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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p><b>Agustin Hernandez</b>                      Deputy Trial Counsel                      845 S. Figueroa Street                      Los Angeles, CA 90017                      (213) 765-1713</p> <p>Bar # 161625</p>	<p>Case Number(s):                      14-O-04053-YDR                      14-O-04313</p>	<p>For Court use only</p> <div style="text-align: center;"> <p><b>FILED</b></p> <p>OCT 06 2015</p> <p>STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES</p> </div>
<p>In Pro Per Respondent</p> <p><b>George Steven Wass</b>                      2145 E. Tahquitz Canyon Way, Ste. 4-911                      Palm Springs, CA 92262                      (760) 774-3000</p> <p>Bar # 161732</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND                      DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:  <b>GEORGE STEVEN WASS</b></p> <p>Bar # 161732</p> <p>A Member of the State Bar of California                      (Respondent)</p>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **December 1, 1992**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective July 1, 2015)



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **14-O-01244; 14-O-03750. See Attachment to Stipulation, at pages 11-12.**
  - (b)  Date prior discipline effective **The discipline does not become effective until October 10, 2015. On September 11, 2015, the Supreme Court of California filed Order No. S226319 imposing discipline pursuant to the Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving that was filed by the State Bar Court on March 17, 2015.**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-110(A) [two counts], 3-700(D)(2) [two counts], and 4-100(B)(3) [two counts]; and Business and Professions Code sections (i) [two counts] and 6068(m) [three counts].**
  - (d)  Degree of prior discipline **one-year stayed suspension and two years of probation with conditions including 30 days of actual suspension.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.

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- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See Attachment to Stipulation, at pages 12-13.**
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See Attachment to Stipulation, at page 13.**
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment to Stipulation, at page 12.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution. See Attachment to Stipulation, at page 13.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Pretrial Stipulation - See Attachment to Stipulation, at page 13.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two years**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **three 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 **60 days**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present 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: .

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- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

No MPRE recommended. Reason: **On September 11, 2015, the Supreme Court of California filed Order No. S226319 imposing discipline pursuant to the Stipulation re Facts, Conclusions of Law and Disposition and Order Approving in Case Nos. 14-O-01244 and 14-O-03750. Pursuant to Order No. S226319, respondent is required to take and pass the MPRE within one year after the effective date of the Order. The protection of the public and the interests of the Respondent do not require passage of the MPRE in this case. See In the Matter of Respondent G (Review Dept.1992), 2 Cal. State Bar Ct. Rptr. 181.**

- (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:**

**Ethics School: As set forth above, on September 11, 2015, the Supreme Court of California filed Order No. S226319 imposing discipline pursuant to the Stipulation re Facts, Conclusions of Law and Disposition and Order Approving in Case Nos. 14-O-01244 and 14-O-03750. If respondent timely completes Ethics School, passes the test given at the end, and submits satisfactory proof of same to the Office of Probation in satisfaction of a requirement of discipline imposed by the Supreme Court in Case Nos. 14-O-01244 and 14-O-03750, respondent's completion of Ethics School in that matter shall satisfy the requirement that respondent complete Ethics School as a condition of probation in this matter.**

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In the Matter of: <b>GEORGE STEVEN WASS</b>	Case Number(s): <b>14-O-04053; 14-O-04313</b>
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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
<b>Kurtis J. Koptis</b>	<b>\$10,000</b>	<b>March 17, 2013</b>
<b>J. Dudley Williams</b>	<b>\$7,500</b>	<b>April 17, 2014</b>

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

**b. Installment Restitution Payments**

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

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

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

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

b. Respondent has kept and maintained the following:

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

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

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

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

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

**d. Client Trust Accounting School**

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





dismissing the arbitration was served simultaneously via email to respondent and to Painter's representatives.

10. On June 30, 2014, July 7, 2014, and July 8, 2014, Painter's' new counsel sent letters to respondent on behalf of Painter's requesting that respondent return Painter's client file to him, effectively terminating respondent's employment. Respondent received the letters. To date, respondent has not returned Painter's client file.

11. Respondent did not earn all of the attorney's fees advanced by Painter's. To date, respondent has not refunded to Painter's any portion of the \$10,000 in attorney's fees that Painter's paid to respondent.

12. To date, respondent has failed provide Painter's with an accounting of the \$10,000 in attorney's fees that Painter's paid to respondent.

#### CONCLUSIONS OF LAW:

13. By failing to prosecute the arbitration, failing to file a more definite statement of claims as ordered by the arbitrator by May 9, 2014, failing to file a more definite statement of claims as ordered by the arbitrator by May 21, 2014, and by failing to file an opposition to the motion to dismiss, respondent repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

14. By failing to inform Koptis or any representative from Painter's that the adverse party to the arbitration had filed and served a motion to dismiss the arbitration, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

15. By failing to refund to Painter's any portion of the \$10,000 in unearned fees that he was paid, respondent failed, upon termination, to refund promptly fees that were paid in advance and had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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

17. By failing to return Painter's client file upon request, respondent failed to release promptly, after termination of respondent's employment, all of the client's papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 14-O-04313 (Complainant: J. Dudley Williams)

#### FACTS:

18. On April 11, 2014, J. Dudley Williams ("Williams") employed respondent to perform legal services, namely to file a lawsuit to contest the non-judicial foreclosure of Williams' real property. At the time respondent accepted the employment, he knew that time was of the essence as the foreclosure was scheduled to take place on April 17, 2014.

19. On April 17, 2014, Williams paid respondent \$7,500 in advance attorney's fees.
20. Respondent did not file a lawsuit to contest the non-judicial foreclosure by April 17, 2014, or at any time thereafter. Respondent did not earn the \$7,500 in advance attorney's fees paid by Williams.
21. On April 25, 2014, Williams sent an email to respondent terminating his employment and requesting a refund of unearned fees. Respondent received the email.
22. To date, respondent has not refunded to Williams any portion of the \$7,500 in attorney's fees that he paid to respondent.
23. To date, respondent has failed to provide Williams with an accounting of the \$7,500 in attorney's fees that he paid to respondent.
24. On August 14, 2014, the State Bar opened an investigation against respondent pursuant to a complaint filed by Williams.
25. On October 28, 2014, a State Bar Investigator mailed a letter to respondent at his official State Bar membership records address requesting that respondent provide a written response to specified allegations of misconduct being investigated by the State Bar in case no. 14-O-04313. Respondent received the Investigator's letter.
26. At no time did respondent provide to the State Bar a written response to the allegations of misconduct in case no. 14-O-04313.

#### CONCLUSIONS OF LAW:

27. By failing to file a lawsuit to contest the non-judicial foreclosure of Williams' real property, respondent intentionally or recklessly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).
28. By failing to refund to Williams any portion of the \$7,500 in unearned fees that he was paid, respondent failed to refund promptly fees that were paid in advance and had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).
29. By failing to provide Williams with an accounting, respondent failed to render appropriate accounts to a client regarding all funds coming into respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).
30. By not providing a written response to the State Bar Investigator's letter, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent, in willful violation of Business and Professions Code section 6068(i).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent was admitted to the practice of law on December 1, 1992, and has one prior record of discipline will become effective on October 10, 2015. As set forth above, on September 11, 2015, the Supreme Court of California filed Order No. S226319

imposing discipline pursuant to the Stipulation re Facts, Conclusions of Law and Disposition and Order Approving in Case Nos. 14-O-01244 and 14-O-03750.

On February 23, 2015, respondent entered into a stipulation wherein he agreed to a one-year stayed suspension with two years of probation with conditions including 30 days of actual suspension and restitution for misconduct involving two client matters.

In one client matter, respondent failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A), by failing to file a particular lawsuit against a particular defendant. Instead, respondent filed another action on behalf of his client against other defendants. Further, after filing this action, respondent failed to prosecute it by failing to file an answer to a cross-complaint on behalf of his client, and failing to appear at a hearing on an order to show cause re dismissal ("OSC") for failure to prosecute, which resulted in the matter being dismissed by the court. Respondent also failed to inform his client that a cross-complaint had been filed against her, that the court scheduled an OSC re dismissal, and that the court dismissed her case, in violation of Business and Professions Code section 6068(m); failed to promptly respond to his client's status inquiries, in violation of Business and Professions Code section 6068(m); belatedly refunded only \$4,000 of \$5,600 in unearned fees, in violation of rule 3-700(D)(2); failed to provide an accounting, in violation of rule 4-100(B)(3); and failed to cooperate in the State Bar's investigation, in violation of Business and Professions Code section 6068(i). Respondent agreed to pay restitution to the client in the amount of \$1,600 as a condition of probation.

In another client matter, respondent was employed to file an action to contest the non-judicial foreclosure of the client's home and was paid \$7,500 in advanced fees. After filing a lawsuit on behalf of his client, respondent failed to perform legal services competently in that he failed to amend the lawsuit to add a defendant, failed to oppose a demurrer, and failed to appear at the hearing on the demurrer, in violation of Rules of Professional Conduct, rule 3-110(A). Respondent also failed to inform his client that a demurrer had been filed and served, and that the court sustained the demurrer without leave to amend, in violation of Business and Professions Code section 6068(m); failed to refund any portion of \$7,500 in unearned fees, in violation of Rules of Professional Conduct, rule 3-700(D)(2); failed to provide an accounting, in violation of rule 4-100(B)(3); and failed to cooperate in the State Bar's investigation, in violation of Business and Professions Code section 6068(i). Respondent agreed to pay restitution to the client in the amount of \$7,500 as a condition of probation.

In aggravation, respondent committed multiple acts of misconduct. In mitigation, although the misconduct was serious, respondent had been practicing law for 22 years without any discipline, and entered into a stipulation prior to trial.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent committed nine acts of misconduct in two client matters. In the Painter's Product, Inc. matter, respondent failed to perform with competence by failing to prosecute the arbitration, failing to submit the statement ordered by the arbitrator, and failing to file an opposition to the motion to dismiss; failed to inform his client that a motion to dismiss had been filed; failed to refund unearned fees; failed to provide an accounting; and failed to release the client's file. In the Williams matter, respondent failed to file a lawsuit on behalf of the client; failed to refund unearned fees; failed to provide an accounting; and failed to cooperate in the State Bar's investigation.

**Harm (Std. 1.5(j)):** Respondent's misconduct caused significant harm to his clients. Koptis paid \$10,200 in administrative fees and expenses to the American Arbitration Association only to have the

arbitration dismissed with prejudice due to respondent's failure to prosecute. Koptis paid an additional \$2,200 in fees to the arbitrator. And, pursuant to the arbitrator's dismissal order, Koptis was ordered to pay the adverse party's share of the arbitrator's fees in the amount of \$2,200. Further, Williams had to hire another attorney and pay additional attorney's fees.

**Indifference (Std. 1.5(k)):** Respondent's continued failure to provide Koptis with his client file despite multiple requests from the new attorney for Painter's file and despite the pendency of this disciplinary matter, demonstrates respondent's indifference toward rectification or atonement for the consequences of his misconduct.

**Failure to Make Restitution (Std. 1.5(m)):** To date, respondent has not refunded any portion of the unearned fees to Koptis or Williams.

### MITIGATING CIRCUMSTANCES.

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

### AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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

The most severe sanction applicable to respondent's misconduct is found in Standard 2.7(b), which applies to respondent's violations of rule 3-110(A), Rules of Professional Conduct, as well as Business

and Professions Code section 6068(m). Standard 2.7(b) provides that actual suspension is the presumed sanction for performance or communication violations in multiple client matters not demonstrating a habitual disregard of client interests. Here, there are two client matters in which respondent not only failed to perform legal services with competence and failed to properly communicate with clients, but also failed to refund unearned fees, failed to provide accountings, failed to release a client's file, and failed to cooperate in the State Bar investigation.

Respondent's prior record of discipline, multiple acts of misconduct, significant harm to his clients, indifference, and failure to make restitution are aggravating circumstances. Respondent is entitled to mitigation for entering into this stipulation prior to trial. On balance, respondent's misconduct is aggravated. The Standards call for actual suspension, and there is no reason to deviate here. Because the aggravation outweighs the mitigation, the appropriate level of discipline lies somewhere in the middle of the range of discipline set forth in Standard 2.7(b) rather than at the lowest end of that range.

In this matter however, the aggravating impact of the prior discipline is diminished because the misconduct in the current disciplinary matter occurred during the same period of time as the misconduct addressed in respondent's prior discipline. When an attorney has been previously disciplined, and the previous misconduct was contemporaneous with the current misconduct, it is appropriate to "consider the totality of the findings in the two cases to determine what discipline would have been had all the charged misconduct in this period be brought as one case." (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal.State Bar Ct. Rptr. 602, 619.)

The current misconduct was contemporaneous with the misconduct in the first disciplinary matter. The misconduct in the first disciplinary matter occurred between January 10, 2013, and November 22, 2014. The misconduct in the current matter occurred between September 13, 2013, and October 28, 2014. Thus, it occurred completely within the period of his prior offenses.

In analyzing the two disciplinary matters together, it appears that the misconduct was similar in both cases. In the prior disciplinary matter, respondent committed misconduct in two client matters consisting of failing to perform legal services with competence, failing to communicate with his clients, failing to refund unearned fees, failing to provide accountings, and failing to cooperate in the State Bar investigations. The two current disciplinary matters involve the same type of misconduct.

Standard 2.7(b) includes the most severe sanction applicable to respondent's misconduct in both the prior and current matters and requires actual suspension. Considering the totality of the two disciplinary matters as if they had they been brought as one case, the appropriate level of discipline would have been a two-year stayed suspension with three years of probation with conditions including 90 days of actual suspension, along with restitution. However, the prior disciplinary matter already includes a one-year stayed suspension and two years of probation with conditions including 30 days of actual suspension. Therefore, pursuant to the principles of *Sklar*, an additional 60 days of actual suspension as well as increasing the period of stayed suspension to two years and the period of probation to three years, along with restitution, is appropriate.

The level of discipline is also consistent with case authority. In *Matthew v. State Bar*, an attorney received a three-year stayed suspension and three years of probation with conditions including 60 days of actual suspension for committing misconduct in three client matters. (*Matthew v. State Bar* (1989) 49 Cal.3d 784.) In one client matter, the attorney failed to perform legal services with competence, failed to communicate with the client, failed to refund unearned fees and failed to release the client's file. In a second client matter, the attorney failed to perform legal services with competence and failed to

communicate with the client. In a third client matter, the attorney failed to communicate with the client, failed to refund unearned fees, and failed to release the client file. In aggravation, the Court found that the attorney demonstrated indifference toward rectification of or atonement for the consequences of his misconduct. The attorney's failure to refund unearned fees also caused financial harm to the clients. In mitigation, the Court gave limited weight to the lack of prior discipline due to the attorney's short period of time since being admitted to the practice of law.

In this matter, respondent's misconduct warrants slightly more discipline than that imposed in *Matthew*. Respondent's misconduct was similar to the misconduct in *Matthew*. However, his misconduct was slightly more extensive than the misconduct in *Matthew*, and it involved four client matters instead of three.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 9, 2015, the prosecution costs in this matter are \$4,562. 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**

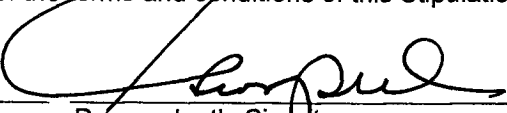
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School to be ordered as a condition of discipline in this matter. (Rules Proc. of State Bar, rule 3201.)

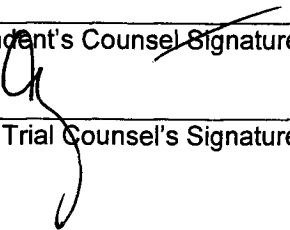
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In the Matter of: <b>GEORGE STEVEN WASS</b>	Case number(s): <b>14-O-04053; 14-O-04313</b>
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**SIGNATURE OF THE PARTIES**

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.

9/21/2015  GEORGE STEVEN WASS  
Date Respondent's Signature Print Name

September 21, 2015  AGUSTIN HERNANDEZ  
Date Deputy Trial Counsel's Signature Print Name



(Do not write above this line.)

In the Matter of: <b>GEORGE STEVEN WASS</b>	Case Number(s): 14-O-04053
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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.

Page 3, C. Mitigating Circumstances: (3) Mark X Candor/Cooperation

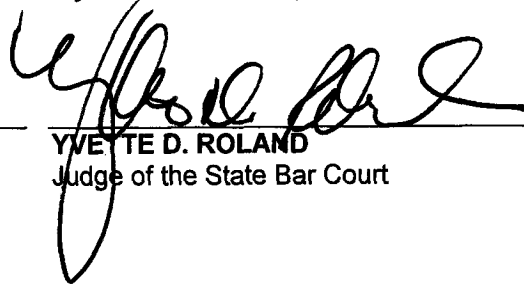
Page 2, effective discipline date is October 11, 2015.

Page 11, effective discipline date is October 11, 2015.

Page 5-6, Additional Conditions of Probation: (11) Respondent shall return Painter's file to Painter's new counsel within five (5) calendar days of the effective date of this order.

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.)**

October 6, 2015  
Date



YVETTE D. ROLAND  
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 October 6, 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:

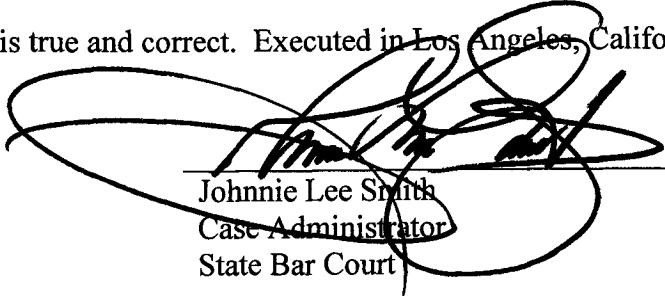
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

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

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

**AGUSTIN HERNANDEZ**, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 6, 2015.

  
\_\_\_\_\_  
Johnnie Lee Smith  
Case Administrator  
State Bar Court