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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Lara Bairamian Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1338 Bar # 253056	Case Number(s): 13-O-15643 [pre-filing] 13-O-16810 13-O-16847	For Court use only <div style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">JUL 17 2014</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
In Pro Per Respondent Jack Kenneth Conway 2460 Huntington Drive San Marino, CA 91108 (626) 285-4333 Bar # 45063	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: JACK KENNETH CONWAY Bar # 45063 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

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A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **January 15, 1970**.
- (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 **(11)** 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

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- (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 **12-O-13006, 12-H-14484.**
 - (b) Date prior discipline effective **August 30, 2013.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 1-110 and 4-100(A) and Business and Professions Code section 6106.**
 - (d) Degree of prior discipline **Two-year stayed suspension, three-year probation with conditions including two year actual suspension. See Attachment to Stipulation, at page 8.**
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:

In case numbers 08-O-11763 and 08-O-13360, Respondent was disciplined after stipulating to two (2) counts of misconduct in two (2) matters, including violations of Rules of Professional Conduct, rule 3-110(A) and Business and Professions Code section 6103. Effective February 8, 2011, Respondent received a private reproof. See Attachment to Stipulation, at page 8.
- (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 Attachment to Stipulation, at page 9.**

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment to Stipulation, at page 9.**
- (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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Prefiling Stipulation - See Attachment to Stipulation, at page 9.

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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 _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ 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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JACK KENNETH CONWAY

CASE NUMBERS: 13-O-15643, 13-O-16810, 13-O-16847

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-15643 (Complainant: Tracy Leong)

FACTS:

1. On April 2, 2013, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition (“Stipulation”) with the State Bar of California in case numbers 12-O-13006 and 12-H-14484.
2. On April 18, 2014, the Hearing Department of the State Bar Court filed an Order approving the Stipulation and recommending the discipline set forth in the Stipulation to the California Supreme Court.
3. On January 31, 2013, the Supreme Court issued Order number S210921 (State Bar case numbers 12-O-13006 and 12-H-14484) (the “Order”) imposing the recommended discipline and suspending Respondent for two (2) years, stayed, and placing him on probation for three (3) years with conditions including that Respondent be actually suspended from the practice of law for a period of two (2) years. Respondent received the Order.
4. The Order became effective on August 30, 2013.
5. On September 8, 2013, Respondent, on behalf of his client Albert Leong (“Albert”), sent a letter to Tracy Leong’s counsel, Marshall Sanders (“Sanders”), requesting to terminate Albert’s spousal support. Respondent enclosed a Stipulation to Modify Judgment Re Spousal Support; Order Thereon (“stipulation to modify”).
6. On September 13, 2013, Respondent, on behalf of Albert, called and left a voicemail for Sanders regarding the stipulation to modify.

CONCLUSIONS OF LAW:

7. By holding himself out as eligible to practice law and practicing law while he was not an active member of the State Bar, Respondent violated sections 6125 and 6126 of the Business and Professions Code, thereby failing to support the laws of the State of California in willful violation of section 6068(a).

Case No. 13-O-16810 (State Bar Investigation)

FACTS:

8. On October 1, 2013, after the effective date of suspension on August 30, 2013, Respondent appeared before Judge Timothy R. Saito of the Los Angeles Superior Court for a confidential juvenile court proceeding. During the hearing, Judge Saito asked Respondent if he was entitled to practice law. Respondent assured Judge Saito that he was entitled to practice law and stated that he had a letter from the State Bar of California ("State Bar") extending the effective date of his suspension.

9. On October 2, 2013, Respondent appeared before Judge Saito and presented a letter dated September 1, 2013 purportedly written by a deputy trial counsel from the Office of the Chief Trial Counsel of the State Bar extending Respondent's effective date of suspension from August 30, 2013 to October 30, 2013.

10. On October 2, 2013, Judge Saito called the deputy trial counsel who purportedly wrote the letter to confirm the accuracy of the letter. The deputy trial counsel advised Judge Saito that the letter was a forgery.

CONCLUSIONS OF LAW:

11. By holding himself out as eligible to practice law and practicing law while he was not an active member of the State Bar, Respondent violated sections 6125 and 6126 of the Business and Professions Code, thereby failing to support the laws of the State of California in willful violation of section 6068(a).

12. By submitting a forged document to the court and claiming that he was eligible to practice law when Respondent knew or was grossly negligent in not knowing that the letter had had been forged and that he had been suspended from the practice of law on August 30, 2013, Respondent committed an act involving moral turpitude, dishonesty or corruption on the court, in willful violation of Business and Professions Code section 6106.

Case No. 13-O-16847 (State Bar Investigation)

FACTS:

13. On June 13, 2013, Respondent filed a substitution of attorney substituting in as counsel for Francesca Scribner ("Scribner") in *Scribner v. Galloway*, Los Angeles Superior Court case number GQ006134 ("*Scribner v. Galloway*").

14. The trial in *Scribner v. Galloway* was scheduled to begin on September 6, 2013. At no time prior to the commencement of trial did Respondent notify the court in *Scribner v. Galloway* of his suspension and consequent disqualification to act as an attorney after the effective date of suspension on August 30, 2013.

15. On September 6, 2013, September 10, 2013 and September 13, 2013, Respondent represented Scribner throughout the trial in *Scribner v. Galloway*.

16. On September 16, 2013, after the close of evidence, the trial judge in *Scribner v. Galloway* learned that Respondent was suspended from the practice of law throughout the course of the trial.

17. On October 15, 2013, based upon the circumstances surrounding Respondent and his participation in the trial of *Scribner v. Galloway*, the trial judge declared a mistrial.

CONCLUSIONS OF LAW:

18. By holding himself out as eligible to practice law and practicing law while he was not an active member of the State Bar, Respondent violated sections 6125 and 6126 of the Business and Professions Code, thereby failing to support the laws of the State of California in willful violation of section 6068(a).

19. By failing to notify the trial judge in *Scribner v. Galloway* that he was not eligible to practice law prior to the commencement of trial and representing his client in the trial of *Scribner v. Galloway* on September 6, 2013, September 10, 2013 and September 13, 2013 when Respondent knew or was grossly negligent in not knowing that he had been suspended from the practice of law on August 30, 2013, Respondent committed an act involving moral turpitude, dishonesty or corruption on the court, in willful violation of Business and Professions Code section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has a prior record of two impositions of discipline. In State Bar case numbers 12-O-13006 and 12-H-14484, Respondent was disciplined after stipulating to three (3) counts of misconduct in two (2) matters. In case number 12-O-13006, Respondent stipulated that he failed to maintain at least \$9,627 received on behalf of his client, in willful violation of Rules of Professional Conduct, rule 4-100(A) and misappropriated \$9,555.13 of his client's funds, in willful violation of Business and Professions Code section 6106. In case number 12-H-14484, Respondent stipulated that he failed to comply with conditions attached to his prior State Bar discipline, in willful violation of Rules of Professional Conduct, rule 1-110. The misconduct occurred between May 2007 and May 2012. The misconduct was aggravated by Respondent's prior record of discipline and the harm to his client. The misconduct was mitigated by Respondent's cooperation with the State Bar in resolving the matters and the restitution payments made to his client in case number 12-O-13006. Effective August 30, 2012, Respondent was suspended from the practice of law for two (2) years, stayed, with a three (3) year period of probation with conditions including that Respondent be actually suspended from the practice of law for a period of two (2) years.

In State Bar case numbers 08-O-11763 and 08-O-13360, Respondent was disciplined after stipulating to two (2) counts of misconduct in two (2) matters. In case number 08-O-13006, Respondent stipulated that he failed to maintain the passports of his client and a minor child as required by a court order, in willful violation of Business and Professions Code section 6103. In case number 08-O-13360, Respondent stipulated that he failed to timely resolve all of his client's medical liens after receiving a settlement, in willful violation of Rules of Professional Conduct, rule 3-110(A). The misconduct occurred between March 2008 and November 2008. No aggravating circumstances were present. The misconduct was mitigated by Respondent's lack of prior discipline, cooperation with the State Bar and remorse and recognition of his wrongdoing. Effective February 8, 2011, Respondent received a private reproof.

Harm (Std. 1.5(f)): Respondent's misconduct significantly harmed the administration of justice as a result of the mistrial in *Scribner v. Galloway*, which needlessly took up judicial time and resources.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's current misconduct involves five (5) counts of misconduct in three (3) matters.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby avoiding the necessity of a trial and saving the State Bar Court 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 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).)

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."

Standard 2.7, applicable to Respondent's violation of Business and Professions Code section 6106, would be the most severe sanction. However, because Respondent has two prior impositions of discipline, the most severe sanction applicable to Respondent's misconduct is found in standard 1.8(b). Standard 1.8(b) provides that if an attorney has two or more prior records of discipline, disbarment is

appropriate when actual suspension was ordered in his prior disciplinary matter and the most compelling mitigating circumstances do not clearly predominate.

In evaluating Respondent's misconduct and assessing the level of discipline, the Standards require disbarment. Respondent's most recent misconduct, which imposed a two year actual suspension, took place after Respondent had been previously disciplined on two different occasions. The current misconduct took place within a month after the effective date of discipline in the most recent prior. In this matter, although Respondent acknowledged and accepted responsibility for his misconduct by entering into this pretrial stipulation, which mitigates his misconduct, Respondent's misconduct is aggravated by his prior record of discipline, the significant harm to both his clients and the administration of justice and the presence of multiple acts of misconduct. Thus, Respondent's mitigation is both not compelling and is outweighed by the aggravating factors.

Given Respondent's prior discipline, including actual suspension, disbarment is the appropriate level of discipline. The imposition of disbarment serves the purpose of State Bar discipline to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession. (Std. 1.3.)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 19, 2014, the prosecution costs in this matter are \$4,902. 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.

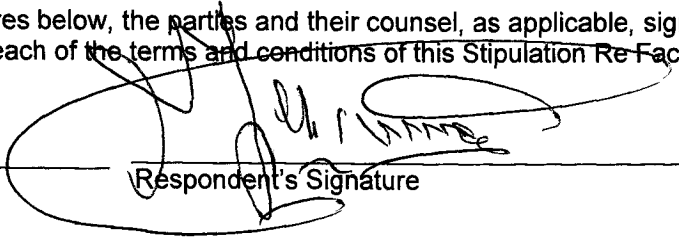
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In the Matter of: JACK KENNETH CONWAY	Case number(s): 13-O-15643, 13-O-16810, 13-O-16847
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SIGNATURE OF THE PARTIES

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.

June 17, 2014
Date


Respondent's Signature

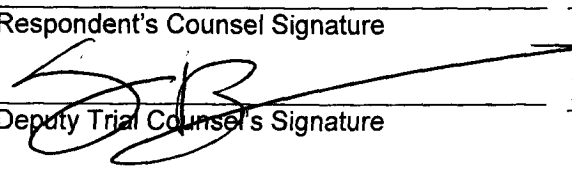
Jack Kenneth Conway
Print Name

Date

Respondent's Counsel Signature

Print Name

June 30, 2014
Date


Deputy Trial Counsel's Signature

Lara Bairamian
Print Name

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In the Matter of: JACK KENNETH CONWAY	Case Number(s): 13-O-15643, 13-O-16810, 13-O-16847
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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.

On page 2, in paragraph B(1)(e), after the word "Effective," delete the date "February 8, 2011" and in its place insert the date: "February 15, 2011."

On page 6, in paragraph 2, delete the date "April 18, 2014," and in its place insert the date "April 11, 2013."

On page 6, in paragraph 3, delete the word "January" and in its place insert the word "July."

In the twelfth line of text in the penultimate paragraph on page 8, delete the year "2012" and in its place insert the year "2013."

In the ninth line of text in the last paragraph on page 8, delete the numeral "8" and in its place insert the numeral "15," so that the date reads, "February 15, 2011."

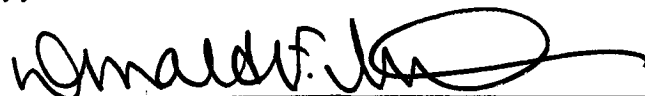
The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective 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 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.

Date

7/16/2014

Judge of the State Bar Court



DONALD F. MILES

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 17, 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:

JACK KENNETH CONWAY
2460 HUNTINGTON DR
SAN MARINO, CA 91108

- by certified mail, No. , with return receipt requested, through the United States Postal

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

LARA BAIRAMIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 17, 2014.



Rose M. Luthi
Case Administrator
State Bar Court