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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Elizabeth Stine Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1342 Bar # 256839	Case Number(s): 14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831; 14-O-02893; 14-O-03362-PEM	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-weight: bold;">FEB 05 2015</div> <div style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
In Pro Per Respondent Saqib A. Zuberi 16675 Slate Dr., Unit 811 Chino Hills, CA 91709 (909) 203-7582 Bar # 273389	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: SAQIB A. ZUBERI Bar # 273389 A Member of the State Bar of California (Respondent)		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 1, 2010**.
- (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 **18** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ 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 **13-O-13539 & 13-O-13540**
 - (b) ☒ Date prior discipline effective **August 21, 2014**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-700(D)(2) and Business and Professions Code section 6068(i).**
 - (d) ☒ Degree of prior discipline **one (1) year suspension, stayed, and two (2) years probation.**
 - (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.
- (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.

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- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment at page 15.**
- (8) ☒ **Restitution:** Respondent failed to make restitution. **See Attachment at page 15.**
- (9) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

Additional mitigating circumstances:

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **three (3) years**.

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 **three (3) 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 **two (2) years**.

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.

(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 checked="" 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: .

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- (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:**

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In the Matter of:
SAQIB A. ZUBERI
SBN 273389

Case Number(s):
14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831;
14-O-02893; 14-O-03362-PEM

Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
David Maldonado	\$13,925	June 27, 2012
Juana Rodriguez-Lopez	\$3,450	August 13, 2013
Yoyci Garcia	\$250	February 14, 2014
see Attachment at page 16 for additional Payees		

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than .

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ 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.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

SAQIB A. ZUBERI

CASE NUMBERS:

14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831;
14-O-02893; 14-O-03362-PEM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 14-O-00153 (Complainant: David Maldonado)

FACTS:

1. On June 27, 2012, David Maldonado ("Maldonado") employed Respondent for a civil matter, namely to file a lis pendens on certain real property. From June 25, 2012 to March 15, 2013, Maldonado paid Respondent \$13,925.
2. On March 15, 2013, Maldonado spoke with Respondent and terminated his services because Respondent failed to perform any work on his case. Respondent agreed to refund all unearned fees to Maldonado. To date, Respondent has not provided a refund.
3. Maldonado retained attorney Michael Kosloff ("Kosloff") to handle his case after terminating Respondent.
4. On December 19, 2013, Kosloff filed a complaint with the State Bar because Respondent did not return Maldonado's client files, did not provide an accounting, and did not refund the unearned fees.
5. On January 16, 2014, Kosloff sent a letter to Respondent requesting, for a second time, Maldonado's files, an accounting, and a refund of the unearned fees. Kosloff sent the letter to Respondent via e-mail, facsimile and U.S. Mail. Respondent received the e-mail, facsimile and U.S. Mail.
6. On January 30, 2014, Kosloff notified the State Bar that Respondent turned over Maldonado's files. However, Respondent failed to provide an accounting and return the unearned fees.
7. On March 13, 2014, Kosloff wrote to Respondent requesting a refund of all fees Maldonado paid Respondent. Kosloff gave Respondent until March 17, 2014 to refund the fees. Respondent received the letter requesting a refund of all fees paid by Maldonado. To date, Respondent has failed to refund the fees paid by Maldonado.

8. On March 5, 2014, a State Bar investigator sent Respondent a letter asking for a written response to the allegations made by Maldonado against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

9. On March 20, 2014, a State Bar investigator sent Respondent a second letter asking for a written response to the allegations made by Maldonado against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

CONCLUSIONS OF LAW:

10. By failing to perform legal services for Maldonado, namely failing to file a lis pendens on certain real property, Respondent intentionally failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A),

11. By failing to file a lis pendens on certain real property on behalf of Maldonado and therefore earning none of the advanced fees paid, Respondent failed to refund promptly, upon Respondent's termination of employment on or about March 15, 2013 any part of the \$13,925 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

12. By failing to render an appropriate accounting to Maldonado regarding the sum of \$13,925 as advanced fees for legal services, Respondent failed to render an appropriate accounting following the termination of his employment on March 15, 2013, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 14-O-00248 (Complainant: Juana Rodriguez-Lopez)

FACTS:

13. On August 13, 2013, Juana Rodriguez Lopez ("Lopez") employed Respondent for a home loan modification service. When signing the retainer agreement, Lopez also signed "Payment Arrangement Agreement," which allowed Respondent to automatically debit his fees from Lopez' bank account. The signed agreement stated that on August 13, 2013, August 30, 2014, and September 15, 2013, \$1,000 would be debited and on September 14, 2013, \$450 would be debited.

14. Two weeks later, on August 30, 2013, Lopez called Respondent's office and terminated Respondent's services because Lopez never heard from Respondent regarding the loan modification. Even though Lopez terminated Respondent's services a total of \$3,450 was debited from Lopez' account. To date, Respondent has not provided a refund.

15. On February 19, 2014, a State Bar investigator sent Respondent a letter asking for a written response to the allegations made by Lopez against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

16. On March 11, 2014, a State Bar investigator sent Respondent a second letter asking for a written response to the allegations made by Lopez against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

CONCLUSIONS OF LAW:

17. By agreeing to perform a mortgage loan modification for Lopez, and thereafter charging and collecting \$3,450 from Lopez before Respondent had fully performed each and every service Respondent had been contracted to perform in violation of Civil Code, section 2944.7, Respondent willfully violated Business and Professions Code, section 6106.3.

Case No. 14-O-02212 (Complainant: Yoyco Garcia)

FACTS:

18. On February 14, 2014, Yoyci Garcia ("Garcia") and her husband Fredy Robles ("Robles") employed Respondent to solely prepare a Chapter 7 Bankruptcy petition; Garcia and Robles would be filing the completed petition. Garcia paid Respondent \$250 in cash. Garcia and Robles tried to file the Chapter 7 petition, which Respondent had prepared, but were informed by the Bankruptcy court that the petition was incomplete. On March 8, 2014, Garcia spoke with Respondent and terminated his services. Respondent agreed to refund all unearned fees to Garcia. To date, Respondent has not provided a refund nor an accounting.

19. On March 11, 2014, Garcia and Robles went to Respondent's office to get their refund, but were locked out by Respondent's employee. To date, Respondent has failed to refund the money.

20. On July 2, 2014, Respondent met with a State Bar employee and agreed to provide a written response to the allegations made by Garcia and Robles by July 11, 2014. To date, Respondent has not provide a response.

21. On July 3, 2014, following the meeting with a State Bar employee, a State Bar Investigator sent an email to Respondent confirming the due date for Respondent's response to the allegations made by Garcia and Robles. Respondent received the email. However, Respondent failed to provide a written response to the allegations.

CONCLUSIONS OF LAW:

22. By failing to perform legal services for Garcia and Robles, namely failing to properly prepare a Chapter 7 bankruptcy petition, Respondent intentionally failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

23. By failing to properly prepare a Chapter 7 bankruptcy petition on behalf of Garcia and Robles and therefore earning none of the advanced fees paid, Respondent failed to refund promptly, upon Respondent's termination of employment on or about March 8, 2014 any part of the \$250 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

24. By failing to render an appropriate accounting to Garcia and Robles regarding the sum of \$250 as advanced fees for legal services, Respondent failed to render an appropriate accounting following the termination of his employment on March 8, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 14-O-02831 (Complainant: Mary Comins)

FACTS:

25. On February 14, 2014, Mary Comins ("Comins") paid Respondent \$1,500 to represent her incarcerated son, Jason Comins ("Jason"), in a criminal matter. At the time, Jason was incarcerated and Respondent agreed to go meet with Jason in prison to discuss his case. Thereafter, Comins called the correctional facility where her son is incarcerated and learned that Respondent failed to meet with her son even though Respondent had scheduled an appointment with the correction facility.

26. On March 20, 2014, Comins spoke with Respondent and on behalf of Justin Comins terminated his services because Respondent failed to go meet with her incarcerated son. Respondent agreed to refund all unearned fees to Comins. To date, Respondent has not provided a refund.

27. On June 5, 2014, State Bar investigator sent Respondent a letter asking for a written response to the allegations made by Comins against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

28. On June 20, 2014, State Bar investigator sent Respondent a second letter asking for a written response to the allegations made by Comins against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

CONCLUSIONS OF LAW:

29. By failing to perform legal services, namely to represent Jason Comins in a criminal matter, Respondent intentionally failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

30. By failing to represent Jason Comins in a criminal matter, and therefore earning none of the advanced fees paid, Respondent failed to refund promptly, upon Respondent's termination of employment on or about March 20, 2014 any part of the \$1,500 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

31. By failing to render an appropriate accounting to Comins regarding the sum of \$1,500 as advanced fees for legal services, Respondent failed to render an appropriate accounting following the termination of his employment on March 20, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 14-O-02893 (Complainant: Mohammed Hanafi)

FACTS:

32. On April 3, 2011, Mohammad Hanafi ("Hanafi") employed Respondent to prepare a living trust. During his representation of Hanafi, Respondent told Hanafi about investment opportunities he encountered, and Hanafi told Respondent to keep him in mind if a good investment came up.

33. In July 2011, Respondent offered Hanafi the opportunity to invest in his law firm. On July 29, 2011, Hanafi signed an investment contract with Respondent. Hanafi and Respondent agreed that in

exchange for Hanafi's \$10,000 investment, he would receive five percent (5%) net quarterly profits in Respondent's law firm. Respondent also agreed to repay the loan to Hanafi at \$2,500 per month commencing in October 2011. Respondent failed to advise Hanafi in writing that he may seek the advice of an independent lawyer of his choice and that he is given a reasonable opportunity to seek that advice.

34. On August 1, 2011, Hanafi paid Respondent \$10,000. To date, Respondent has failed to repay the funds to Hanafi.

35. On June 4, 2014, State Bar investigator sent Respondent a letter asking for a written response to the allegations made by Hanafi against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

36. On June 20, 2014, State Bar investigator sent Respondent a second letter asking for a written response to the allegation made by Hanafi against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

CONCLUSIONS OF LAW:

37. By entering into a business transaction with a client, Hanafi, specifically, a \$10,000 investment from client in exchange for client receiving five percent (5%) net quarterly profits in Respondent's law firm, and not advising Hanafi in writing that he may seek the advice of an independent lawyer of the client's choice, not giving Hanafi a reasonable opportunity to seek that advice, Respondent willfully violated Rules of Professional Conduct, rule 3-300.

Case No. 14-O-03362 (Complainant: Yolanda Arvizo)

FACTS:

38. On July 12, 2013, Yolanda Arvizo ("Arvizo") employed Respondent to prepare a Chapter 7 bankruptcy petition. Arvizo paid Respondent \$1,000 cash.

39. Between July 12, 2013 and March 19, 2014, Arvizo learned that Respondent had moved offices six times and Respondent had not contacted her regarding her bankruptcy petition.

40. On March 19, 2014, Arvizo went to Respondent's office to terminate his services and to get her money back. Respondent provided her with a signed hand written letter stating that Arvizo would receive her \$1,000 within 30 business days. To date, Respondent has failed to refund the money.

41. On June 27 2014, State Bar investigator sent Respondent a letter asking for a written response to the allegations made by Arvizo against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

42. On July 18, 2014, State Bar investigator sent Respondent a second letter asking for a written response to the allegations made by Arvizo against Respondent. Respondent received the letter. However, Respondent failed to respond to the State Bar letter.

CONCLUSIONS OF LAW:

43. By failing to perform legal services for Arviso, namely to prepare a Chapter 7 bankruptcy petition, Respondent intentionally failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

44. By failing to prepare a Chapter 7 bankruptcy petition on behalf of Arviso, and therefore earning none of the advanced fees paid, Respondent failed to refund promptly, upon Respondent's termination of employment on or about March 19, 2014, any part of the \$1,000 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

45. By failing to render an appropriate accounting to Arviso regarding the sum of \$1,000 as advanced fees for legal services, Respondent failed to render an appropriate accounting following the termination of his employment on March 19, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

Case Nos. 14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831; 14-O-02893; 14-O-03362

46. By failing to provide a substantive response to the State Bar Investigator's letters, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case nos. 14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831; 14-O-02893; and 14-O-03362, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code, section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): In case nos. 13-O-13539 and 13-O-13540, Respondent was suspended for one year, stayed, placed on two years of probation and was ordered to take the MPRE within one year. The order took effect August 21, 2014. Respondent stipulated to misconduct in two separate cases for misconduct that occurred between June 2012 and July 2013. Respondent stipulated that in both cases he failed to promptly refund unearned fees and failed to cooperate and participate in the disciplinary investigation.

In *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619, the State Bar Court stated that "part of the rationale for considering prior discipline as having an aggravating impact is that it is indicative of a recidivist attorney's inability to conform his or her conduct to ethical norms..." Given this rationale, the State Bar Court stated that "the aggravating force of prior discipline is generally diminished if the misconduct underlying it occurred during the same time period." (*Id.*) Therefore, when the misconduct committed by a respondent in a current proceeding is contemporaneous with the misconduct that he or she committed in a prior proceeding, the State Bar Court considers the totality of the findings in both proceedings to determine what the discipline would have been "had all the charged misconduct in this period been brought as one case." (*Id.*)

Under that analysis, only Respondent's misconduct in two cases overlapped with his prior misconduct in case nos. 13-O-13539 and 13-O-13540. However, in this proceeding, Respondent has four additional cases of misconduct which did not overlap with his prior misconduct. Therefore, the aggravating force of the prior discipline is not diminished because Respondent continues to commit

misconduct similar to his prior discipline. Respondent's prior record of discipline constitutes an aggravating circumstance pursuant to standard 1.5(a).

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's conduct involved multiple acts of wrongdoing in six client matters, which included numerous violations of the State Bar Act and Rules of Professional Conduct. (See Std. 1.5(b).)

Failure to Make Restitution (Std. 1.5(i)): Respondent has failed to make restitution to all clients totaling \$30,125.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Respondent has committed multiple acts of professional misconduct. Standard 1.7 (a) state 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.

Additionally, Standard 1.8(a) states 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. The prior misconduct is not remote in time and was serious, therefore progressive discipline is appropriate.

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.14 which applies to Respondent's violation of Business and Professions Code section 6106.3. Standard 2.14 provides that disbarment or actual suspension is appropriate for any violation of a provision of Article 6 of the Business and Professions Code, not otherwise specified in the Standards.

However, the gravamen of Respondent's misconduct is his failure to perform, so Standard 2.5(b) is also applicable. Standard 2.5(b) provides that actual suspension is appropriate for failing to perform legal services in multiple client matters, not demonstrating a pattern of misconduct.

Respondent failed to perform, failed to refund advanced fees, failed to account, accepted money upfront in a loan modification, entered into a business transaction adverse to his client, and failed to cooperate in the investigations. Respondent's misconduct is related to the practice of law because all six clients hired him to protect their interests through legal means and the amount of restitution is significant.

Respondent has failed to repay \$30,125 in restitution. In aggravation, Respondent has a prior record of discipline, committed multiple acts of misconduct, and has failed to make restitution to his clients. No mitigating circumstances are present. Accordingly, actual suspension is warranted under Standards 2.14 and 2.5(b).

In consideration of Standard 2.5(b), the type of misconduct and the harm caused by it, the purpose of attorney discipline, and the aggravating circumstances and lack of mitigating circumstances, a level of discipline consisting of three years suspension, stayed, and three years' probation with conditions that include two years actual suspension, and until proof satisfactory to the State Bar Court of Respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.2(c)(1), in addition to making restitution, is warranted.

Case law also supports the recommended discipline. In *In the Matter of Brockway* (2006) 4 Cal. State Bar Ct. Rptr 944, the attorney was found culpable of 14 counts of misconduct in four client matters, including failure to perform services competently, improper withdrawal from employment, failure to render an accounting, failure to promptly return unearned fees, failure to communicate, and failure to release files. The attorney had no mitigation, and in aggravation, the attorney had a prior record of discipline, multiple acts of wrongdoing, harm to his clients, demonstrated indifference, or lack of atonement, for his misconduct, and in addition the court found acts of moral turpitude as uncharged misconduct. The Court ordered the attorney to be suspended for five years, stayed, five years' probation, with actual suspension for the first two years of probation. The misconduct in *Brockway* is very similar to the instant matter; as well as the aggravating circumstances.

FINANCIAL CONDITIONS CONTINUED.

Respondent must pay restitution (including the principal amount, plus interest of 10% annum) to the payees listed below. If the Client Security Fund ("CSF") had reimbursed one or more of the payees for all or any portion of the principal amounts listed below, Respondent must also pay restitution to CSF in the amounts paid, plus applicable interest and costs. Respondent must provide satisfactory proof of restitution payments to the Office of Probation.

Payee	Principal Amount	Interest Accrues From
Mary Comins	\$1,500	February 14, 2014
Mohammad Hanafi	\$10,000	August 1, 2011
Yolanda Arviso	\$1,000	July 12, 2013

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 21, 2015, the prosecution costs in this matter are approximately \$12, 027. 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, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:
SAQIB A. ZUBERI
SBN 273389

Case number(s):
14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831;
14-O-02893; 14-O-03362-PEM

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.

1/21/2015
Date


Respondent's Signature

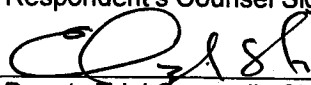
Saqib A. Zuberi
Print Name

Date

Respondent's Counsel Signature

Print Name

1.22.15
Date


Deputy Trial Counsel's Signature

Elizabeth Stine
Print Name

(Do not write above this line.)

In the Matter of: SAQIB A. ZUBERI SBN 273389	Case Number(s): 14-O-00153; 14-O-00248; 14-O-02212; 14-O-02831; 14-O-02893; 14-O-03362-PEM
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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.

1. On page 4 of the stipulation, the "X" in the box next to paragraph E.(1) is deleted;
2. In the heading on page 11 of the stipulation, "Complainant: Yoyco Garcia" is deleted, and in its place is inserted "Complainant: Yoyci Garcia"; and
3. On page 13 of the stipulation, all references to "Arvizo" are deleted, and in their place is inserted "Arviso."

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

Feb, 5, 2015


Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on February 5, 2015, I deposited a true copy of the following document(s):

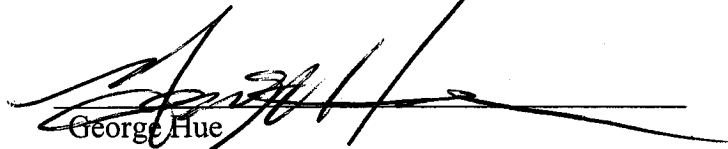
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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 San Francisco, California, addressed as follows:
- LAWRENCE P. ADAMSKY
LAWRENCE P. ADAMSKY, ESQ.
9701 WILSHIRE BLVD 1000
BEVERLY HILLS, CA 90212
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Elizabeth Stine, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 5, 2015.


George Hue
Case Administrator
State Bar Court