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PUBLIC MATTER State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Charles T. Calix Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1255 Bar # 146853	Case Number(s): 13-O-16071	For Court use only FILED JUN 10 2014 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Edward O. Lear Century Law Group LLP 5200 West Century Boulevard, Suite 345 Los Angeles, California 90045 (310) 642-6900 Bar # 132699	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: JOHN MICHAEL MCKENNA Bar # 91174 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input checked="" type="checkbox"/> 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.

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A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **November 29, 1979**.
- (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 **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."

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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: (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 **99-O-11246. See Attachment at page 8.**
 - (b) Date prior discipline effective **October 5, 2000.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 4-100(B)(3) [failure to render accounts of client funds] and rule 2-200(A) [improper fee-splitting].**
 - (d) Degree of prior discipline **Public Reproval with conditions attached for one year.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

See Attachment 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.
- (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 at 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.

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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:

Profiling Stipulation: See Attachment at pages 8 and 9.

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of **one year**.
- 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 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 **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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JOHN MICHAEL McKENNA
CASE NUMBER: 13-O-16071

FACTS AND CONCLUSIONS OF LAW.

John Michael McKenna (“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-16071 (Complainant: Janey Moon)

FACTS:

1. On September 12, 2012, Janey Moon hired John Michael McKenna (“Respondent”) to substitute into a workers’ compensation matter in place of another attorney and to handle the matter to conclusion. Respondent did not substitute into the matter or provide any legal services to Moon.
2. Between October 20, 2012 and February 10, 2013, Moon telephoned Respondent 11 times. Each time, Moon left a message on Respondent’s voice message system identifying herself, providing her telephone number, and requesting a status report. Respondent received the messages, but did not provide the requested status report or otherwise communicate with Moon.
3. Between October 20, 2012 and February 10, 2013, Moon sent two emails to Respondent’s email address identifying herself and requesting a status report. Respondent received the emails, but did not provide the requested status report or otherwise communicate with Moon.
4. On February 10, 2013, Moon sent an email to Respondent terminating his services and requesting her client file. On February 28, 2013, Respondent responded to Moon’s February 10th email with a reply stating that he would return her file. On February 28, 2013 and March 13, 2013, Moon sent additional emails to Respondent requesting her file. Respondent received the emails, but did not send Moon’s file to her or otherwise communicate with Moon.
5. On August 22, 2013, a State Bar Deputy Trial Counsel sent a letter to Respondent requesting that he send the client file to Moon within ten days of the date of the letter. Respondent received the letter, but did not send the file or otherwise communicate with Moon or the Deputy Trial Counsel.
6. On November 15, 2013, a State Bar Investigator sent a letter to Respondent requesting that he send the client file to Moon within ten days of the date of the letter. Respondent received the letter and sent the file to Moon on November 16, 2013.

CONCLUSIONS OF LAW:

7. By failing to substitute into Moon's workers' compensation matter and by failing to perform any legal services on behalf of Moon, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

8. By failing to respond to Moon's two requests for status reports sent by email between October 20, 2012 and February 10, 2013, by failing to respond to 11 telephonic messages left by Moon on Respondent's voice message system requesting status reports, and by failing to otherwise inform Moon about the status of her legal matter, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

9. By failing to return Moon's papers and property to Moon until November 16, 2013, following Moon's requests for her client file on February 10, 2013, February 28, 2013 and March 13, 2013, Respondent failed to release promptly, after termination of Respondent's employment all of the client's papers and property in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)):

Effective October 5, 2000, in State Bar Court case no. 99-O-11246, Respondent was privately reprovved with conditions attached and in effect for one year. The underlying misconduct occurred in 1999 when Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession on behalf of the client in violation of rule 4-100(B)(3), Rules of Professional Conduct, and divided the fee he received for legal services earned in connection with that matter with an employee who was not a partner of, associate of, or shareholder with Respondent in violation of rule 2-200(A).

Effective September 22, 2001, in State Bar Court case no. 00-O-12013, Respondent was suspended for one year (stayed) and placed on disciplinary probation for two years with no actual suspension. The underlying misconduct occurred between June 1997 and January 2000 when Respondent failed to perform with competence in violation of rule 3-110(A), Rules of Professional Conduct, failed to keep the client informed of significant events in violation of Business and Professions Code section 6068(m), failed to respond to the client's requests for status reports in violation of Business and Professions Code section 6068(m), and failed to promptly return the client's file to the client in violation of rule 3-700(D)(1). As a result of Respondent's failure to perform, his client's case was dismissed.

Multiple Acts of Misconduct (Std. 1.5(b)): The violations of 3-110(A), 6068(m), and 3-700(D)(1) constitute multiple acts of misconduct. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-647.)

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel prior to the filing of the Notice of Disciplinary Charges, thereby conserving the time and resources of the State Bar Court and State Bar. (See *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).)

In this matter, Respondent admits to committing three acts of professional misconduct. Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.15, which applies to Respondent’s violation of rule 3-700(D)(1), Rules of Professional Conduct. Standard 2.15 provides that reproof or a suspension not to exceed three years is appropriate for any violation of a provision of the Rules of Professional Conduct not specified in the Standards.

Standard 1.8(b) provides that if a member has two or more records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: (1) actual suspension was ordered in any one of the prior disciplinary matters; (2) the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or (3) the prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities.

Although Respondent has two prior records of discipline, Standard 1.8(b) does not apply for the following reasons. First, Respondent's two prior records of discipline do not involve actual suspension. Second, there is no evidence of a pattern of misconduct given the fact that Respondent has practiced law for 35 years and the two prior records were for minor misconduct that occurred 12 and 13 years ago. Third, there is no evidence of an unwillingness or inability to conform to his ethical responsibilities given the fact that Respondent practiced law without discipline for approximately 23 years prior to the first imposition of discipline and has practiced law without discipline for approximately 13 years since the second imposition of discipline. Based on the above, Standard 1.8(b) does not apply in this proceeding. In addition, consideration is to be given to the balancing of all of the 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. (Standards 1.7(b) and (c).)

Although Standard 1.8(b) does not apply to this proceeding, progressive discipline is warranted to serve the purpose of discipline set forth in Standard 1.1.

Here, Respondent was hired, and thereafter, failed to substitute into the client's case; he failed to perform any legal services; he failed to communicate with the client in response to numerous requests for status reports; and he refused to release the client's file for nine months after termination of his employment and the client's request for the file. In aggravation, Respondent committed multiple acts of misconduct and has two prior records of discipline. In mitigation, Respondent entered into this stipulation resolving this matter, thereby conserving the time and resources of the State Bar Court and State Bar, and his misconduct did not cause harm to the client, public, courts, and legal profession.

Given the nature of Respondent's misconduct and balancing the aggravating and mitigating circumstances, the sanctions provided by Standard 2.15 would be appropriate here. In consideration of the foregoing, a one-year suspension (stayed) and two years of probation, including an actual suspension of the first 30 days, is appropriate under the Standards and will serve the purpose of attorney discipline as set forth in Standard 1.1.

The 30 day actual suspension is also supported by case law. In *Bach v. State Bar* (1991) 52 Cal.3d 1201, Bach failed to perform legal services with competence, failed to communicate with his client, withdrew from representation without client approval or court consent, failed to return unearned fees, and failed to cooperate in the State Bar investigation in a single client matter. Bach had no prior record of discipline in 26 years of practice, but demonstrated a persistent lack of insight to his misconduct. (*Id.* at p. 1209.) The Supreme Court imposed a one year probation, including the condition that Bach be suspended for the first 30 days and until he paid restitution of \$2,000. (*Id.* at p. 1210.)

Respondent committed three acts of misconduct as opposed to Bach's five acts, was in practice for 33 years as opposed to Bach's 26 years, and entered into this stipulation acknowledging his wrongdoing as opposed to Bach's persistent lack of insight. However, because Respondent has two prior records of discipline, progressive discipline that includes 30-days actual suspension is warranted.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 12, 2014, the prosecution costs in this matter are \$2,925. 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

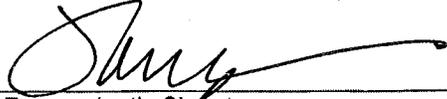
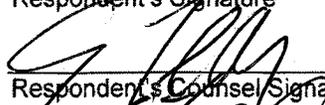
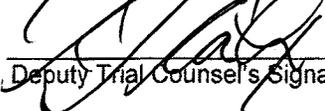
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: JOHN MICHAEL MCKENNA	Case number(s): 13-O-16071-RAP
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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.

<u>5/24/14</u> Date	 Respondent's Signature	<u>John Michael McKenna</u> Print Name
<u>5/30/14</u> Date	 Respondent's Counsel Signature	<u>Edward O. Lear</u> Print Name
<u>6/2/14</u> Date	 Deputy Trial Counsel's Signature	<u>Charles T. Calix</u> Print Name

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In the Matter of: JOHN MICHAEL MCKENNA	Case Number(s): 13-O-16071
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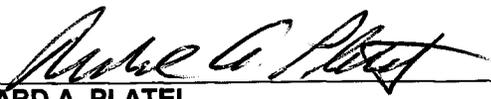
STAYED SUSPENSION ORDER

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.)**

JUNE 10, 2014
Date


RICHARD A. PLATEL
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 June 10, 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:

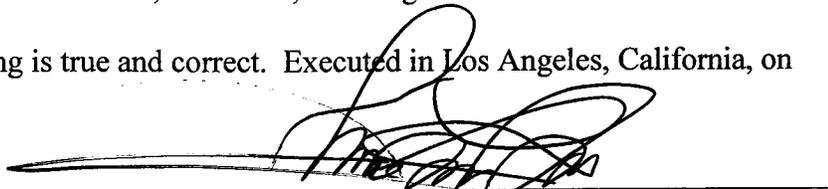
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045

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

CHARLES CALIX, Enforcement, Los Angeles
TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 10, 2014.



Johnnie Lee Smith
Case Administrator
State Bar Court