


ORIGINAL

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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION			PUBLIC MATTER	
Counsel For The State Bar Anand Kumar Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1714 Bar # 261592	Case Number(s): 14-O-01966 (Inv)	For Court use only <div style="text-align: center;"> FILED DEC 22 2014 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>		
In Pro Per Respondent Chaka H. Grossman The Penthouse Suite 3 9025 Wilshire Blvd. Beverly Hills, CA 90211 (310) 550-1000 Bar # 233941	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING			
In the Matter of: CHAKA H. GROSSMAN Bar # 233941 A Member of the State Bar of California (Respondent)	STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED <div style="text-align: center;"> kwiktag® 152 140 963  </div>			

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 5, 2005.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.

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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Costs are added to membership fee for calendar year following effective date of discipline.
 - ☒ 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 [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
 - (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 or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was 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. See stipulation, at page 10.
- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See stipulation, at page 10.

- (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 9.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standard 1.2(e)]. 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 or person who was the object of the misconduct.
- (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 in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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 page 10.

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- (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

Lack of Prior Record of Discipline, see stipulation, at page 10.

Pre-filing stipulation, see stipulation, at page 10.

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 1.4(c)(ii), 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is 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.)

E. Additional Conditions of Probation:

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

(2) ☒ 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.

(3) ☒ 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.

(4) ☒ 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.

(5) ☐ 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.

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- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ 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.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHAKA H. GROSSMAN

CASE NUMBER: 14-O-01966

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 14-O-01966 (Complainant: Honorable Daviann L. Mitchell)

FACTS:

1. Between December 2013 and January 2014, Respondent represented a client, Virginia Galati ("Galati") in a criminal case entitled *People v. Galati* in Los Angeles County Superior Court before the Honorable Daviann Mitchell ("Judge Mitchell").

2. On December 4, 2012, Respondent appeared on behalf of Galati in court at a hearing concerning a bench warrant for Galati's arrest; the court set a probation violation hearing for December 19, 2013 ("probation violation hearing"). On December 19, 2013, Respondent appeared for the probation violation hearing on Galati's behalf, which the court continued to January 14, 2014.

3. On January 14, 2014, the deputy district attorney and Galati were present, but Respondent failed to appear for the probation violation hearing on Galati's behalf. On that day, the court clerk called Respondent's office phone number, and was connected to Respondent's voicemail, which was not accepting any new voice messages. The court trailed the probation hearing one day to January 15, 2014.

4. On January 15, 2014, again Respondent failed to appear for the probation violation hearing on Galati's behalf.

5. On January 15, 2014, the court clerk called Respondent's office phone number and spoke with his secretary, who, in turn, provided the clerk with Respondent's cell phone number. The clerk called Respondent's cell phone three times that day and left two voice messages for Respondent informing him that his client, the prosecutor and the court were waiting for Respondent and that Respondent's appearance was required for the hearing. In the last voice message left by the court clerk on January 15, 2014, the clerk also informed Respondent that the hearing was again being trailed one day to January 16, 2014 due to Respondent's non-appearance, that the court would be issuing an order to show cause ("OSC") regarding Respondent's failure to appear for the probation violation hearing on both January 14 and January 15, 2014, and that the court was setting the OSC hearing for February 14, 2014. Respondent received the voice messages.

6. On January 16, 2014, Galati was present for the hearing, but Respondent failed to appear for the probation violation hearing a third time on Galati's behalf. The court asked Galati whether she wanted to request that a public defender be appointed on her behalf or whether she wished to continue

with Respondent as her counsel; Galati said she wanted to continue with Respondent since she had already paid him.

7. On January 16, 2014, Judge Mitchell issued an order to show cause re monetary sanctions ("OSC order") regarding Respondent's failure to appear at the probation hearings on January 14, 15 and 16, 2014 and set a hearing for the OSC on February 14, 2014 ("OSC hearing"). The OSC order was served on Respondent at his membership records address and Respondent received the OSC order. The OSC Order further informed Respondent that the probation hearing was being continued to January 31, 2014 to allow Respondent the opportunity to appear on Galati's behalf or make arrangements for substitution of new counsel.

8. On January 31, 2014, Respondent failed to appear on Galati's behalf for the probation violation hearing; Galati requested to represent herself and the Court granted her request so that Galati could represent herself in pro per thereafter.

9. On February 14, 2014, Respondent failed to appear for the OSC hearing. At 9:30 a.m., one hour after the OSC hearing was scheduled to be held, an attorney for Respondent ("Respondent's counsel") called the court and informed the court that Respondent had arranged for Respondent's counsel to appear on Respondent's behalf at the OSC hearing, informed the court that Respondent would not be appearing at the OSC, that Respondent's counsel's car had broken down and asked to reschedule the OSC hearing. The court ordered Respondent's counsel and/or Respondent to be present in court by 1:30 p.m. that afternoon; Respondent's counsel informed Respondent that the attorney was experiencing car trouble that morning, however, neither Respondent nor Respondent's counsel appeared in court that afternoon for the OSC hearing. The court waited until 4:25 p.m. that afternoon before resetting the OSC hearing date for March 14, 2014.

10. On February 18, 2014, the court issued a new OSC order ("second OSC order"), which was served on Respondent at his membership records address and which he received, ordering Respondent to appear on March 14, 2014 for the OSC hearing and advising Respondent that at the March 14, 2014 OSC hearing the Court sought Respondent's explanation for his failure to appear at the probation hearings on January 14, 15 and 16, 2014 and his failure to appear on February 14, 2014 for the OSC hearing or have counsel appear on his behalf at the OSC hearing.

11. On March 14, 2014, Respondent arrived one hour late for the OSC hearing with Respondent's counsel. The court heard testimony from Respondent regarding his failures to appear at the probation violation hearing and his failure to appear at the February 14, 2014 OSC hearing. Respondent testified that he received the OSC order on or about January 20, 2014 and that he was also aware of the second OSC order. Unsatisfied with Respondent's explanation, Judge Mitchell imposed sanctions against Respondent for \$1,500, for failing to appear for the probation violation hearing on January 14, 15, and 16, 2014 as well as the OSC hearing on February 14, 2014 and for coming late to the OSC hearing on March 14, 2014 ("Sanctions Order"). Respondent was ordered to pay the sanctions by April 30, 2014. Respondent had actual knowledge of the Sanctions Order.

12. At no time did Respondent report the Sanctions Order to the State Bar.

13. At no time prior to the instant State Bar disciplinary proceedings did Respondent pay the sanctions as ordered by the court pursuant to the Sanctions Order or make any efforts to be relieved from making the necessary payment pursuant to the Sanctions Order.

14. On April 18, 2014, a State Bar investigator sent a letter to Respondent's official membership records address requesting his response to the allegations raised by Judge Mitchell no later than May 2, 2014. On May 2, 2014, Respondent made a telephonic request for an extension of time to submit his written response to the State Bar's April 18, 2014 letter. The request was granted pursuant to Respondent's confirmation that he would submit his written response by May 16, 2014.

15. On May 13, 2014, the State Bar investigator sent a second letter to Respondent's official membership records address, which enclosed a copy of the April 18, 2014 letter, informed him that she had not received Respondent's confirmation that he would submit his written response by May 16, 2014, and requested Respondent's response by no later than May 16, 2014. Respondent received the May 13, 2014 letter but failed to respond to the letter or otherwise contact the investigator.

16. On September 24, 2014, the State Bar investigator sent a third letter to Respondent's official membership records address, which informed Respondent that the State Bar had not receive any written response to the State Bar's April 18, 2014 and May 13, 2014 letters. The September 24, 2014 letter requested Respondent's response by no later than October 3, 2014. Respondent received the September 24, 2014 letter but failed to respond to the letter or otherwise contact the investigator.

17. Between November 24, 2014 and November 25, 2014, Respondent belatedly attempted to comply with the Sanctions Order by paying the monetary sanctions ordered by the court. Respondent attempted to make payments of \$1,500 to the court, but the Court was unable to accept the funds due to circumstances beyond Respondent's control. Accordingly, on November 26, 2014, Respondent deposited the \$1,500 funds into his client trust account for payment to the court once the court is able to accept the payment.

CONCLUSIONS OF LAW:

18. By failing to pay the monetary sanctions ordered by the court's Sanctions Order by April 30, 2014, Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear, in willful violation of Business and Professions Code section 6103.

19. By failing to report the Sanctions Order to the State Bar, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of judicial sanctions greater than \$1,000 against Respondent, in willful violation of Business and Professions Code section 6068(o)(3).

20. By failing to provide a substantive response to the State Bar's letters of April 18, 2014, May 13, 2014, and September 24, 2014, and by failing to otherwise communicate with the State Bar investigator as requested, 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 several violations of the Rules of Professional Conduct. The commission of multiple acts of misconduct is considered serious aggravation. (See *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498. 555.)

Harm to the Administration of Justice (Std. 1.5(f)): Respondent failed to appear on behalf of Galati for her probation violation hearing three days in a row and failed to respond to the Court's voice messages concerning his failure to appear on Galati's behalf, which caused the court to have to continue the probation violation hearing twice. Moreover, Respondent failed to appear at the February 14, 2014 OSC hearing, causing the court to have to reschedule the OSC hearing to March 14, 2014, at which Respondent arrived late. Respondent's repeated failures to appear on Galati's behalf and failure to comply with the OSC order caused significant harm for the court in its administration of Galati's probation violation hearing and the court's scheduling of the OSC hearing.

Indifference (Std. 1.5(g)): Respondent's failure to timely comply with the Sanctions Order and his delay in making payment of the sanctions until November 2014, approximately seven months after he was ordered to pay the sanctions, demonstrate clear indifference toward rectification or atonement for the consequences of his misconduct.

MITIGATING CIRCUMSTANCES.

Good Character and Pro Bono Activities (Std. 1.6(f)): Respondent has submitted twelve character letters from a widespread sample of the legal and general communities, including letters from three attorneys, a client, his financial advisor and other personal friends and professional acquaintances, who are aware of the full extent of his misconduct, attesting to Respondent's extraordinary good character. Respondent has also contributed in various civic activities showing his involvement in the community and pro bono activities such as completing an internship at the Catholic Charities Foundation in San Diego, California, during and after law school, where he worked with political asylum victims and provided legal services to victims of domestic abuse. (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 standard 1.2(e)(vi)]; see also *Porter v. State Bar* (1990) 52 Cal.3d 518, 529.)

Additional Mitigating Circumstances:

Lack of Prior Record of Discipline Over Many Years of Practice: Respondent has no prior record of discipline since being admitted on December 5, 2005, but the current misconduct is serious due to the violation of court orders involved. Accordingly, while he is not entitled to mitigation under standard 1.6(a), Respondent's approximately eight year discipline-free record prior to the instant misconduct is entitled to slight mitigation. (See *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44 [7 years of discipline-free practice worth only slight mitigation].)

Pre-filing Stipulation: Respondent has cooperated with the State Bar by entering into the instant stipulation fully resolving the matter at an early stage in the disciplinary process 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 Silverton* (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 multiple 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 here is standard 2.14, which is triggered by Respondent’s failure to comply with the Sanctions Order, a violation of Business and Professions Code section 6103. Standard 2.14 provides that disbarment or actual suspension is appropriate for any violation of a provision of Article 6 of the Business and Professions Code, not otherwise specified in the Standards.

Here, Respondent’s misconduct, which includes a violation of the court’s order requiring Respondent’s presence at the February 14, 2014 OSC hearing and a subsequent violation of the court’s order requiring Respondent to pay monetary sanctions by April 30, 2014, constitute serious misconduct, because it directly relates to the practice of law and caused harm to the administration of justice. Similarly, Respondent’s subsequent failure to report the Sanctions Order and to cooperate in the State Bar’s investigation, also directly relate to the practice of law.

While Respondent’s misconduct is serious, under the current circumstances, there is a compelling justification and reason to deviate from standard 2.14 and to impose lesser discipline. (See, *In re Silverton*, *supra*, 36 Cal.4th at p. 92.) Respondent’s discipline-free record of practice is entitled to some mitigation. He also presented evidence of his good character, warranting mitigating credit. His misconduct is isolated and confined to a three-month period of time stemming from a single client matter, and he has belatedly taken steps to comply with the Sanctions Order, showing he is able and willing to conform to his ethical responsibilities. Accordingly, discipline consisting of a two (2) year stayed suspension and a two (2) year probation with conditions is appropriate to protect the public, the courts and the legal profession; maintain the highest professional standards; and preserve public confidence in the legal profession.

The recommended level of discipline is supported by case law. In *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 40, an attorney was held culpable of violating rule

3-110(A) of the Rules of Professional Conduct for failing to file an opening appellate brief in performing legal services competently in a single client matter, and violations of Business and Professions Code section 6103 and 6068(o)(3) respectively for failing to timely file the opening brief as ordered by the court and for failing to timely report to the State Bar the sanctions associated with his violation of the court's order. In aggravation, the court found multiple acts of misconduct and in mitigation, it noted that the attorney had 17-years of discipline-free practice. The Review Department imposed discipline consisting of a six (6) month stayed suspension and a one (1) year period of probation with conditions. Here, Respondent's misconduct is more serious than in *Riordan* as it involves significant harm to the administration of justice, and Respondent's misconduct involves less mitigating circumstances (8 years of discipline-free practice compared to 17-years), so his misconduct warrants a longer period of stayed suspension and probation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 25, 2014, the prosecution costs in this matter are approximately \$2,992. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

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

(Do not write above this line.)

In the Matter of:
CHAKA H. GROSSMAN

Case number(s):
14-O-01966

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.

November 25, 2014
Date


Respondent's Signature

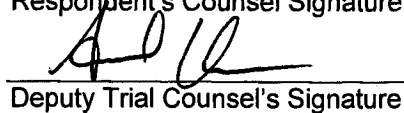
Chaka H. Grossman
Print Name

Date

Respondent's Counsel Signature

Print Name

December 5, 2014
Date


Deputy Trial Counsel's Signature

Anand Kumar
Print Name

(Do not write above this line.)

In the Matter of: CHAKA H. GROSSMAN	Case Number(s): 14-O-01966
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STAYED 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 1 of the stipulation, in the second and third boxes on the left, "Bar # 233941" is deleted and in its place is inserted "Bar # 239941";
2. On page 7 of the stipulation, numbered paragraph 2, "December 4, 20123" is deleted and in its place is inserted "December 4, 2013"; and
3. On page 10 of the stipulation, in the paragraph entitled "Good Character and Pro Bono Activities, "under standard 1.2(e)(vi)" is deleted and in its place is inserted "under former standard 1.2(e)(vi)".

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.)**

12-22-14
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 Los Angeles, on December 22, 2014, 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:

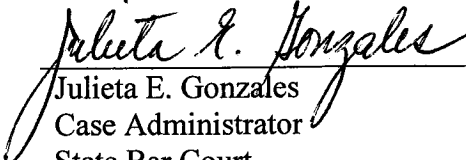
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CHAKA H. GROSSMAN
LAW OFFICES OF C. H. GROSSMAN
THE PENTHOUSE STE 3
9025 WILSHIRE BLVD
BEVERLY HILLS, CA 90211

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

Anand Kumar, Enforcement, Los Angeles
Terrie Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 22, 2014.



Julieta E. Gonzales
Case Administrator
State Bar Court