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's misconduct in his prior disciplinary matter, including multiple violations of Rules of Professional Conduct, rules 1-300(B), and 4-200(A), and Business and Professions Code section 6106, which misconduct overlapped the present misconduct which involves four counts of misconduct including violations of the Rules of Professional Conduct,

rules 1-300(B) and 4-200(A), evidences multiple acts of wrongdoing. (In the Matter of Elkins (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 160, 168 [multiple acts of misconduct are an aggravating factor]).

Failure to Make Restitution (Std. 1.5(i)): To date, Respondent has failed to refund the illegal fee of \$3,457 to Lynch, and has failed to refund the illegal fee of \$1,318 to Woods.

#### MITIGATING CIRCUMSTANCES.

## Additional Mitigating Circumstances:

**Pre-trial Stipulation:** Respondent entered into the present stipulation prior to trial of the present matter, saving valuable State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

#### AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (In re Silverton (2005) 36 Cal.4th 81, 92, quoting In re Brown (1995) 12 Cal.4th 205, 220 and In re Young (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (In re Naney (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; Blair v. State Bar (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.7 applies to Respondent's violation of Business and Professions Code section 6106, and provides that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of 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.

The misconduct involved in Respondent's prior disciplinary matters, case nos. 12-O-17542, et al., occurred between March 2012 and January 2013. The acts which constitute the misconduct in this matter occurred between February 26, 2012 and September 10, 2012. Therefore, it is appropriate to consider the "totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period been brought as one case." (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618). In 12-O-17542, Respondent stipulated, in three client matters, to violations of Rules of Professional Conduct, rules 1-300(B), 4-200(A) and Business and Professions Code, section 6106 and was ordered to pay restitution in one client matter. Had Respondent stipulated to violations of Rules of Professional Conduct, rules 1-300(B), 4-200(A) and one violation of Business and Professions Code, section 6106 in the two present matters at the time of the prior discipline, the level of discipline imposed would not change from six months actual suspension, one-year stayed suspension, two years of probation, and restitution conditions. Therefore, no additional actual suspension is needed, and a one-year stayed suspension and a one-year term of probation, with conditions including payment of restitution to Rayvon Lynch in the amount of \$3,457, and to Georgia Woods in the amount of \$1,318, is therefore appropriate.

The six month actual suspension is consistent with case law. In *In the Matter of Wells* (Rev. Dept. 2006) 4 Cal State Bar Ct. Rptr 896, an attorney received a six month actual suspension in a case involving two client matters where he practiced law in South Carolina, where he was not licensed, and charged an illegal and unconscionable fee. In *In the Matter of Taylor* (Review Dept. 2012) 5 Cal State Bar Ct. Rptr. 221, Taylor was found culpable of collecting illegal fees from eight clients in loan modification matters. Taylor was found to have engaged in multiple acts of misconduct in multiple client matters, and his acts involved dishonesty, as in the present case. His mitigation and aggravation were similar to Respondent's here. Taylor received a six-month actual suspension.

#### COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 3, 2014, the prosecution costs in this matter are \$3,497. 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 <u>not</u> 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	Case number(s):
WILFORD THOMAS LEE	14-0-14744; 13-0-10795
	,

## 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 Fact, Conclusions of Law and Disposition.

Date
Date
Respondent's Signature
Print Name

PAUL JEAN VIRGO
Print Name

PAUL JEAN VIRGO
Print Name

R. KEVIN BUCHER
Print Name

<b>v</b>	in the second se	}
(Do not write ab	ove this line.)	
In the Matte	er of: O THOMAS LEE	Case Number(s): 13-O-14744; 13-O-10795
	STAYED	SUSPENSION ORDER
Finding the s	tipulation to be fair to the parties and smissal of counts/charges, if any, is G	that it adequately protects the public, IT IS ORDERED that the RANTED without prejudice, and:
	The stipulated facts and disposition Supreme Court.	are APPROVED and the DISCIPLINE RECOMMENDED to the
	The stipulated facts and disposition DISCIPLINE IS RECOMMENDED to	are APPROVED AS MODIFIED as set forth below, and the othe Supreme Court.
	All Hearing dates are vacated.	
within 15 day stipulation. (S	s after service of this order, is granted See rule 5.58(E) & (F). Rules of Proce	Judge of the State Bar Court
		Yvette D. Roland

#### **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 January 6, 2015, 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:

PAUL JEAN VIRGO 9909 TOPANGA BLVD # 282 CHATSWORTH, CA 91311

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

R. KEVIN BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 6, 2015.

Angela@Carpenter
Case Administrator
State Bar Court