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ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

Counsel For The State Bar

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Bar # 161625

Case Number(s):

14-O-01244;
14-O-03750

For Court use only

PUBLIC MATTER

FILED 

MAR 17 2015

STATE BAR COURT CLERK'S OFFICE
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In Pro Per Respondent

George Steven Wass
2145 E. Tahquitz Canyon Way, Ste. 4-911
Palm Springs, CA 92262
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Bar # 161732

Submitted to: **Settlement Judge**

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

In the Matter of:

GEORGE STEVEN WASS

Bar # 161732

ACTUAL SUSPENSION

PREVIOUS STIPULATION REJECTED


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, 1992**.
- (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 **15** 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".

(Effective January 1, 2014)

 2.11.15.



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- (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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (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, pages 12-13.)
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

No Prior Discipline (See Attachment, page 13.)

Pretrial Stipulation (See Attachment, page 13.)

D. Discipline:

(1) **Stayed Suspension:**

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

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

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

(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

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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.**

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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:**

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In the Matter of: GEORGE STEVEN WASS	Case Number(s): 14-O-01244; 14-O-03750
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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
Judy Atia	\$1,600.00	January 10, 2013
Dale Magee	\$7,500.00	February 10, 2014

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **90 days after the effective date of the disciplinary order herein.**

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:
 - a. 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: GEORGE STEVEN WASS
CASE NUMBERS: 14-O-01244 and 14-O-03750

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 Rules of Professional Conduct.

Case No. 14-O-01244 (Complainant: Judy Atia)

FACTS:

1. On January 10, 2013, Judy Atia ("Atia") employed respondent to file a civil lawsuit for fraud against the person who acquired Atia's home from her.
2. Between January 10, 2013, and April 4, 2013, Atia paid respondent a total of \$5,600 in attorney's fees.
3. At no time did respondent file a lawsuit against the person who acquired Atia's home from her, as he had agreed in the retainer.
4. Instead, on February 28, 2013, respondent filed a complaint for forcible entry and detainer against the subsequent bona fide purchaser who obtained the home from the person who had acquired it from Atia ("detainer action"). The detainer action was filed in Los Angeles County Superior Court, titled *Judy Atia v. 10537 Crenshaw, LLC, et al.*, case no. SM13R00846.
5. Thereafter, respondent failed to prosecute the detainer action by not filing the documents with the court necessary to bring the matter to trial or to effect a final disposition.
6. The defendants in the detainer action filed a cross-complaint against Atia. On March 12, 2013, the cross-complainants served respondent with the cross-complaint against Atia. At no time did respondent file an answer to the cross-complaint on behalf of Atia.
7. At no time did respondent inform Atia that a cross-complaint had been filed and served against her.
8. On September 9, 2013, the court served respondent with notice that a hearing on an order to show cause re: dismissal of the detainer action for failure to prosecute was scheduled for October 15, 2013 ("OSC re: dismissal"). Respondent received notice of the OSC re: dismissal.
9. At no time did respondent inform Atia that the court scheduled an OSC re: dismissal for October 15, 2013.

10. On October 15, 2013, respondent failed to appear at the OSC re: dismissal which resulted in the court dismissing the entire detainer action without prejudice.

11. At no time did respondent inform Atia that on October 15, 2013, the court dismissed the entire detainer action for failure to prosecute.

12. Between April 22, 2013, and October 9, 2013, Atia called respondent's office and left numerous messages for respondent requesting a status update of her matter. Respondent received the messages. Respondent did not return Atia's calls.

13. On March 11, 2014, the State Bar opened an investigation against respondent pursuant to a complaint filed by Atia.

14. On April 29, 2014, June 27, 2014, and July 18, 2014, a State Bar Investigator mailed letters to respondent at his official State Bar membership records address requesting that respondent provide a written response to specified allegations of misconduct being investigated by the State Bar in case no. 14-O-01244. Respondent received the Investigator's letters.

15. At no time did respondent provide a written response to the State Bar to the allegations of misconduct in case no. 14-O-01244.

16. On July 23, 2014, Atia sent a letter to respondent requesting refund of unearned fees and an accounting. Respondent received Atia's letter.

17. Respondent did not earn all of the fees advanced by Atia. On November 22, 2014, respondent refunded to Atia \$4,000 in attorney's fees. To date, respondent has failed provide Atia with an accounting of the \$5,600 in attorney's fees that Atia paid to respondent.

CONCLUSIONS OF LAW:

18. By failing to file a lawsuit against the person who acquired Atia's home from her, failing to file an answer to the cross-complaint on behalf of Atia, failing to prosecute the detainer action, and failing to appear at the October 15, 2013 OSC re: dismissal resulting in the detainer action being dismissed by the court, respondent repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

19. By failing to inform Atia that a cross-complaint had been filed against her and served, that the court scheduled an OSC re: dismissal, and that the court dismissed the detainer action, respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

20. By failing to return Atia's messages from April 22, 2013, through October 9, 2013, respondent failed to promptly respond to reasonable status inquiries of a client in a matter that respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

21. By failing to refund to Atia any unearned fees until November 22, 2014, and only after the State Bar had sent him three letters regarding the investigation of this matter, respondent failed to refund

promptly fees that were paid in advance and had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

22. By failing to provide Atia with an accounting, respondent failed to render appropriate accounts to a client regarding all funds coming into respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

23. By not providing a written response to the State Bar Investigator's letters, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent, in willful violation of Business and Professions Code, section 6068(i).

Case No. 14-O-03750 (Complainant: Dale Magee)

FACTS:

24. On February 10, 2014, Dale Magee ("Magee"), the managing member of Solutions Real Estate, LLC ("Solutions"), employed respondent on behalf of Solutions to file an action to contest a non-judicial foreclosure of real property owned by Solutions.

25. On February 10, 2014, respondent received \$7,500 in advanced fees from Magee on behalf of Solutions.

26. On February 11, 2014, respondent filed a complaint on behalf of Solutions titled *Solutions Real Estate, LLC v. Quick Loan Funding, et al.*, San Luis Obispo County Superior Court, Case No. 14CVP-0029 ("Solutions complaint").

27. Thereafter, respondent agreed to amend the Solutions complaint to add Green Tree Servicing as a defendant. However, at no time did respondent amend the Solutions complaint to add Green Tree Servicing as a defendant.

28. On March 28, 2014, defendants Bank of New York Mellon, Bank of America, N.A., Mortgage Electronic Registration Systems, Inc., and Recontrust Company, N.A., filed a demurrer to the Solutions complaint, with a hearing date set for April 24, 2014 ("demurrer"). On March 28, 2014, opposing counsel served respondent with the demurrer. Respondent received the demurrer.

29. At no time did respondent inform Solutions or Magee that a demurrer to the Solutions complaint had been filed and served.

30. At no time did respondent file an opposition to the demurrer.

31. On April 24, 2014, respondent failed to appear at the hearing on the demurrer, resulting in the court sustaining the demurrer without leave to amend. Respondent was served with notice of the court's ruling on April 24, 2014, by the court and on May 1, 2014, by opposing counsel. Respondent received notice of the court's ruling.

32. At no time did respondent inform Solutions or Magee that on April 24, 2014, the court had sustained the demurrer without leave to amend.

33. On June 5, 2014, Solutions terminated respondent's employment.

34. Respondent did not earn all of the fees advanced by Solutions. On June 12, 2014, Magee sent an email to respondent requesting a refund of the unearned fees. Respondent received the email. To date, respondent has not refunded to Solutions any portion of the \$7,500 in attorney's fees that Solutions paid to respondent. To date, respondent has failed provide Solutions with an accounting of the \$7,500 in attorney's fees that Solutions paid to respondent.

35. On July 11, 2014, the State Bar opened an investigation against respondent pursuant to a complaint filed by Magee.

36. On September 17, 2014 and October 28, 2014, a State Bar Investigator mailed letters to respondent at his official State Bar membership records address requesting that respondent provide a written response to specified allegations of misconduct being investigated by the State Bar in case no. 14-O-03750. Respondent received the Investigator's letters.

37. At no time did respondent provide to the State Bar a written response to the allegations of misconduct in case no. 14-O-03750.

CONCLUSIONS OF LAW:

38. By failing to amend the Solutions complaint to add Green Tree Servicing as a defendant, failing to oppose the demurrer, and failing to appear at the hearing on the demurrer, respondent repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

39. By failing to inform Solutions or Magee that a demurrer had been filed and served, and that the court sustained the demurrer without leave to amend, respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

40. By failing to refund to Solutions any portion of the \$7,500 in unearned fees that he was paid, respondent failed to refund promptly fees that were paid in advance and had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

41. By failing to provide an accounting, respondent failed to render appropriate accounts to a client regarding all funds coming into respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

42. By not providing a written response to the State Bar Investigator's letters, 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.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed 11 acts of misconduct in two client matters. In the Atia matter, respondent failed to perform with competence, failed to inform client of significant developments, failed to respond to client inquiries, failed to refund unearned fees, failed to render an accounting, and failed to cooperate in the State Bar's investigation. In the Magee matter, respondent failed to perform with competence, failed to inform client of significant

developments, failed to refund unearned fees, failed to render an accounting, and failed to cooperate in the State Bar's investigation.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Although the misconduct here is serious, Respondent has 22 years of practice without any discipline which is considered highly significant mitigation. (*Friedman v. State Bar* (1990) 50 Cal.3d 235 [The Supreme Court held that practicing law for over 20 years with no prior discipline was "highly significant"].)

Pretrial Stipulation: Respondent is entitled to mitigation for entering into this stipulation prior to trial, thereby preserving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re 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).)

In this matter, respondent admits to committing 11 acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in Standard 2.5(b), which applies to respondent's violations of rule 3-110(A), Rules of Professional Conduct, as well as Business and Professions Code, section 6068(m). Standard 2.5(b) provides that actual suspension is appropriate

for failing to perform legal services with competence or for failing to properly communicate in multiple client matters, not demonstrating a pattern of misconduct. Here, there are two client matters.

In addition to failing to perform legal services with competence and failing to properly communicate with clients, respondent failed to refund unearned fees, failed to provide an accounting, and failed to cooperate in the State Bar investigation. Further, to date, respondent has not refunded any portion of the unearned fees to Magee and has refunded only \$4,000 to Atia. Respondent has not provided an accounting to Magee or Atia, and has not shown that he earned any fees.

Respondent's multiple acts of misconduct are an aggravating circumstance. In mitigation, respondent has been practicing law for 22 years and has no record of prior discipline. Respondent is also entitled to mitigation for entering into this stipulation prior to trial.

It is appropriate to follow Standard 2.5(b) in consideration of respondent's misconduct in two client matters. After balancing the aggravating and mitigating circumstances, especially his 22 years of practice, actual suspension at the lower end is appropriate. Because of what appears to be an aberration in an otherwise discipline-free career, discipline consisting of two years of probation, one year of stayed suspension, and 30 days of actual suspension, with the above conditions, is appropriate to protect the public.

The level of discipline is also consistent with case authority. An attorney received a two-year stayed suspension, on the condition of two years of probation and 30 days of actual suspension for committing misconduct in two client matters in *In the Matter of Kennon* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 267. In one matter, the attorney failed to perform, failed to communicate, improperly withdrew from employment, and failed return unearned fees. In another matter, the attorney failed to communicate and improperly withdrew from employment. In aggravation, the court found that the attorney lacked candor during the trial, committed multiple acts of misconduct, and caused harm to a client by allowing a default judgment to be entered against the client. In mitigation, the court considered that the attorney had no record of prior discipline in 11 years of practice. Respondent's misconduct in this matter is similar to the misconduct in *Kennon*.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 10, 2015, the prosecution costs in this matter are \$4,352. 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

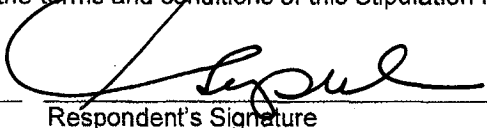
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

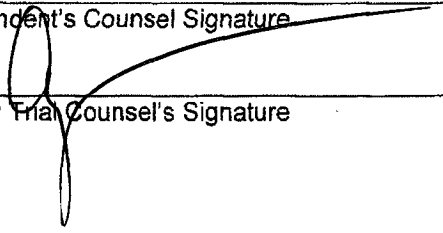
In the Matter of: GEORGE STEVEN WASS	Case number(s): 14-O-01244; 14-O-03750
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SIGNATURE OF THE PARTIES

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.

2/23/15  GEORGE STEVEN WASS
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name

February 23, 2015  AGUSTIN HERNANDEZ
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: GEORGE STEVEN WASS	Case Number(s): 14-O-01244; 14-O-03750
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ACTUAL SUSPENSION ORDER

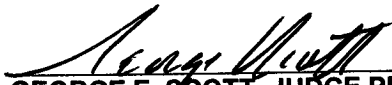
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

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

3-16-15

Date


GEORGE E. SCOTT, JUDGE PRO TEM
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on March 17, 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:

GEORGE S. WASS
2145 E TAHQUITZ CANYON WAY
STE 4-911
PALM SPRINGS, CA 92262

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

AGUSTIN HERNANDEZ, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 17, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court