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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Nina Sarraf-Yazdi Deputy Trial Counsel 845 South Figueroa Los Angeles, California 90017 (213) 765-1277</p> <p>Bar # 278877</p>	<p>Case Number(s): 14-H-05182 - YDR 14-O-05693</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 2em;">FILED</p> <p style="text-align: center; font-size: 1.5em;">AUG 12 2015</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>James Patrick Stoneman II 100 W Foothill Blvd Claremont, CA 91711 100 W Foothill Blvd (909) 621-4987</p> <p>Bar # 94523</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: JAMES PATRICK STONEMAN II</p> <p>Bar # 94523</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 16, 1980**
- (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: **two 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 **Consolidated Cases: 12-O-16873 and 12-O-17550 (See Attachment, page 9.)**
 - (b) Date prior discipline effective **September 27, 2013**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-110(A), 3-700(A)(2), and 3-700(D)(2) and Business and Professions Code sections 6068(m) and 6068(i).**
 - (d) Degree of prior discipline **Public reproof**
 - (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.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment, 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.

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- (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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation, Family Problems and Good Character - See Attachment, page 10.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (1) 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 (2) 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 **sixty (60) 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.

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- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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

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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:**

("MPRE") and submit satisfactory proof of the same to the Office of Probation within one year of the effective date of the reprobation order, on or before September 27, 2014.

6. On September 12, 2013, a Probation Deputy of the Office of Probation of the State Bar of California mailed a letter to respondent at his State Bar membership records address in which he reminded respondent of the conditions of his reprobation imposed pursuant to the reprobation order, including the deadlines for completion of the conditions including the final report, Ethics School and the MPRE. Enclosed with the September 12, 2013 letter to respondent were, among other things, copies of the relevant portion of the stipulation setting forth the conditions of Respondent's reprobation, a schedule and enrollment information for State Bar Ethics School, and information about the MPRE. Respondent received the letter.

7. Respondent failed to timely submit to the Office of Probation the final report that was due by September 27, 2014. On July 20, 2015, respondent submitted his final report to the Office of Probation.

8. Respondent failed to timely complete State Bar Ethics School and submit proof of same to the Office of Probation by the due date of September 27, 2014. Respondent belatedly completed Ethics School on October 23, 2014. Respondent submitted proof of same to the Office of Probation on July 20, 2015.

9. Respondent failed to timely take and pass the MPRE and submit proof of same to the Office of Probation by the due date of September 27, 2014. Respondent registered for the November 7, 2015, MPRE.

CONCLUSIONS OF LAW:

10. By failing to timely submit to the Office of Probation the final report that was due by September 27, 2014; by failing to complete Ethics School and submit satisfactory proof of the same to the Office of Probation by the due date of September 27, 2014; and by failing to take and pass the MPRE and submit satisfactory proof of same to the Office of Probation by the due date of September 27, 2014 or at any time, respondent failed to comply with the conditions attached to the public reprobation administered by the State Bar Court in case nos. 12-O-16873 and 12-O-17550, in willful violation of rule 1-110 of the Rules of Professional Conduct.

Case No. 14-O-05693

FACTS:

11. On February 28, 2014, John C. Gray hired respondent to file a lawsuit against his former employer, Glen Ivy Hot Springs ("GIHS"), to obtain a court order requiring GIHS to open an annuity to fund Mr. Gray's pension pursuant to his employment agreement with GIHS. On that same day, Mr. Gray paid respondent \$5,500, which included \$500 for costs and \$5,000 as advanced attorney's fees.

12. On March 14, 2014, respondent filed a Complaint For Declaratory Relief and Specific Performance against GIHS on behalf of Mr. Gray.

13. On May 21, 2014, GIHS filed a Notice of Motion and Motion to Compel Arbitration and Stay Action. The motion was scheduled to be heard on June 20, 2014 and was subsequently continued to July 30, 2014.

14. Prior to June 20, 2014, respondent reviewed GIHS' motion and the employment agreement and determined that Mr. Gray would be unable to contest GIHS' desire to pursue arbitration. Respondent notified Mr. Gray of his finding and recommended that the matter not be arbitrated. Mr. Gray agreed with respondent's recommendation.

15. On July 30, 2014, GIHS specially appeared for respondent. With no opposition filed, the court granted GIHS' motion.

16. After the decision was made not to arbitrate the matter, Mr. Gray and respondent agreed that respondent would attempt settlement discussions with GIHS regarding the purchase of an annuity.

17. On October 5, 2014, Mr. Gray sent respondent a letter terminating respondent's services and requesting a refund of unearned fees. Respondent failed to provide Mr. Gray with an accounting and/or a refund of any unearned fees.

18. On July 21, 2015, after State Bar disciplinary proceedings had already been initiated, respondent provided Mr. Gray with an accounting indicating that all fees were earned.

CONCLUSION OF LAW:

19. By failing to provide Mr. Gray with an accounting of the \$5,000 in advance fees paid by the Mr. Gray when he requested a refund, respondent failed to render an appropriate account to a client regarding client funds, in willful violation of rule 4-100(B)(3) of the Rules of Profession Conduct.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one (1) prior discipline, which is the basis of the reproof violation. In the Order filed on September 6, 2013, respondent received a public reproof with conditions for one (1) year. The basis for the public reproof was the following: In case no. 12-O-16873, a client employed respondent to negotiate an employment claim for her on May 18, 2012 and paid respondent an advanced fee of \$2,000. From June 1, 2012 until July 29, 2012, the client repeatedly tried to get in contact with respondent for progress on the case to no avail. Respondent did no work on the case and had constructively withdrawn from client's employment. Respondent had earned no portion of the advanced fee. On October 24, 2012 and again on November 8, 2012, a State Bar investigator sent letters to respondent regarding the allegations of misconduct. Respondent received the letters, however, he did not respond in writing or otherwise as required. On July 18, 2013, respondent provided a complete refund to the client. Respondent stipulated to a finding of culpability for violations of Rules of Professional Conduct, rules 3-110(A) (failure to perform legal services competently), 3-700(A)(2) (improper withdrawal from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the client), and 3-700(D)(2) (failure to promptly refund unearned fees), and Business and Professions Code sections 6068(m) (failure to promptly respond to reasonable status inquiries from a client) and 6068(i) (failure to cooperate with State Bar disciplinary investigation). In case no. 12-O-7550, a State Bar investigator sent letters to respondent on December 10, 2012, and again on December 28, 2012, regarding a different allegation of misconduct. Respondent did not respond to either letter in writing or otherwise. Respondent stipulated to a finding of culpability for violation of Business and Professions Code section 6068(i). The factors in aggravation in the consolidated cases were the multiple acts of misconduct stated above. In mitigation, respondent had practiced law for nearly thirty-three (33) years with no prior discipline, he entered into a full stipulation with the Office of Chief Trial Counsel prior to trial, and during the time the misconduct occurred respondent had been

informed that his wife had a serious health issue and spent considerable time accompanying his wife to the hospital and doctor appointments. Since the mitigating factors outweighed the aggravating factors, a public reproof was appropriate.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent engaged in multiple violations of the conditions attached to the reproof in case nos. 12-O-16873 and 12-O-7550. Respondent failed to submit the final quarterly report, did not provide proof of completion of Ethics School to the Office of Probation, and failed to take and pass the MPRE within one (1) year of the effective date of his discipline. Respondent also failed to provide an accounting in case no. 14-O-05693. These multiple acts of misconduct constitute an aggravating factor pursuant to Standard 1.5(b). (*See In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 529 [holding that failure to cooperate with probation monitor and failure to timely file probation reports constituted multiple acts of misconduct].)

MITIGATING CIRCUMSTANCES.

Good Character: Respondent has provided four character reference letters from his sister, his pastor, and two attorneys. The character references are aware of the full extent of respondent's conduct and maintain that despite the misconduct respondent is an ethical, hard-working attorney. Mr. Stoneman also has volunteered at Our Lady of the Assumption Catholic Church for decades. He plays the organ during services two or more times per week, has served as the Church liaison with other churches, serves on the parish administration council, which provides input regarding governance of the parish and its finances, and recently served on a committee to raise funds for Church renovations. In addition, he is a United States Veteran, who served in the Air National Guard for six years. He now volunteers as the chaplain for the American Legion branch located in Montclair, California. Further, respondent has been an active member of the California Employment Lawyers Association for many years, serving on the Board of Directors for approximately twenty-five years, serving on the Education Committee and Legislative Committee, working on seminars and annual conferences, mentoring less experience attorneys, and otherwise volunteering his time in the service of other attorneys and the legal profession. These factors would entitle respondent to some mitigation credit. (*In the Matter of Taylor* (2012) 5 Cal. State Bar Ct. Rptr. 221, 235.)

Family Problems: In June 2014, respondent's sister was diagnosed with a serious medical condition. Respondent was required to accompany his sister to medical appointments weekly and seven straight days of treatment each month in Rancho Mirage, California. Respondent's preoccupation with his sister's condition and his involvement in her treatment at the time of the misconduct contributed to the misconduct. These issues have since been resolved. (*See In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 912.)

Pretrial Stipulation/Cooperation: Respondent has entered into a full stipulation prior to trial, which preserves State Bar time and resources, and entitles respondent to mitigation. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigating credit 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.) 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).)

Here, respondent has failed to comply with the conditions of his public reproof and failed to provide an accounting in another matter until after State Bar disciplinary proceedings were initiated. Standard 1.7(a) requires that “if a member 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 2.14, which provides that “actual suspension is the presumed sanction for failing to comply with a condition 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.”

Respondent has untimely submitted the final quarterly report; he has untimely provided proof of completion of Ethics School to the Office of Probation; and he has failed to take and pass the MPRE within one (1) year of the effective date of his discipline in case nos. 12-O-16873, 12-O-7550. Respondent’s conduct showed an initial unwillingness or inability to comply with the conditions of his reproof because he did not complete the conditions attached to his reproof within the proscribed deadline. However, respondent was dealing with his sister’s health issues at the time of the misconduct and has now belatedly submitted the final report and proof of completion of Ethics School to the Office of Probation. He has also belatedly registered for the November 7, 2015, MPRE and provided an accounting to Mr. Gray. In addition, he has acknowledged and accepted responsibility for his misconduct and cooperated with the State bar in entering into this stipulation. Accordingly, he has demonstrated that he is willing to comply with his ethical responsibilities in the future.

Furthermore, Standard 1.8(a) requires that “if a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.”

Respondent has a prior record of discipline that is both recent and serious. Respondent's prior discipline resulted from a failure to perform legal services competently, promptly refund unearned, respond to reasonable status inquiries from a client, and cooperate with the State Bar disciplinary investigation.

In order to protect the public, the courts and the legal profession, to maintain the highest professional standards, and to preserve public confidence in the legal profession, and in consideration of the mitigating and aggravating circumstances, a period of actual suspension from the practice of law is necessary. A one-year suspension, stayed, with a two-year period of probation with conditions including a sixty-day actual suspension is both appropriate pursuant to Standards 2.14 and 1.8(a) and will serve the purposes set forth above for imposing sanctions for professional misconduct.

Case law supports this result. In *Conroy v. State Bar* (1990) 51 Cal.3d 799, the Supreme Court ordered a sixty (60) day actual suspension for a violation of a single private reproof condition (failure to timely complete the professional responsibility exam requirement). The Supreme Court found that the attorney's misconduct was aggravated by his failure to participate in the disciplinary proceedings until filing a writ with the Supreme Court, his prior discipline and his lack of remorse. The court also found that the attorney's belated compliance with the condition violated was an extenuating factor, but not substantial mitigation. The Court noted that the attorney, "by implying...that his misconduct constituted a mere technical lapse...evinces a lack of understanding of the gravity of his earlier misdeeds and the import of the State Bar's regulator functions." (*Id.* at 806.) While respondent has violated more conditions of his reproof than the attorney in *Conroy*, respondent has participated and cooperated with the State Bar in this matter and has acknowledged and taken responsibility for his misconduct unlike the attorney in *Conroy*. Accordingly, on balance, discipline similar to that imposed in *Conroy* is appropriate here.

Therefore, in light of the foregoing, the recommended level of discipline outlined herein is necessary to fulfill the primary purposes of discipline as stated in Standard 1.1.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 7, 2015, the prosecution costs in this matter are \$8,409.00. 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: JAMES PATRICK STONEMAN II	Case number(s): 14-H-05182 and 14-O-05693
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SIGNATURE OF THE PARTIES

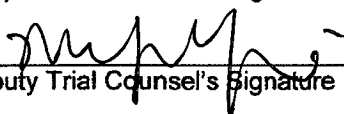
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

7-21-2015
Date


Respondent's Signature

James Patrick Stoneman II
Print Name

7/24/15
Date


Deputy Trial Counsel's Signature

Nina Sarraf-Yazdi
Print Name

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In the Matter of: JAMES PATRICK STONEMAN II	Case Number(s): 14-H-05182 and 14-O-05693
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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.

On page 5, ¶ E(8) – Delete the checked box and instead, check the box indicating “No Ethics School recommended.” Add to Reason: “Respondent completed Ethics School on October 23, 2014. (Rules Proc. of State Bar, rule 5.135(A).)”

On p. 7, delete the heading “Case No. 15-H-10580,” a typographical error, and substitute in its stead: “Case No. 14-H-05182.”

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.)**

Date

8/6/15



DONALD F. MILES
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 August 12, 2015, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:

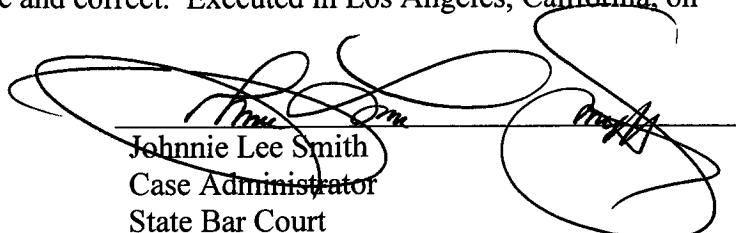
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES PATRICK STONEMAN, II
100 W FOOTHILL BLVD
CLAREMONT, CA 91711

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

NINA SARRAF-YAZDI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 12, 2015.



Johnnie Lee Smith
Case Administrator
State Bar Court