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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Drew Massey Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2525 Tel: (213) 765-1204 Bar # 244350	Case Number(s): 13-O-15988-LMA	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;"> PUBLIC MATTER FILED DEC 22 2014 </div> <div style="text-align: center; font-size: 0.8em;"> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
In Pro Per Respondent Louis Bruno 650 Flintridge Place Escondido, CA 92026 Tel: (760) 480-1375 Bar # 137898	Submitted to: Settlement 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: LOUIS GORDON BRUNO Bar # 137898 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.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 7, 1988**.
- (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 (12) 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."



- (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 **10-O-17089**
 - (b) Date prior discipline effective **March 23, 2013**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 4-200(A); Business and Professions Code sections 6068(a) and 6106.**
 - (d) Degree of prior discipline **Two-year period of suspension, stayed, two-year period of probation with conditions including an actual suspension of six months.**
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
See attachment, pages 8-9.
- (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.
- (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 attachment, page 8.**
- (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.
- (12) **Rehabilitation:** 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:

Pretrial stipulation, see attachment, page 9.

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: Restitution:** Respondent must make restitution to Carlos and Elizabeth Romero in the principal amount of \$1,000 plus 10 percent interest per year from February 1, 2009. Respondent must also make restitution to Carlos and Elizabeth Romero in the principal amount of \$500 plus 10 percent interest per year from March 1, 2009. If the Client Security Fund ("CSF") has reimbursed Carlos and Elizabeth Romero 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.

D. To submit to the Office of Probation quarterly reports each January 10, April 10, July 10, and October 10, commencing on July 10, 2013; and

E. To attend a session of State Bar Ethics School, pass the test given at the end of the session, and submit proof of same to the Office of Probation within one year of the effective date of the Disciplinary Order.

6. On February 21, 2013, the Clerk of the California Supreme Court properly served upon respondent a copy of the Disciplinary Order. Respondent received the Disciplinary Order.

7. The Disciplinary Order became effective on March 23, 2013.

8. On April 2, 2013, a Probation Deputy of the Office of Probation of the State Bar of California sent a courtesy reminder letter to respondent. In that letter, the Probation Deputy reminded respondent of the terms and conditions of his probation imposed pursuant to the Disciplinary Order and specifically reminded respondent that April 22, 2013 was the due date for him to contact the Probation Deputy and that June 21, 2013 was the due date for providing full restitution. Enclosed with the April 2, 2013 letter was, among other things, a copy of the Disciplinary Order, the relevant portion of the Stipulation setting forth the conditions of respondent's probation, a Quarterly Report Instruction sheet, a Quarterly Report form specially tailored for respondent to use in submitting his quarterly reports, and an instruction sheet regarding proofs of payment considered valid and how to submit such proof to the Office of Probation. Respondent received the letter.

9. On September 5, 2013, respondent's Probation Deputy sent an additional courtesy reminder letter to respondent. In it, the Probation Deputy reminded respondent of the terms and conditions of his probation imposed pursuant to the Disciplinary Order. The letter specifically informed respondent that proof of restitution had been due by June 21, 2013. It also indicated other missed deadlines including pointing out the late filing of the July 2013 quarterly report. Respondent received the letter.

10. Respondent failed to comply with conditions attached to respondent's disciplinary probation in State Bar case no. 10-O-00159, in that he:

- A. Failed to pay full restitution to Carlos and Elizabeth Romero in the amount of \$1,500 with accrued interest on the principal, and submit satisfactory proof of same, no later than 90 days after the effective date of the Disciplinary Order which was on June 21, 2013, and to date respondent has failed to comply with this condition;
- B. Failed to timely contact the Office of Probation to schedule a meeting with the Probation Deputy by the due date of April 22, 2013 and instead made belated contact on July 9, 2013;
- C. Failed to timely submit his July 10, 2013 quarterly report to the Office of Probation by July 10, 2013 and instead submitted it late on July 15, 2013;
- D. Failed to timely submit his October 10, 2013 quarterly report to the Office of Probation and instead submitted it late on October 11, 2013;
- E. Failed to timely submit his April 10, 2014 quarterly report to the Office of Probation and instead submitted it late on September 22, 2014; and

- F. Failed to provide proof to the Office of Probation by March 23, 2014 that he had completed Ethics School. Despite the lack of proof, the Office of Probation independently confirmed that Respondent completed Ethics School on October 23, 2013.

CONCLUSIONS OF LAW:

10. By failing to timely pay or submit proof of payment of restitution to Carlos and Elizabeth Romero, failing to timely contact the Office of Probation to schedule the initial meeting with his Probation Deputy, failing to provide proof of completion of State Bar Ethics School, and failing to timely submit quarterly reports to the Office of Probation, respondent willfully failed to comply with all conditions attached to his disciplinary probation, in violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)). Respondent has failed to comply with six separate conditions of probation. Further, these failures represent both untimely compliance (in three instances) and failure to comply at all (in three instances). This constitutes multiple acts of wrongdoing. (*In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 168.)

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

Prior Discipline One:

In case no. 05-O-04360, effective September 9, 2007, Respondent was suspended for one year, stayed, placed on two years of probation with conditions and was ordered to take the Multistate Professional Responsibility Examination ("MPRE") within one year. Respondent stipulated to three counts of misconduct arising from his representation of a client in a lawsuit against an insurance company in which his client sought full reimbursement for damages to his car in an accident.

At a case-management conference in July 2004, attorneys for the insurer told respondent that because the company did not insure respondent's client, his claims were barred. Respondent did not communicate to his client important information that there might be an issue about his standing and that the insurance company planned to file a motion for judgment on the pleadings. Respondent did not file any opposition to the insurance company's motion and the court entered judgment in favor of the insurance company and ordered respondent's client to pay costs. Respondent compounded the matter by not informing his client about the order and failed to make any effort to set aside the judgment. After the order, respondent abandoned the client. It was not until five months later that respondent admitted to the client that an order to pay costs had issued and the judgment had been entered against him. Respondent only disclosed this information after the client contacted another attorney. Respondent stipulated that he failed to perform legal services competently in violation of the Rules of Professional Conduct, rule 3-110(A), and failed to keep his client informed about developments in his case and respond to the client's inquiries in violation Business and Professions Code section 6068(m).

In aggravation, there were multiple acts of wrongdoing. In mitigation, respondent had no prior record of discipline, was candid and cooperative, and demonstrated remorse.

Prior Discipline Two:

In case no. 10-O-00159, effective March 23, 2013, respondent was suspended for two years, stayed, placed on a two-year period of probation with conditions including an actual six-month suspension, and ordered to take the MPRE. Respondent stipulated to three counts of misconduct in one client matter.

On December 10, 2008, respondent was notified by the Office of Probation of his failure to pass the MPRE as required by prior discipline. On December 19, 2008, the Review Department of the State Bar Court filed an order suspending respondent from the practice of law effective January 12, 2009 pending proof of passage of the MPRE. Respondent was served with and received the order.

On December 19, 2008, respondent signed a fee agreement with Mr. and Mrs. Romero agreeing to assist them in their foreclosure case. Respondent collected \$1,000 in advanced fees on February 1, 2009 and \$500 in advanced fees on March 1, 2009. When he collected the fees, respondent knew he had been suspended effective January 12, 2009 and was not permitted to practice law. Respondent did not inform the Romeros that he was suspended. Respondent was reinstated effective April 14, 2009 after passage of the MPRE.

During the representation of the Romeros, respondent was again suspended effective July 1, 2009 for failing to pay his State Bar membership dues; nevertheless, he continued to represent the Romeros and he never communicated to the Romeros that he was suspended during the representation. Respondent was again entitled to practice law effective January 15, 2010. Respondent stipulated that he collected an illegal fee in violation of Rules of Professional Conduct, rule 4-200(A), engaged in the unauthorized practice of law in violation of Business and Professions Code section 6068(a), and engaged in an act of moral turpitude in violation of Business and Professions Code section 6106. Respondent, *inter alia*, was ordered to pay restitution of \$1,500 plus interest to the Romeros.

In aggravation, respondent had a prior record of discipline, his actions harmed a client, and he committed multiple acts of wrongdoing. In mitigation, Respondent entered into a pre-filing stipulation.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent admitted to the misconduct and entered into this stipulation fully resolving this matter prior to the trial of the disciplinary charges. Respondent's cooperation at this stage will save the State Bar resources and time. Respondent's cooperation in this regard is a mitigating factor in this resolution. (*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 1.8(b)(1) states that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed, and the member has a record of two prior impositions of discipline, disbarment is appropriate where actual suspension was ordered in any one of the prior disciplinary matters unless the most compelling mitigating circumstances clearly predominate. Similarly, Standard 1.8(b)(3) calls for disbarment where the prior disciplinary matters, coupled with the current misconduct, demonstrate the member’s unwillingness or inability to conform to ethical responsibilities.

Standard 2.10 states that actual suspension is appropriate for failing to comply with conditions of discipline. The degree of sanction depends on the nature of the condition violated and the member’s unwillingness or inability to comply with disciplinary orders.

Here, the most recent prior discipline involves significant actual suspension (six months). Thus Standard 1.8(b)(1) indicates that disbarment is appropriate. Further, respondent’s failure to pay restitution to Mr. and Mrs. Romero is highly concerning. The failure to pay after significant time demonstrates a lack of appreciation of the significance of the restitution requirement. Given his nonpayment of restitution, coupled with his failure to comply with other terms of probation, Standard 1.8(b)(3) also appropriately calls for disbarment. Thus, disbarment should be recommended unless, “the most compelling mitigating circumstances clearly predominate...” No compelling mitigation exists in this matter. By contrast, respondent has serious prior discipline and has committed multiple acts of misconduct. The aggravating factors outweigh the mitigating factors.

“[T]he greatest amount of discipline is warranted for violations of probation which show a breach of a condition of probation significantly related to the misconduct for which probation was given, especially in circumstances raising a serious concern about the need for public protection.” (*In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 653.) Here, the restitution requirement is directly related to the misconduct in the prior discipline – the obtaining of an unlawful fee while not authorized to practice law. The refusal to abide by this condition warrants “the greatest amount of discipline” absent intervening mitigation.

Respondent has failed to perform numerous conditions of probation. Further, compelling mitigation is absent. Disbarment is appropriate to protect the public, the courts and the legal profession; maintain the highest professional Standards; and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 1, 2014, the prosecution costs in this matter are estimated at \$3,497.00. 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: LOUIS GORDON BRUNO	Case Number(s): 13-O-15988
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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 p. 2, B. (1)(a), delete "10-O-17089" and replace in its stead "10-O-00159" as the correct prior case number.

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 LOUIS GORDON BRUNO 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.

12-19-14
 Date _____  _____
 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 San Francisco, on December 22, 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 San Francisco, California, addressed as follows:

LOUIS G. BRUNO
650 FLINTRIDGE PL
ESCONDIDO, CA 92026

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

DREW D. MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 22, 2014.



Mazie Yip
Case Administrator
State Bar Court