

(Do not write above this line.)

<p>State Bar Court of California Hearing Department Los Angeles PUBLIC MATTER ACTUAL SUSPENSION</p>		
<p>Counsel For The State Bar</p> <p>Diane J. Meyers Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1496</p> <p>Bar # 146643</p>	<p>Case Number(s): 14-O-00688</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;">FILED</p> <p style="text-align: center;">JAN 20 2015 <i>P.B.</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave., Unit 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 77688</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of:</p> <p>EDWARD LOPEZ</p> <p>Bar # 44558</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **June 27, 1969**.
- (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 **14** 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."



(Do not write above this line.)

- (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 **90-O-17104, 91-O-08216, 92-O-16430, 92-O-20172, 93-O-18020, and 94-O-14302. See Stipulation Attachment at p. 9.**
 - (b) Date prior discipline effective **June 27, 1996**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **former Rules of Professional Conduct rules 8-101(A) and 8-101(B); Rules of Professional Conduct, rules 3-110(A), 4-100(A) and 4-100(B)(4)**
 - (d) Degree of prior discipline **30-day actual suspension, one-year stayed suspension, two-year 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.

(Do not write above this line.)

- (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 Stipulation Attachment at p. 9.**
- (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. **See Stipulation Attachment at p. 11, under heading "personal problems."**

(Do not write above this line.)

- (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:

Recognition of wrongdoing/atonement, prefiling Stipulation, medical/personal problems, and good character. See Stipulation Attachment at pp. 10-11.

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 **90 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.

(Do not write above this line.)

- (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:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions 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

(Do not write above this line.)

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:**

Diego Mendez & Sara Lopez	12-12-11	04-09-12
Maria Marin	03-02-12	03-09-12
Sergio Avalos	03-05-12	07-23-12
Las Quenas Peruanas Inc.	03-06-12	03-22-12
Sara Bonilla	03-11-12	08-03-12
Armando Enterprises Inc.	03-13-12	03-30-12
Margarita Contreras	03-19-12	04-12-12
Vicenta Camey	04-03-12	05-23-12
Evelia Miranda	02-07-13	02-25-13

3. Discharges were withheld and the cases were closed in the following two matters because respondent had not filed a Form B23 (Certification of Completion of Financial Management Course):

<u>Client</u>	<u>Date Filed</u>	<u>Date Closed</u>
Jose Castillo	03-16-11	06-23-11
Miguel Villa & Yolanda Garcia	03-17-11	06-23-11

4. The following two cases were dismissed for failure to appear at the 11 U.S.C. §341(a) meeting of creditors and for filing incomplete schedules:

<u>Client</u>	<u>Date Filed</u>	<u>Date Dismissed</u>
Magana Mexican Food Inc.	12-30-11	06-22-12
Jireh Investments	01-03-13	03-14-13

5. The following two cases were dismissed for failure to appear at the 11 U.S.C. §341(a) meeting of creditors:

<u>Client</u>	<u>Date Filed</u>	<u>Date Dismissed</u>
Manuel Martinez	03-14-12	06-18-12 partial
Elizabeth Mosman	03-22-12	07-09-12 partial

6. On August 8, 2011, a bankruptcy petition respondent filed on March 16, 2011 for respondent's client, Miguel Barrios, was dismissed for failure to pay a filing fee despite receiving \$600 in fees from the client.

7. On March 1, 2012, a bankruptcy petition respondent filed on December 28, 2011 for respondent's clients, Jose and Margarita Contreras, was dismissed for failure to make plan payments.

8. On September 6, 2013, a bankruptcy petition respondent filed on May 29, 2013 for respondent's client, Jorge Rodriguez, was not discharged and the client's case was closed because inaccurate schedules were filed, an accurate amount of compensation to respondent was not disclosed in the petition, and a certificate of completion of a financial management course was not filed.

9. In October 2013, respondent entered into a stipulation with the United States Trustee, whereby respondent acknowledged his misconduct and disgorged a total of \$9,600 in fees, representing a full refund of the fees paid by the clients except two clients who received a partial refund and seven clients who received no refund, paid \$945 in sanctions and paid \$330 in administrative costs to the United States Trustee because of his misconduct.

CONCLUSION OF LAW:

10. By filing the bankruptcy petitions for his clients that were incomplete, deficient and/or inaccurate, failing to pay a filing fee, and failing to appear at the meetings of creditors, which led to the dismissal or closure of the clients' cases without a discharge of debts, respondent failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

AGGRAVATING CIRCUMSTANCES.

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

Effective June 27, 1996, respondent was suspended for 30 days and placed on stayed suspension for one year and probation for two years in case nos. 90-O-17104, 91-O-08216, 92-O-16430, 92-O-20172, 93-O-18020, and 94-O-14302. Respondent's misconduct occurred between May 1988 and October 1992 and involved failing to deposit settlement funds in his trust account and promptly disbursing the funds to a client upon request in violation of former Rules of Professional Conduct, rule 8-101(A) and rule 8-101(B)(4); failing to adequately supervise his employee's handling of his client trust accounts resulting in repeated insufficient funds activity in violation of Rules of Professional Conduct, rule 4-100(A); failing to promptly pay medical liens against his three clients' personal injury settlement, in violation of Rules of Professional Conduct, rule 4-100(B)(4), and failing to maintain the funds in his client trust account to pay the liens in violation of Rules of Professional Conduct, rule 4-100(A); failing to supervise his employee's handling of six other clients' cases and his client trust account in violation of Rules of Professional Conduct, rule 3-110(A) and rule 4-100(A), respectively; and failing to supervise his employee's handling of his client trust account and failing to disburse and maintain a client's funds in his client trust account to pay a medical lien, in violation of Rules of Professional Conduct, rule 4-100(A) and 4-100(B)(4), respectively.

There were no aggravating circumstances and numerous mitigating factors including but not limited to respondent's lack of prior discipline in 28 years of practice and unilateral improper acts by the employee without respondent's knowledge; good faith reliance on his employee and efforts to rectify the circumstances caused by his misconduct; serious emotional difficulties and medical problems; and pro bono and community service.

Multiple Acts of Misconduct (Std. 1.5(b)):

Respondent failed to perform competently in 30 bankruptcies.

MITIGATING CIRCUMSTANCES.

Additional mitigating circumstances:

Recognition of wrongdoing/atonement:

While not a spontaneous acknowledgement of wrongdoing, after the United States Trustee's office called the deficient bankruptcy petitions to respondent's attention and asked respondent to disgorge fees to his clients, respondent cooperated fully with the United States Trustee by reaching a stipulation with the trustee in which respondent acknowledged and accepted responsibility for his misconduct. While none of the clients involved complained to the State Bar regarding respondent's misconduct, respondent stipulated with the United States Trustee to return fees to his clients and fully repaid fees to 18 of the clients and a partial refund of fees to two of the clients, and respondent paid fines and administrative costs. Respondent also refiled cases for those clients who wished to reopen their cases dismissed without prejudice at no charge to the clients. Most of the refiled cases led to discharges with a few cases are pending completion. Respondent also paid fees to reopen the two cases in which no discharge was granted because no Form B23 was filed and to file the debtors' Form B23. (*In the Matter of Lybbert* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 297, 304 [cooperation with and acceptance of responsibility after fraud discovered by Department of Social Services entitled to mitigation].)

Respondent took remedial steps to atone for his misconduct by ceasing acceptance of new bankruptcy clients between April 2013 and February 2014 (except he filed one case on August 23, 2013 and another on December 4, 2013 for one of his employees); and by ceasing acceptance of bankruptcy cases completely in April 2014. (*Ainsworth v. State Bar* (1988) 46 Cal.3d 1218-1228-1229; *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 416-417 [remedial steps a mitigating factor].)

Prefiling Stipulation:

Respondent has entered into this stipulation as to facts and culpability prior to the filing of formal charges, and thereby saved State Bar resources and time. (*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].)

Medical/personal problems:

Respondent's doctor confirmed that respondent suffered from the effects of strokes he suffered in 2008 and October 2012, degenerative cervical discs and a concussion, which kept respondent away from his office during the period of his misconduct, and that respondent was unable to drive into work on daily basis between 2011 and 2013. Respondent's doctor did not otherwise establish a nexus between respondent's medical problems and his misconduct, but respondent's medical problems are entitled to mitigation credit. (*In re Brown* (1995) 12 Cal.4th 205, 222 [some mitigation is afforded to evidence of attorney's illness despite lack of expert testimony].) Respondent's medical record also reflected that he suffered from other illness hypertension, edema, anxiety and stress, for which he took a variety of medications. Between September 2011 and 2013, some of respondent's prescribed medications interfered with respondent's ability to function normally and attend to the daily affairs of his office. Respondent's doctor confirmed that as of October 2014, respondent is medically stable and able to fully function without any medical restriction, thus his medical issues no longer pose a continuing threat.

While respondent was away from his office and unable to appear in court, respondent made efforts to maintain daily contact with staff regarding his cases and arrange for other counsel to provide legal services to clients and make appearances, but did not have adequate procedures in place to ensure that all of his clients' petitions were properly prepared and updated and all appearances were made. Also, respondent lost his wife of 55 years to renal failure and lung cancer on January 19, 2012. The six months prior to her death and the months that followed was a difficult time for him. (*In the Matter of Kaplan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 547, 566 [limited mitigation for family problems in absence of expert testimony establishing nexus to misconduct].)

Good character:

Twenty-one people from the general and legal communities, most of whom have known respondent for many years, attested to respondent's good character, integrity and honesty, including over a dozen satisfied clients. About half of his references attested to respondent's pro bono services and five references indicated that respondent's misconduct was out of character; however the remaining references were not aware of respondent's misconduct. (*In re Aguino* (1989) 49 Cal.3d 1122, 1130-1131 [testimony by seven witnesses plus 20 letters affirming the attorney's good character were not entitled to significant weight in mitigation because most of those who testified or wrote were unaware of the details of the attorney's misconduct].)

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).)

The most severe sanction applicable to respondent's misconduct is found in Standard 2.5(b), which applies to respondent's violations of Rules of Professional Conduct, rule 3-110(A). Standard 2.5(b) provides that actual suspension is appropriate for failing to perform legal services or properly communicate in multiple client matters, not demonstrating a pattern of misconduct.

Because respondent has a prior record of discipline, standard 1.8(a) also applies. Standard 1.8(a) provides 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 failed to perform in 30 bankruptcies over a period of approximately two and one-half years, between January 2011 and May 2013, and his misconduct stemmed from his failure to review the bankruptcy petitions filed by his office and failure to supervise their preparation adequately. The statements made in the Statements of Financial Affairs regarding payments received and not received by respondent were not made with the intent to mislead the court. Respondent's misconduct is aggravated by his prior discipline, which spanned from July 1990 to October 1992. The prior misconduct was attributed largely to respondent's failure to supervise his staff. The aggravating factors of multiple acts of misconduct and a prior record of discipline involving similar misconduct, although remote in time, warrants the imposition of greater discipline than the discipline previously imposed. (*In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 433-444 [prior discipline considered because similar to present misconduct although argued to be remote in time].) Yet, even though many clients' petitions were affected by respondent's misconduct, the mitigating factors present demonstrate that there is less of a risk of respondent repeating the same type of misconduct in the future. Respondent's prior misconduct ceased in October 1992 and his present misconduct did not commence until January 2011. Thus, there was an approximate 18-year period where respondent had committed no misconduct. Respondent has shown that his health problems at the time contributed to his inability to spend adequate time on the cases because of his illnesses, and his doctor has confirmed that respondent is fully functional and not limited by any medical restriction. Once the Trustee's Office raised the misconduct with respondent, he immediately demonstrated his recognition of wrongdoing by entering into a stipulation with the Trustee's Office regarding his misconduct, taking remedial measures by downsizing his practice, and ceasing acceptance of new bankruptcy cases, and demonstrated atonement by making restitution to his clients and paying fees to reopen two cases.

Thus, a 90-day actual suspension for respondent's recidivist misconduct is both consistent with the standards and comparable case law in a matter that did not involve a pattern of misconduct or dishonesty. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555 [questioning whether two and one-half years of misconduct is a sufficient period of time to establish a pattern of misconduct warranting disbarment] and *Gadda v. State Bar* (1990) 50 Cal.3d 344, 348, 350, 354, and 355[six months' actual suspension for serious acts of client neglect and other misconduct in four matters involving at least nine clients, where the attorney encouraged a client to lie to a government official and made repeated and deliberate misrepresentations to clients involving moral turpitude; and where there were potentially serious consequences in the neglect of the clients' asylum cases, as the cases were analogous to death penalty cases].)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of December 9, 2014, the prosecution costs in this matter are \$2,992. 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

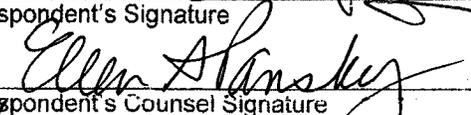
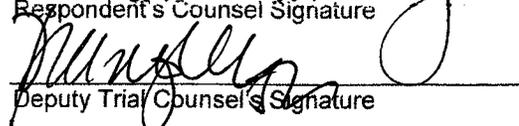
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: Edward Lopez	Case number(s): 14-O-00688
-----------------------------------	-------------------------------

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>12/24/14</u> Date	<u></u> Respondent's Signature	<u>Edward Lopez</u> Print Name
<u>December 26, 2014</u> Date	<u></u> Respondent's Counsel Signature	<u>Ellen A. Pansky</u> Print Name
<u>12/30/14</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Diane J. Meyers</u> Print Name

(Do not write above this line.)

In the Matter of: Edward Lopez	Case Number(s): 14-O-00688
-----------------------------------	-------------------------------

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.)**

Date

1-20-15


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 January 20, 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:

**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:

Diane J. Meyers, Enforcement, Los Angeles

Terrie Goldade, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 20, 2015.



Paul Barona
Case Administrator
State Bar Court