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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Anand Kumar Shane C. Morrison Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1714 Bar # 261592 / 284115	Case Number(s): 14-O-01717-YDR 14-O-02118 14-C-02229	For Court use only FILED JUN 15 2015 STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
Counsel For Respondent Artak Barsegyan James I. Ham Pansky Markle Ham LLP 1010 Sycamore Ave Unit 308 South Pasadena, CA 91030 (213) 626-7300 Bar # 279064 / 100849	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: VINCENT J. QUIGG Bar # 108932 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 **July 1, 1983**.
- (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 **22** 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."

(Effective January 1, 2014)

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Actual Suspension



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two (2) billing cycles immediately following the effective date of the Supreme Court order in this matter.** (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 **87-O-17169**
 - (b) Date prior discipline effective **August 19, 1993**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **former Rules of Professional Conduct, rules 6-101(A)(2) [failure to perform competently; see current rule 3-110(A)], 2-111(A)(2) [failure to promptly refund unearned fees; see current rule 3-700(D)(2)], and 2-111(A)(3) [failure to promptly return client file; see current rule 3-700(D)(1)]. Respondent also stipulated to violations of Business and Professions Code sections 6068(m) [failure to communicate] and 6106 [issuance of client trust account checks against insufficient funds].**
 - (d) Degree of prior discipline **two (2) years stayed suspension and two (2) years probation**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

In addition to the discipline imposed against Respondent in case number 87-O-17169, Respondent has one other prior record of discipline.

In State Bar case numbers 02-O-15983, et al., Respondent received discipline consisting of a one (1) year stayed suspension and a two (2) year probation with conditions including a thirty (30) day actual suspension for four violations of rule 3-110(A), Rules of Professional Conduct [failing to perform competently and failure to supervise an employee]. The discipline became effective on September 22, 2005.

For further discussion of Respondent's prior records of discipline, see stipulation, at page 17.

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- (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.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See stipulation, at page 17.**
- (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. **See stipulation, at page 17.**
- (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

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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.
See stipulation, at pages 17-18.
- (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:

Mistaken Belief, Pretrial Stipulation, see stipulation, at page 18.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law 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:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **six (6) months**.
- 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

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- 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.

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- (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:
- (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: VINCENT J. QUIGG	Case Number(s): 14-O-01717, 14-O-02118, 14-C-02229
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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

- 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:
 - 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";

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- 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: VINCENT J. QUIGG

CASE NUMBERS: 14-O-01717, 14-O-02118, 14-C-02229

FACTS AND CONCLUSIONS OF LAW.

Respondent admits the following facts are true and that, with respect to case numbers 14-O-01717 and 14-O-02118, he is culpable of violations of the specified statutes and/or Rules of Professional Conduct and that with respect to case number 14-C-02229, the facts and circumstances surrounding the offense for which he was convicted involved other misconduct warranting discipline.

Case No. 14-O-01717 (Complainant: Felipe Tolentino)

FACTS:

1. On January 2, 2009, Felipe Tolentino ("Tolentino"), was involved in an auto accident and sustained bodily injuries. That same day, Tolentino, hired Respondent to pursue personal injury claims arising out of the auto accident against the at-fault driver.

2. Tolentino subsequently received medical treatment from various medical providers, including California Imaging Network Medical Group ("California Imaging"), and on May 29, 2009, Tolentino and Respondent entered into a lien agreement with California Imaging. Pursuant to the terms of the lien agreement, Tolentino authorized and directed Respondent to pay directly to California Imaging all sums that may be due for the medical services rendered by California Imaging unto Tolentino and specifically granted California Imaging a lien against the proceeds of a prospective settlement or recovery on Tolentino's behalf, and Respondent agreed to pay and honor the lien if and when it came due.

3. In mid-December 2010, Respondent's office informed Tolentino that he was only eligible to receive medical or economic damages, and was statutorily barred from recovering any damages for his pain and suffering. At that time, Respondent's office also informed Tolentino that Respondent would attempt to negotiate his medical providers' bills and make the disbursements to them, including California Imaging, and if there were any monies leftover, Respondent would provide that sum to Tolentino.

4. On December 22, 2010, Respondent's office informed Tolentino that a settlement offer had been made by the insurance carrier of the at-fault driver (the "insurance carrier") in the amount of \$6,958, and invited him to come into the office to sign the settlement release, which Tolentino did.

5. On December 27, 2010, Respondent consummated the settlement of Tolentino's claims for \$6,958 with Tolentino's knowledge and consent.

6. On March 29, 2011, Tolentino was notified by the insurance carrier that it had issued a settlement draft for \$6,958 and sent the check to Respondent.

7. In April 2011, Respondent received the settlement draft from the insurance carrier. Respondent's office notified Tolentino regarding the receipt of the settlement draft. On May 2, 2011, Respondent deposited the settlement funds (\$6,958) into his client trust account.

8. Thereafter, Respondent delayed in paying California Imaging on Tolentino's behalf pursuant to the executed medical lien as follows:

- On October 13, 2011, Respondent sent a letter to California Imaging notifying it that Respondent had received settlement funds from settling Tolentino's claims. At the time, there were competing claims for the medical bills, which totaled over \$10,000 based on the original medical bills; the total medical bills exceeded the total available funds from the settlement, which amounted to \$3,300 after deduction of Respondent's attorney's fees and costs; and Respondent needed the cooperation and agreement of all providers in accepting a reduced amount in order to avoid having to interplead the funds. Therefore, in his letter, Respondent invited California Imaging to accept a reduced lien amount of \$1,742.18 from its original medical bill of \$5,660.
- On March 26, 2012, California Imaging faxed Respondent a form, which stated that California Imaging had agreed to accept the reduced lien amount of \$1,742.18. Respondent received the form but failed to respond or disburse \$1,742.18, or any portion thereof, to California Imaging.
- On June 29, 2012, California Imaging faxed a second request for the \$1,742.18 to Respondent. Respondent received the form but failed to respond or disburse \$1,742.18, or any portion thereof, to California Imaging.
- On July 30, 2012, California Imaging faxed a letter to Respondent requesting a status update of the outstanding payment of the \$1,742.18. Respondent received the letter but failed to respond or disburse \$1,742.18, or any portion thereof, to California Imaging.
- On July 30, 2012, California Imaging also called Respondent's office and left a message for Respondent requesting a return phone call. Respondent received the message but failed to respond.
- On September 10, 2012, California Imaging faxed a third letter to Respondent requesting payment of the \$1,742.18, and also stating that if no payment was received by California Imaging within 30 days that it would seek payment of the full balance (\$5,660) from Tolentino. Respondent received the letter but failed to respond or disburse \$1,742.18, or any portion thereof, to California Imaging.
- On October 10, 2012, California Imaging sent Tolentino a letter informing him that California Imaging had been unsuccessful in seeking payment from Respondent after several attempts, inviting Tolentino to arrange for Respondent to contact California Imaging and requesting payment from Tolentino for the outstanding lien amount.
- On January 11, 2013, California Imaging faxed a final request to Respondent requesting payment of the \$1,742.18, and also stating that if no payment was received by California Imaging within 30 days that it would seek payment of the full balance (\$5,660) from

Tolentino. Respondent received the letter but failed to respond or disburse \$1,742.18, or any portion thereof, to California Imaging until on or about April 29, 2013.

9. After Respondent agreed to pay California Imaging the reduced amount of \$1,742.18 on March 26, 2012, Respondent made efforts to obtain agreements from Tolentino's other medical providers to reduce their bills.

10. On April 29, 2013, Respondent paid \$1,742.18 to California Imaging.

11. In January 2014, Tolentino filed a State Bar complaint.

12. In May 2014, Respondent completed the negotiation of the rest of Tolentino's medical bills. There was a remaining balance of \$200, which Respondent paid to Tolentino on May 19, 2014.

CONCLUSION OF LAW:

13. By not paying any portion of the \$1,742.18 that Respondent held on behalf of Tolentino for approximately thirteen months pursuant to the terms of the medical lien executed by Respondent and Tolentino, and as requested by California Imaging in March 2012, Respondent failed to promptly pay funds, as requested by a client, in Respondent's possession to which the client was entitled, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

Case No. 14-O-02118 (Complainant: Marlene Medina)

FACTS:

14. On May 20, 2009, Marlene Medina's ("Marlene") mother ("mother") died after receiving medical care from Kern Medical Center and other medical treatment providers ("defendants").

15. At the time of her passing, Marlene's mother was survived by her spouse and her children (the "family"), which included Marlene's father ("father"), Marlene, and her two brothers ("brothers") (collectively, the "children"). Marlene's younger brother was a 17-year old minor at the time.

16. On August 28, 2009, Marlene's father entered into a retainer agreement to hire Respondent to pursue claims for wrongful death and medical malpractice against the defendants arising out of her mother's death. The retainer agreement only identified the father as the client, as none of the children originally retained Respondent.

17. In November 2009, Respondent associated into the matter another attorney to act co-counsel ("Respondent's co-counsel"), who was experienced in handling medical malpractice, to primarily handle the wrongful death litigation on behalf of the father, which the co-counsel did.

18. Respondent's co-counsel determined that the children, including Marlene, should be included as additional claimants in the wrongful death case, and brought the children in as clients. Neither Respondent nor Respondent's co-counsel entered into a written retainer agreement with the children.

19. Thereafter, Respondent's co-counsel drafted a complaint on behalf of the family.

20. On May 10, 2010, Respondent filed the complaint in Kern County Superior Court on behalf of the family, which identified Respondent as the attorney for the father and the children.

21. On May 13, 2010, Respondent filed an ex parte application, prepared by Respondent's co-counsel, for the father to be appointed by the Court as the Guardian ad Litem for Marlene's younger brother. The application was granted.

22. On June 3, 2010, Respondent filed a summons, prepared by Respondent's co-counsel, which identified Respondent as the attorney for the father and the children.

23. On July 6, 2010, Respondent's co-counsel was formally associated into the case as attorney for the father and the children.

24. In December 2010, Marlene's younger brother reached the age majority and no longer required Marlene's father to act on his behalf for purposes of the litigation and settlement negotiations.

25. In February 2011, Respondent's co-counsel sent a settlement demand letter to the defendants' counsel, who in turn offered to settle the case for \$299,000. Respondent's co-counsel discussed the settlement offer with Marlene and the family. Subsequently, Respondent's co-counsel sent a proposed settlement release to Respondent's office for the purpose of forwarding the form to the father and the children for their review, approval and respective signatures.

26. On May 3, 2011, the father and each of the children signed the settlement release form and returned the form to Respondent's office for Respondent's signature. Respondent signed the settlement agreement and returned it to Respondent's co-counsel for submission to the defendants' counsel, which Respondent's co-counsel did.

27. The settlement agreement identified Respondent and Respondent's co-counsel as attorneys for the father and the children, and each of them signed it. The settlement agreement called for the defendants to deliver a \$299,000 check issued by Kern County to Respondent's co-counsel made jointly payable to the father, each of the children, Respondent and Respondent's co-counsel.

28. The settlement agreement did not include an individualized accounting or a provision regarding apportionment of the distributions to the father and each of the children. Respondent did not obtain the written informed consent of the father and each of the children regarding actual conflicts of interest, which existed between the competing claims of the father and the children to the aggregate settlement received on their collective behalf.

29. On June 14, 2011, Kern County issued a check in the amount of \$299,000 in accordance with the settlement agreement.

30. On June 16, 2011, Respondent's co-counsel endorsed the settlement draft on behalf of the father and the children pursuant to Limited Power of Attorney clause in the retainer agreement, and deposited the funds into his client trust account.

31. Respondent and Respondent's co-counsel's legal fees were governed by statutory limits pursuant to the Medical Injury Compensation Reform Act ("MICRA"), outlined in Business and Professions Code section 6146, as follows:

- Respondent was required to deduct costs prior to calculating his legal fees. The costs in the instant matter were \$2,580, leaving a net settlement of \$296,420 (\$299,000 - \$2,580).

- Attorneys' fees were limited to 40% of the first \$50,000 settlement funds recovered (\$20,000); a third of the second \$50,000 settlement funds recovered (\$16,666.67) and 25% of the remaining settlement funds ($\$196,420 \times 25\% = \$45,105$).
- After deducting the costs totaling \$2,580 from the total settlement recovery of \$299,000, the maximum amount of attorneys' fees were \$85,771.67 ($\$299,000 - \$2,580 - \$20,000 - \$16,666.67 - \$45,105$).
- Of the \$85,771.67 sum, Respondent and Respondent's co-counsel were each entitled to attorneys' fees of \$42,885.83 ($\$85,771.67 \times 50\%$) and their respective advanced costs, which were \$1,355 for Respondent and \$1,225 for Respondent's co-counsel. Accordingly, of the aggregate settlement funds, Respondent was entitled to \$44,240.83 ($\$42,885.83 + \$1,355$) and Respondent's co-counsel was entitled to \$44,110.83 ($\$42,885.83 + \$1,225$).
- The remaining funds of \$210,648.33 ($\$299,000 - \$2,580 - \$85,771.67$) belonged to the father and the children collectively.

32. On June 17, 2011, Respondent's co-counsel appropriately withdrew his share of attorneys' fees and costs, which totaled \$44,110.83 ($\$42,885.83 + \$1,225$). Respondent received the remaining balance of \$254,889.17 ($\$299,000 - \$44,110.83$), which, less Respondent's fees and costs, belonged to the father and the children.

33. On June 29, 2011, Respondent deposited the \$254,889.17 into his client trust account. Upon receiving the funds from Respondent's co-counsel, Respondent promptly informed the father of the receipt of the funds, but Respondent failed to directly inform the children regarding his receipt of the funds, believing that the father would inform the children.

34. On June 29, 2011, Respondent issued a check to the father in the amount of \$176,820, a portion of which belonged to the children. The check was only made payable to the father. The children did not receive any portion of the settlement funds between June 29, 2011 and April 19, 2012.

35. At no time did Respondent inform each of the children regarding the receipt of the funds or that Respondent intended to, was giving, or had given their father a check for the aggregate settlement amount on June 29, 2011. At no time did Respondent obtain the informed written consent from each of the children to disburse all of the aggregate settlement funds to their father.

36. At the time he provided the \$176,820 check to the father, Respondent provided the father with a disbursement sheet for his review, approval, and signature. The disbursement sheet identified the clients as the whole family, but did not identify the individual shares each of the children were to receive.

37. The disbursement sheet also reflected an improper calculation of Respondent's attorney's fees and the amount of settlement funds belonging to the family. As a result of Respondent's improper calculation, he collected an excessive and illegal fee in the sum of \$78,069.17, in violation of Business and Professions Code section 6146 in two respects, and underpaid the family as follows:

- As stated above in paragraph 28, Respondent's share of the settlement funds were limited to \$44,240.83 ($\$42,885.83$ attorney's fees + \$1,355 advanced costs),

- Respondent failed to collect his attorneys fees based on the net settlement amount (\$296,420), and instead he miscalculated and collected his fees based on the gross settlement amount (\$299,000), in violation of Business and Professions Code section 6146(c) (“net accounting error”), and
- Respondent failed to adhere to the MICRA limits in violation of Business and Professions Code section 6146(a) by collecting an excessive and illegal fee of \$33,838.34 (“MICRA accounting error”). Instead, Respondent should have issued a check to the family for \$210,658.34 (\$176,820 + \$33,838.34).

38. The father signed the disbursement sheet and returned it to Respondent’s staff. The form contained handwritten notes in Spanish, including a note under the father’s signature, which when translated into English states “representative of the family.”

39. In September 2011, upon reconciling his CTA and a conducting a review of the distribution of the settlement funds, Respondent checked the fees he had taken and realized he had taken the excessive and illegal fee described in paragraph 37, and that his fees did not comply with MICRA (i.e., the MICRA accounting error). Respondent then attempted to contact the father regarding disbursement of supplemental funds to correct the MICRA accounting error, but was unable to reach the father because he had moved to Mexico sometime after June 2011 and his whereabouts were unknown. Respondent was also unable to contact Marlene until February 2012 due to her unavailability during that period.

40. In March 2012, Marlene learned for the first time from Respondent’s co-counsel that Respondent had received the family’s settlement funds from Respondent’s co-counsel in June 2011, to disburse to the family.

41. In March 2012, Marlene visited Respondent’s office to discuss the status of the settlement funds with Respondent, but Respondent was unavailable. Instead, Marlene spoke with one of Respondent’s non-attorney employees, who informed her that Respondent had given her father a check for the aggregate settlement in June 2011, and that Respondent would give her and her younger brother \$15,000 each. Marlene informed the employee that she would speak to her father, who had returned from Mexico, and would let Respondent’s office know how she wanted to proceed.

42. On April 18, 2012, the father and Marlene visited Respondent’s office, and Respondent provided both of them with a supplemental disbursement sheet (“April 18, 2012 supplemental disbursement sheet”) that identified the entire family as the clients. Marlene and her father were given a check in the sum of \$31,248.33 (“supplemental disbursement check”), drawn from Respondent’s client trust account from personal funds that Respondent restored to his client trust account to account for MICRA accounting error.

43. The \$31,248.33 supplemental disbursement check was made payable to the father, Marlene and one of Marlene’s brothers. (Marlene’s older brother waived his interest in receiving any share of the settlement funds.) The April 18, 2012 supplemental disbursement sheet was signed by the father and Marlene. After receiving the April 18, 2012 supplemental disbursement check, the father shared approximately \$30,000 from the aggregate settlement with Marlene and her younger brother.

44. Respondent’s April 18, 2012 supplemental disbursement sheet corrected his MICRA accounting error, but did not correct his net accounting error as described in paragraph 37 above. As a

result, Respondent was still obligated to make restitution of \$2,580 to the family even after he issued the April 18, 2012 supplemental disbursement check.

45. Marlene filed a State Bar complaint in March 2014, and Respondent did not realize he had made the net accounting error until a State Bar investigator alerted him to the error in late August 2014.

46. During the State Bar proceedings, Respondent attempted to rectify the net accounting error by disbursing the remaining \$2,580 to the father and the children collectively, which he successfully did in June 2015.

CONCLUSIONS OF LAW:

47. By continuing representation of the father and the children when Respondent entered into an aggregate settlement of wrongful death and medical malpractice claims on their collective behalf, where the interests of the clients actually conflicted as to competing claims of undetermined amounts of the settlement proceeds, and by failing to obtain their respective informed written consent as to the conflicts, Respondent continued representation of more than one client in a matter in which the interests of the clients actually conflicted without the informed written consent of each client, in willful violation of the Rules of Professional Conduct, rule 3-310(C)(2).

48. By charging and collecting an excessive and illegal attorney's fee from the father and the children to represent them in an action against a healthcare provider based upon such healthcare provider's alleged professional negligence, that failed to comply with the statutory limits of Business and Professions Code section 6146(a), Respondent willfully violated the Rules of Professional Conduct, rule 4-200(A).

49. By failing to promptly inform each of the children regarding the receipt of the \$176,820 settlement funds, by failing to obtain the consent and authorization from each of the children to disburse their shares of the \$176,820 settlement funds to the father and by subsequently disbursing the \$176,820 settlement funds to the father without informing the children that he was making the disbursement, Respondent breached his fiduciary duty to the children, in willful violation of Business and Professions Code section 6068(a).

Case No. 14-C-02229 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

50. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

51. On September 24, 2013, the Los Angeles County District Attorney filed a complaint in the Los Angeles County Superior Court ("LASC"), case number 3DY05594, charging Respondent with two misdemeanor violations: one count of violating Penal Code section 273.5(a) [Corporal Injury to Spouse/Cohabitant/Child's Parent] and one count of violating Penal Code section 245(a)(4) [Assault by Means Likely to Produce Great Bodily Injury].

52. Commencing on March 21, 2014, a jury trial was held in LASC case number 3DY05594.

53. On March 27, 2014, the court dismissed the count of a violation of Penal Code section 245(a)(4) pursuant to a motion by the deputy district attorney.

54. On April 1, 2014, Respondent was found guilty of one count of a misdemeanor violation of Penal Code section 273.5(a) [Corporal Injury to Spouse/Cohabitant/Child's Parent]. Arraignment for judgment and time for sentencing were waived. The court suspended imposition of Respondent's sentence and placed Respondent on probation for a period of three years on terms including that respondent perform 20 days of community labor, serve an additional 10 days in the county jail or perform an additional 10 days of community labor, complete a 52-week domestic violence treatment program, and stay 100 yards away from and have no contact with the victim. After his conviction, Respondent successfully completed the 52-week domestic violence treatment program.

55. On July 28, 2014, the Office of the Chief Trial Counsel of the State Bar of California transmitted records of Respondent's conviction in LASC case number 3DY05594 to the State Bar Court.

56. On August 12, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event the Hearing Department found that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

57. On the evening of August 26, 2013, Respondent and his wife had a party at their residence, and according to their trial testimony, they both consumed alcohol at the party. During the course of the evening, Respondent and his wife got into an argument and during the argument, Respondent head-butted his wife causing bruising and swelling on her forehead and face. Thereafter, Respondent and his wife went to sleep in their bedroom.

58. On the morning of August 27, 2013, Respondent and his wife resumed their argument from the previous evening. Immediately after the argument his wife exited the home and went to the rental unit house behind their residence. The tenant in the rental unit provided Respondent's wife with access to a phone, and the wife called the police.

59. On August 27, 2013, Downey Police Officers were dispatched to the residence of Respondent and his wife in response to a possible spousal abuse call. Upon arrival, the officers spoke with Respondent's wife and noticed she had bruising and swelling on her forehead and face. After interviewing his wife, the officers interviewed Respondent, who told them that he and his wife accidentally butted heads. At the time, the officers noticed bruising and swelling on Respondent's forehead consistent with his wife's statements. The officers then placed Respondent under arrest for spousal abuse.

60. During the March 2014 criminal trial, Respondent's wife recanted her prior August 27, 2013 statements to the police officers and instead testified that Respondent did not intentionally head-butt her and that she and Respondent accidentally bumped heads during their August 26, 2013 argument.

CONCLUSION OF LAW:

61. The facts and circumstances surrounding the above-described misdemeanor conviction for a violation of Penal Code section 273.5(a) [Corporal Injury to Spouse/Cohabitant/Child's Parent] did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

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

Respondent has two prior records of discipline since being admitted to practice law on July 1, 1983: 1) a two-year stayed suspension from 1993 and 2) a thirty-day actual suspension from 2005.

In Respondent's first record of discipline, he entered into a disciplinary stipulation in State Bar case number 87-O-17169, wherein Respondent received discipline consisting of a two (2) year stayed suspension and a two (2) year probation with conditions. The ensuing disciplinary order became effective on August 19, 1993. Respondent stipulated to five ethical violations for misconduct which occurred in 1987, namely failing to perform services competently on three occasions for different clients in violation of former Rules of Professional Conduct, rule 6-101(A)(2) [predecessor to current rule 3-110(A)], failing to promptly return unearned fees and the client file upon withdrawal of representation in violation of former rules 2-111(A)(3) [predecessor to current rule 3-700(D)(2)], and 2-111(A)(3) [predecessor to current rule 3-700(D)(1)] respectively. Respondent also stipulated to violations of Business and Professions Code sections 6068(m) and 6106 for misconduct stemming from his failure to inform his client that Respondent had shut down his office, and issuing five checks against insufficient funds in non-client trust accounts. Respondent was also given mitigating credit, because some of his misconduct was a result of family difficulties he was experiencing at the time.

In Respondent's second record of prior discipline, he entered into a disciplinary stipulation in State Bar case numbers 02-O-15983, et al. wherein Respondent received discipline consisting of a one (1) year stayed suspension and a two (2) year probation with conditions including a thirty (30) day actual suspension. The ensuing disciplinary order became effective on September 22, 2005. Respondent stipulated to four violations of Rules of Professional Conduct, rule 3-110(A) for misconduct which occurred in 2002, including failing to perform services competently in two client matters and failing to supervise his non-attorney staff in those client matters. Specifically, Respondent failed to file complaints on behalf of two clients prior to the expiration of the statute of limitation on their respective claims, filed complaints on their respective behalves after the statutes had expired, and failed to supervise his staff in sending altered documents to insurance carriers in the client matters to facilitate settlement of the clients' claims.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed four separate acts of misconduct in two different client matters, and committed a criminal act that constitutes other misconduct warranting discipline, which constitutes an aggravating circumstance.

MITIGATING CIRCUMSTANCES.

Remorse (Std. 1.6(g)): In the Medina matter, Respondent made the April 18, 2012 supplemental disbursement to the family to correct the MICRA accounting error, showing that Respondent took prompt objective steps, demonstrating spontaneous remorse and recognition of the wrongdoing and timely atonement, nearly two years prior to any State Bar involvement.

Good Character (Std. 1.6(f)): Respondent has submitted six declarations from a widespread sample of the legal and general communities, including two attorneys, a pastor from his church, a former colleague, a doctor with whom he worked on cases, and a long-time friend. All of the witnesses are aware of the full extent of his misconduct, attesting to an extraordinary demonstration of his good character and showing his involvement in the community by providing pro bono legal services to clients

on a regular basis, and undertaking other non-legal voluntary work such as coaching youth basketball for five years and doing missionary work with his church in South Korea. (See *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [performance of civic service and charitable work is entitled to mitigation as evidence of good character under former standard 1.2(e)(vi)]; see also *Porter v. State Bar* (1990) 52 Cal.3d 518, 529.)

Additional Mitigating Circumstances:

Mistaken Belief: With regard to the Medina matter, Respondent paid the initial disbursement of the aggregate settlement funds to the father based upon his belief that the father was acting as the authorized representative of the family and that the family as a whole would receive the settlement funds. Although respondent's belief was mistaken, he believed he was serving his clients' interests by disbursing the aggregate settlement funds to the father and there was an absence of bad faith on his part. Respondent is entitled to some mitigation under relevant case law in light of his actions taken upon his mistaken belief that the father was receiving the funds as the family representative. (*Arm v. State Bar* (1990) 50 Cal.3d 763, 779-780 [In concealing his suspension from a court and sending a proposed settlement to opposing counsel while he was under suspension, an attorney mistakenly believed he was serving his client's interests, which lessened the seriousness of the attorney's misconduct].)

Pretrial Stipulation: While some of the facts in this matter are easily provable, Respondent's agreement in the instant stipulation fully resolved this matter without the necessity of a trial, thereby saving State Bar 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).)

Here, Standard 1.8(b) also applies to Respondent's instant misconduct, because of his two prior records of discipline. Standard 1.8(b) provides:

(b) If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct:

- (1) Actual suspension was ordered in any one of the prior disciplinary matters;
- (2) The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or
- (3) The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities.

While Standard 1.8(b) applies to Respondent's instant misconduct, under the current circumstances, there is a compelling justification and reason to deviate from Standard 1.8(b) and impose lesser discipline. (See *In re Silverton*, *supra*, 36 Cal.4th at p. 92.) The Supreme Court has routinely held that disbarment is not appropriate in every case in which Standard 1.8(b) applies. (E.g., *Arm v. State Bar* (1990) 50 Cal.3d 763, 779-780 [applying former Standard 1.7(b), Court held disbarment was "excessive" for a respondent who had three prior records of discipline, where there was a lack of a common thread from the respondent's prior misconduct and there was an absence of significant harm and bad faith]; *Conroy v. State Bar* (1991) 53 Cal.3d 495, 503, 508 [even in the absence of compelling mitigation and despite the respondent having two prior records of discipline, Court imposed one-year actual suspension]; *Blair v. State Bar* (1989) 49 Cal.3d 762 [Court imposed two-year actual suspension for attorney with three prior records of discipline]; see also *In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136-137 [finding disbarment to be too severe for attorney with two prior records of discipline, court held that "[t]o properly fulfill [the] purposes of lawyer discipline, we must examine the nature and chronology of respondent's record of discipline. [Citation.] Merely declaring that an attorney has three impositions of discipline, without more analysis may not adequately justify disbarment in every case."].)

Here, as in *Arm*, *supra*, 50 Cal.3d 763, there is no common thread from Respondent's prior misconduct, nor does his present misconduct involve significant harm to his clients or bad faith. Reviewing Respondent's prior records of discipline in conjunction with the instant misconduct, Respondent's record of practice does not reflect a pattern of misconduct or an unwillingness or inability by Respondent to conform to his ethical responsibilities. Respondent's prior records of discipline largely concerned failures to perform legal services competently for clients and are dissimilar to the instant misconduct. Similarly, Respondent's actions reflect his willingness and ability to conform to ethical responsibilities as he took steps to rectify his misconduct prior to the filing of State Bar complaints in both client matters by ultimately making the appropriate payments to California Imaging on Tolentino's behalf in April 2013, and by making the April 2012 supplemental disbursement to the family in the Medina matter. Respondent's misconduct is further surrounded by mitigating circumstances, including good faith and his showing of good character. Moreover, while there is some harm inherent in the nature of Respondent's misconduct, there is an absence of significant harm. Lastly,

Respondent's first discipline from 1993 arose from misconduct which occurred in 1987, and is remote and therefore entitled to less weight in the consideration of the appropriate discipline for the misconduct described herein. (*Miller, supra*, 1 Cal. State Bar Ct. Rptr. 131, 136-137.) Therefore, a deviation from Standard 1.8(b) is warranted under the circumstances.

In this matter, Respondent admits to committing four acts of professional misconduct and other misconduct warranting discipline. 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." Here, several standards apply to Respondent's multiple acts of professional misconduct. The gravamen of Respondent's misconduct concerns his failures to promptly pay out entrusted funds to a medical lienholder in the Tolentino matter, observe his fiduciary duties to all of his clients in the Medina matter, and his conviction for inflicting corporal injury on his wife. Therefore, the most severe sanction that applies to Respondent's misconduct is found in Standard 2.8(a) for his breach of fiduciary duties owed to the children.

Standard 2.8(a) provides that disbarment or actual suspension is appropriate for Respondent's willful violation of his breach of fiduciary duties, a violation of Business and Professions Code section 6068(a), for his disbursement of all of the settlement funds to the father and failing to protect the interests of the children. (See *In the Matter of Malek-Yonan* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 627, 635 [an attorney has a "non-delegable" and "personal obligation of reasonable care to comply with the critically important rules for the safekeeping and disposition of client funds."].) Here, Respondent's more recent discipline consisted of a thirty-day actual suspension, and as such his instant misconduct warrants a longer period of actual suspension. (See Std. 1.8(a).) Based on the unique set of facts in the Medina matter, and Respondent's voluntary corrective actions taken in both client matters (e.g., the April 18, 2012 supplemental disbursement to the family and the April 29, 2013 payment to California Imaging), he has demonstrated a willingness and ability to comply with his ethical duties since the time he engaged in his misconduct, an important indication that the instant misconduct is unlikely to recur in the future. For the reasons stated above, Respondent's misconduct does not warrant disbarment, but does warrant progressive discipline consisting of a period of actual suspension of more than thirty days.

Based on the misconduct described herein, the unique set of facts, and all the above-stated factors at play, including Respondent's prior records of discipline and the mitigating factors, discipline consisting of two years of stayed suspension and two years of probation with conditions including a six-month actual suspension is appropriate discipline to protect the public, the courts, and the legal profession; maintain high professional standards for attorneys; and preserve public confidence in the legal profession.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
14-O-01717	Two	Business and Professions Code section 6106
14-O-02118	Six	Business and Professions Code section 6068(m)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of June 8, 2015, the prosecution costs in this matter are approximately \$10,157. 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

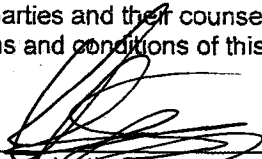
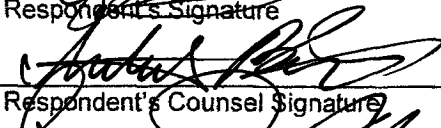
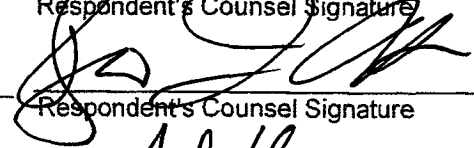
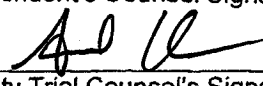
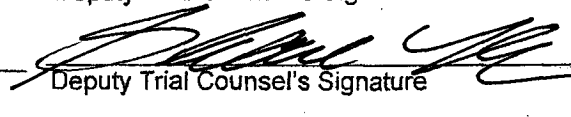
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School and State Bar Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: VINCENT J. QUIGG	Case number(s): 14-O-01717, 14-O-02118, 14-C-02229
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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.

June 11, 2015 Date	 Respondent's Signature	Vincent J. Quigg Print Name
June 10, 2015 Date	 Respondent's Counsel Signature	Artak Barsegyan Print Name
June 10, 2015 Date	 Respondent's Counsel Signature	James I. Ham Print Name
June 11, 2015 Date	 Deputy Trial Counsel's Signature	Anand Kumar Print Name
June 11, 2015 Date	 Deputy Trial Counsel's Signature	Shane C. Morrison Print Name

(Do not write above this line.)

In the Matter of: VINCENT J. QUIGG	Case Number(s): 14-O-01717, 14-O-02118, 14-C-02229
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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 2 of the Stipulation, at paragraph B.(1)(c), line 2, "2-111(A)(2)" is deleted, and in its place is inserted "2-111(A)(3)".
2. On page 2 of the Stipulation, at paragraph B.(1)(c), line 3, "2-111(A)(3)" is deleted, and in its place is inserted "2-111(A)(2)".
3. On page 13 of the Stipulation, first bullet point paragraph at the top of the page, line 3, "\$45,105" is deleted, and in its place is inserted "\$49,105".
4. On page 13 of the Stipulation, second bullet point paragraph, lines 2-3, strike (\$299,000 - \$2,580 - \$20,000 - \$16,666.67 - \$45,105)".
5. On page 14 of the Stipulation, second bullet point paragraph, lines 2 and 4, "\$33,838.34" is deleted, and in its place is inserted "\$33,838.33".
6. On page 17 of the Stipulation, second paragraph, line 8 at the end of the sentence, "2-111(A)(3)" is deleted, and in its place is inserted "2-111(A)(2)".
7. On page 19 of the Stipulation, last paragraph line 12, "good faith" is deleted, and in its place is inserted "his belief he was serving his clients' interests".

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.)**

June 12, 2015
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, 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 June 15, 2015, I deposited a true copy of the following document(s):

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

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

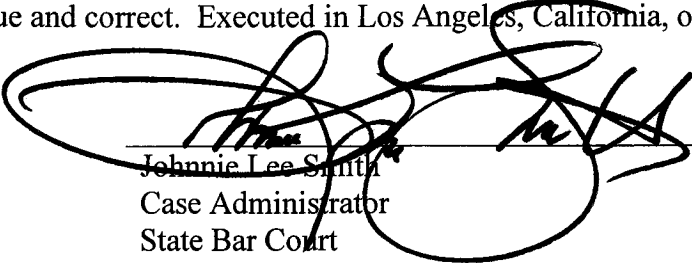
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JAMES IRWIN HAM
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:

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 15, 2015.



Johnnie Lee Smith
Case Administrator
State Bar Court