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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Kim Kasreliovich Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1378 Bar # 261766	Case Number(s): 13-O-16844 (Inv.), 13-O-17373, 14-O-01800	For Court use only <div style="text-align: center;"> FILED NOV 06 2014 <i>P.B.</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
Counsel For Respondent Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave Unit 308 South Pasadena, CA 91030 (213) 626-7300 Bar # 77688	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter of: JOHN CHRISTEN TORJESEN Bar # 141664 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input 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 **August 25, 1989**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **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 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 **12-O-17005 and 12-O-17006**
 - (b) ☒ Date prior discipline effective **November 21, 2013**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 4-100(B)(3) and Business and Professions Code section 6068(m)**
 - (d) ☒ Degree of prior discipline **Public Reprimand**
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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. **For a further discussion of Multiple Acts, see page 10.**
- (8) ☐ **Restitution:** Respondent failed to make restitution.
- (9) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

(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:

For Prefiling Stipulation and Good Faith mitigation, see page 10.

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**

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 CHRISTEN TORJESEN

CASE NUMBERS: 13-O-16844, 13-O-17373, 14-O-01800

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.

Background Facts

1. Respondent's license to practice law was administratively suspended from September 23, 2013 until October 15, 2013 pursuant to Business and Professions Code section 490.5.
2. On October 1, 2013, Respondent knew he was suspended and acted to rectify his suspension. Respondent mistakenly believed that his suspension would be terminated immediately.
3. Respondent failed to confirm that his suspension had been terminated on October 1, 2013. Respondent's suspension was not terminated until October 13, 2013.
4. Respondent acted with gross negligence when he failed to determine that his license to practice law had been reinstated before he practiced law.

Case No. 13-O-16844 (State Bar Investigation)

FACTS:

5. From approximately March 2009 through the present, Respondent has been the attorney of record for Stephen Lillis, in a civil action entitled, *Stephen Lillis v. New Haven Financial, Inc., et al.*, case no. BC 410167 in Los Angeles Superior Court.
6. On September 25, 2013, in the *Lillis v. New Haven Financial* matter, Respondent signed, dated, and filed a Notice of Ruling with the court, and served counsel for the defendants with notice on that same date. The notice was of the court's ruling on an ex-parte motion heard by the court in the matter on September 6, 2013.
7. Also on September 25, 2013, Respondent made an appearance before the court as counsel for the plaintiff at a final status conference on the matter. Respondent followed up the status conference with another Notice of Ruling with the court and served counsel for the defendants with the notice on that same date. The notice was with regard to the court's rulings at the status conference on September 25, 2013, and was filed with the court on September 30, 2013.
8. When Respondent signed and filed the notices of ruling and appeared in Los Angeles Superior Court on behalf of his client, Stephen Lillis, Respondent's license to practice law was suspended.

CONCLUSIONS OF LAW:

9. By signing and filing two Notices of Ruling and appearing in Los Angeles County Superior Court, in *Stephen Lillis v. New Haven Financial, Inc., et al.*, on behalf of a client, Stephen Lillis, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was not an active member of the State Bar, in violation of Business and Professions Code sections 6125 and 6126, and thereby willfully violated of Business and Professions Code section 6068(a).

Case No. 13-O-17373 (Complainant: Maha Visconti)

FACTS:

10. At all times pertinent herein, Respondent was counsel for the petitioner, Maha Visconti, in a marital dissolution/family law matter in Los Angeles County Superior Court entitled, *Maha Visconti v. John Visconti*, case no. BD451399.

11. On October 2, 2013, Respondent represented the petitioner at trial while Respondent's license to practice law was suspended.

12. On November 6, 2013, at a hearing in the *Visconti* matter, the court learned from the opposing party that Respondent's license to practice was suspended when Respondent represented the petitioner at trial on October 2, 2013. The court set an Order to Show Cause re: Mistrial for a hearing on December 6, 2013.

13. At the Order to Show Cause hearing on December 6, 2013, the court ordered a mistrial due to Respondent's representation of the petitioner while Respondent's license to practice was suspended. Ultimately, the new judge agreed to accept all the testimony from the previous trial, except one witness.

CONCLUSIONS OF LAW:

14. By appearing and conducting trial on October 2, 2013, on behalf of his client, Maha Vicsonti, in Los Angeles County Superior Court, in *Maha Visconti v. John Visconti*, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was not an active member of the State Bar, in violation of Business and Professions Code sections 6125 and 6126, and thereby willfully violated of Business and Professions Code section 6068(a).

15. By appearing and conducting trial on October 2, 2013, on behalf of his client, Maha Visconti, in Los Angeles County Superior Court, in *Maha Visconti v. John Visconti*, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was grossly negligent in not knowing, that Respondent was not an active member of the State Bar and thereby committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

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FACTS:

16. At all times pertinent herein, Respondent was counsel for the plaintiff in a civil matter before the Los Angeles County Superior Court entitled, *Bambang N. Rachmadi et. al. vs. Rosmawaty Lawah et al.*, case no. BC497899.

17. On March 13, 2013, the court granted one of the defendants, White House Professional, Inc.'s (WHP), motion to strike portions of the complaint and struck those portions without leave to amend, portions which included claims for emotional distress, general damages, attorney's fees, and punitive damages.

18. On March 28, 2013, Respondent filed an amended complaint and reinstated those claims for damages that the court had struck earlier in the complaint without leave to amend.

19. On June 28, 2013, WHP filed a Motion to Strike and for Sanctions. On September 18, 2013, after a hearing on the motion, the court granted the motion and issued monetary sanctions against Respondent and his clients jointly and severally, in the amount of \$2,000.00 ("sanctions"). Respondent received actual notice of the sanction.

20. Respondent did not report the sanctions to the State Bar within 30 days as required. On July 14, 2014 Respondent reported the sanctions.

21. On October 10, 2013, Respondent wrote to Andrew Leff, an opposing counsel in the matter, on behalf of Respondent's client, in furtherance of the case. The letter contained legal analysis and a discussion of damages suffered by Bambang Rachmadi. In addition, Respondent appeared and represented his client at a deposition of defendant on that same date. When Respondent wrote the letter to opposing counsel and appeared at the deposition, his license to practice law was suspended.

CONCLUSIONS OF LAW:

22. By writing a letter to opposing counsel which included a legal analysis of damages, on behalf of his client Bambang Rachmadi, and appearing at a deposition in the matter of *Bambang N. Rachmadi et. al. vs. Rosmawaty Lawah et al.*, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was not an active member of the State Bar, in violation of Business and Professions Code sections 6125 and 6126, and thereby willfully violated of Business and Professions Code section 6068(a).

23. By writing a letter to opposing counsel which included a legal analysis of damages, on behalf of his client Bambang Rachmadi, and appearing at a deposition in the matter of *Bambang N. Rachmadi et. al. vs. Rosmawaty Lawah et al.*, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was grossly negligent in not knowing, that Respondent was not an active member of the State Bar and thereby committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

24. By failing to report to the State Bar the \$2,000 in sanctions the court imposed on Respondent on September 18, 2013 in connection with *Bambang N. Rachmadi et. al. vs. Rosmawaty Lawah et al.* by October 18, 2013, Respondent failed to report to the agency charged with attorney discipline, in writing,

within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent in an amount greater than \$1,000, in willful violation of Business and Professions Code section 6068(o)(3).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Effective November 21, 2013 (executed October 29, 2013), Respondent was publicly reprovved with conditions for one year in case nos. 12-O-17005 and 12-O-17006. In one matter Respondent failed to tell his client the case had been dismissed and in another matter Respondent failed to provide an appropriate accounting of funds he was holding on behalf of the client. In mitigation, Respondent had no prior discipline and demonstrated good character.

However, the misconduct in the present case occurred even before the stipulation in the prior discipline was executed. Therefore, it does not bear the full weight of a prior record of discipline. (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136 [Where misconduct in current proceeding occurred prior to imposition of discipline in prior proceeding, record of prior discipline does not carry with it as full a need for severity as if misconduct had occurred after respondent had been disciplined and had failed to heed the import of that discipline].)

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent engaged in five independent acts of the unauthorized practice of law and failed to timely report monetary sanctions of more than \$1,000 to the State Bar.

MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Respondent has offered a wide range of character witness, twelve total, from both the legal and general communities. All of Respondent's character witnesses, including two attorneys who serve as officers in large well respected attorney associations, speak very highly of Respondent. Many of Respondent's character witnesses also describe his long time service with the Consumer Attorneys Association of Los Angeles. All of Respondent character letters describe a knowledge of his misconduct and a universally held belief that Respondent is a moral and dedicated advocate.

Additional Mitigating Circumstances:

Prefiling Stipulation: Respondent entered into this stipulation as to facts and culpability prior to filing the Notice of Disciplinary Charges. (*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].)

Good Faith: Respondent held the honest and reasonable belief that when he acted to rectify his administrative suspension he would be immediately returned to active status. Thereafter, it was unreasonable for Respondent to assume that his suspension had been lifted and he acted with gross negligence when he failed to verify the status of his license before practicing law. However, Respondent's mere belief that he would quickly be returned to active status was reasonable based on the fact that the suspension had been imposed for failure to make payments as required under Business and Professions Code section 490.5 and the payments had since been made.

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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 six 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 in this case is found in Standard 2.7 which applies to Respondent’s acts of moral turpitude when he knowingly practiced law without a license. Standard 2.7 states that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a 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.

In the present case, the magnitude of the misconduct is limited because the unauthorized practice of law was confined to 21 days and stemmed largely from Respondent’s failure to confirm that his suspension had been terminated. However, as is implicit in the unauthorized practice of law, Respondent caused harm to the judicial system by practicing while suspended. In one matter, Respondent’s unauthorized practice caused a mistrial. Although all the prior testimony, absent one witness, was accepted by the new judge after the mistrial, it still caused an additional expenditure of resources by the courts.

However, Standard 2.6(b) is also informative to determining the level of discipline. Standard 2.6(b) states that suspension or a reproof is appropriate when a member engages in the practice of law

when he or she is on inactive status or actual suspension for non-disciplinary reasons. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law. This applies to all of Respondent's violations of section 6125/6126.

The emphasis in Standard 2.6(b) is whether Respondent knowingly engaged in the unauthorized practice of law. In two of the three matters in this case, Respondent knew he was suspended, acted to rectify it, and thereafter failed to confirm that his license had been reinstated before practicing law.

In aggravation, Respondent has one prior record of discipline. Under Standard 1.8(a), this means that the current discipline must be greater than the previous discipline. However, under case law, due to the timing of Respondent's prior discipline, it does not bear the full aggravating weight of prior discipline. In addition, Respondent has committed multiple acts of misconduct.

In mitigation, Respondent has offered a strong demonstration of good character. In addition, Respondent had a good faith belief that his suspension would quickly be lifted after he acted to correct it. However, he acted with gross negligence when he failed to confirm that his suspension had in fact been lifted before practicing law. In light of the diminished weight of Respondent's prior discipline, and his aggravation and mitigation, 30 days of actual suspension is well within the range of discipline under all the applicable standards and would serve the purposes of attorney discipline.

Case law also supports this level of discipline. In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, Wells engaged in the prolonged unauthorized practice of law in another jurisdiction in two cases and over several years, charged an illegal and unconscionable fee, failed to return client fees, failed to maintain funds in trust and engaged in moral turpitude for misrepresenting her entitlement to practice law. The court expressed deep concern about her overreaching with client and although there was significant mitigation and aggravation present, Respondent received six months actual suspension and until restitution is paid in full. Unlike *Wells*, Respondent in the present case did not engage in misconduct regarding fees and client funds. The misconduct in the present case mainly consists of the unauthorized practice of law which was limited in duration. Therefore, 30 days actual suspension is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 22, 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.

EXCLUSION FROM MCLE CREDIT

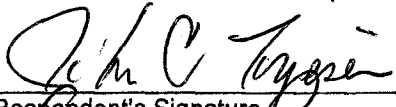
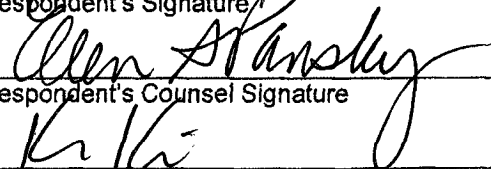

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: JOHN CHRISTEN TORJESEN	Case number(s): 13-O-16844, 13-O-17373, 14-O-01800
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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>10/15/14</u> Date	<u></u> Respondent's Signature	<u>John Christen Torjesen</u> Print Name
<u>10/15/14</u> Date	<u></u> Respondent's Counsel Signature	<u>Ellen A. Pansky</u> Print Name
<u>10/20/14</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Kim Kasreliovich</u> Print Name

(Do not write above this line.)

In the Matter of: JOHN CHRISTEN TORJESEN	Case Number(s): 13-O-16844 et al.
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ACTUAL SUSPENSION ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

NOVEMBER 6, 2014
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 Los Angeles, on November 6, 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:

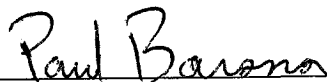
**ELLEN ANNE PANSKY
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030**

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

Kimberly G. Kasreliovich, Enforcement, Los Angeles

Terrie Goldade, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 6, 2014.



Paul Barona
Case Administrator
State Bar Court