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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Heather E. Abelson Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2357</p> <p>Bar # 243691</p>	<p>Case Number(s): 14-O-04814 15-O-10338</p>	<p>For Court use only</p> <p style="text-align: center;">PUBLIC MATTER</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">JAN - 4 2016</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Samuel C. Bellicini 1005 Northgate Dr. #240 San Rafael, CA 94903 (415) 298-7284</p> <p>Bar # 152191</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: MANDIP SINGH PUREWAL</p> <p>Bar # 202444</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 **September 2, 1999**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



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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: (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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **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.
- (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.

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 11.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (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 "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 11.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (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.
- (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.

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- (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 "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 11.**
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 11.

Prefiling Stipulation - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 12.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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 **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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

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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 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 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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MANDIP SINGH PUREWAL

CASE NUMBERS: 14-O-04814; 15-O-10338

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-04814 (Complainant: Susana Orozco)

FACTS:

1. In March 2013, Susana Orozco ("Orozco") received a call from a non-attorney named "Jose." Jose informed Orozco that her name appeared on a list of homeowners who were behind on their mortgage. Jose told Orozco that he worked for respondent's law firm and could help her. Jose told Orozco that he would stop by her home to review her loan documents with her.
2. Several days later, a non-attorney named "Rudolpho" came to Orozco's house and met with Orozco and her husband. Rudolpho told Orozco and her husband that Jose could not make it. Rudolpho then reviewed Orozco's mortgage documents and told her that respondent's law firm could help, and directed Orozco to visit respondent's Pleasanton office.
3. On April 29, 2013, Orozco went to respondent's law office and met with Jose, who informed Orozco that respondent would file a lawsuit regarding Orozco's first mortgage loan, and get the second loan modified. Jose explained that litigation would result in a lower interest rate, and that respondent had achieved these results for several other homeowners. Orozco asked to speak with respondent, but was told that respondent was too busy.
4. On April 29, 2013, Jose presented Orozco with an Attorney-Client Engagement Agreement for "litigation" services, which was in English. Orozco is a native Spanish speaker, and relied on Jose to translate the agreement since she was not provided with a Spanish version of the Agreement. Jose told Orozco that respondent's services would cost \$9,500, that respondent would accept \$3,500 in advance, and charge \$1,000 per month onto Orozco's credit card for the remaining balance. Orozco signed the Agreement but was not provided with a fully executed copy, or a copy in Spanish. Jose then told Orozco to stop making her mortgage payment because she would then qualify for hardship, and could use those mortgage payments to pay respondent's monthly fees.
5. Respondent did not notify Orozco, in writing, that respondent would not file a lawsuit against Orozco's mortgage lender until after attempts to obtain a mortgage loan modification or other mortgage forbearance were exhausted.

6. Between April 30, 2013 and October 28, 2013, Orozco paid a total of \$9,500 in legal fees to respondent.

7. On May 14, 2013, respondent's office sent Orozco a letter informing her that they were in the process of negotiating a loan modification on her behalf. Respondent's firm sent a second letter to Orozco, that day, requesting various documents to assist in putting together a loan modification packet.

8. On May 17, 2013, respondent's paralegal submitted a Qualified Written request to Chase Bank, who carried her second mortgage loan.

9. Between May and July 2013, Orozco continued to provide documents to respondent's law firm to assist with the loan modification application.

10. Between August and December 2013, Orozco received several letters from PNC Mortgage, which carried her first mortgage loan, notifying her that she was in default. Orozco repeatedly called respondent's law office, asking to speak with respondent, but was always told that he was too busy to speak with her. Orozco ended up speaking with Jose who repeatedly told her not to worry.

11. On October 29, 2013, Orozco received a letter from PNC confirming receipt of an application for a loan modification, and requesting current paystubs.

12. Around December 9, 2013, Orozco received another letter from PNC requesting additional information related to the application for a loan modification. Orozco contacted Jose and asked him whether respondent was pursuing litigation or a loan modification on her behalf. Jose told Orozco that respondent would pursue litigation if they were not successful in obtaining a loan modification.

13. In January and February 2014, Orozco continued to contact respondent's law firm, asking to speak with respondent, and was told that he was too busy to speak with her. Respondent's staff continued to tell Orozco not to worry.

14. Around March 7, 2014, Orozco received a Notice of Trustee's Sale scheduled for July 16, 2014. Orozco called respondent's office approximately nine times, demanding to speak with respondent. Jose eventually gave Orozco respondent's cell number, and Orozco left several voicemail messages for respondent, none of which respondent returned. Respondent answered one of Orozco's calls, and told her that he was traveling out of the country but would schedule a meeting with her for the following week, and would also give Orozco a refund. Respondent never followed up with Orozco.

15. Respondent failed to file a civil complaint against Orozco's mortgage lender.

16. On May 8, 2014, Orozco faxed and mailed a letter to respondent demanding a refund. Respondent received this letter, yet failed to respond or provide a refund.

17. On March 4, 2015, Orozco sent a letter to respondent requesting her client file and a detailed accounting. Respondent received this letter.

18. On April 13, 2015, respondent refunded to Orozco the \$9,500 in fees paid by Orozco. Respondent also sent Orozco her client file, but did not provide an accounting.

CONCLUSIONS OF LAW:

19. By having Jose contact Orozco by phone in March 2013 for the purpose of soliciting respondent's legal services, respondent allowed a solicitation to be made on respondent's behalf, to a prospective client, by communication delivered by telephone, to a person with whom respondent had no family or prior professional relationship, concerning respondent's availability for professional employment with a significant motive of pecuniary gain, in willful violation of the Rules of Professional Conduct, rule 1-400(C).

20. By failing to file a civil complaint on behalf of Orozco against her mortgage lender, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

21. By failing to provide Orozco, a native Spanish speaker, with a copy of the retainer agreement in Spanish, and failing to inform Orozco, in writing, that respondent would not file a lawsuit against Orozco's mortgage lender until after attempts to obtain a mortgage loan modification or other mortgage forbearance were exhausted, respondent failed to keep his 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).

22. By waiting until April 13, 2015, to refund the \$9,500 in unearned fees that respondent received from Orozco, notwithstanding Orozco's requests for a refund in March and May 2014, respondent failed to refund promptly unearned fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

23. By failing to render an accounting to Orozco regarding the \$9,500 in fees paid by Orozco following Orozco's written request for such accounting on March 4, 2015, respondent failed to render an appropriate accounting to a client following a written request, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

24. By offering to negotiate a mortgage loan modification or other mortgage loan forbearance for a fee for Orozco, and thereafter collecting \$9,500 in fees before respondent had fully performed each and every service respondent had been contracted to perform or represented to the client that respondent would perform, respondent violated Civil Code, section 2944.7, in willful violation of Business and Professions Code, section 6106.3.

Case No. 15-O-10338 (Complainant: William Venard)

FACTS:

25. Around September 18, 2012, William Venard ("Venard") received a letter from the servicer of his mortgage loan, America's Servicing Co. ("ASC"), stating that ASC could not offer him mortgage assistance at that time, and that collections would resume against Venard. A sale date for Venard's home was set for November 14, 2012.

26. In November 2012, Venard received an advertisement in the mail from respondent's law firm regarding avoiding foreclosure by modifications, litigation and bankruptcy.

27. Venard called the phone number on the advertisement and spoke to non-attorney Nai Saechao ("Saechao") about suing his mortgage lender. Saechao told him to visit respondent's Pleasanton office.

28. On November 9, 2012, Venard met with Saechao and another unknown individual at respondent's office. Venard was told that respondent's firm sued banks all the time and won. Venard then executed an Attorney-Client Engagement Agreement for "litigation" services. Venard agreed to pay a \$2,500 retainer fee, and \$1,000 a month in installments for a total of \$7,000 for respondent's legal services. Venard also executed an authorization form to obtain various documents needed to process a "loss mitigation application."

29. Respondent did not notify Venard, in writing, that respondent would not file a lawsuit against Venard's mortgage lender until after attempts to obtain a mortgage loan modification or other mortgage forbearance were exhausted.

30. Between November 13, 2012 and May 20, 2013, Venard paid a total of \$7,000 in legal fees to respondent, which included fees for litigation and bankruptcy services.

31. Respondent's firm initiated loan modification negotiations with Venard's mortgage lender.

32. Around December 6, 2012, respondent's paralegal submitted a Qualified Written Request to ASC.

33. Around December 14, 2012, respondent's firm submitted a loan modification application on behalf of Venard.

34. On January 15, 2013, Venard executed a retainer agreement for respondent to prepare and file a Chapter 7 bankruptcy petition. Venard agreed to pay a retainer of \$2,000 and \$306 in filing fees.

35. On January 18, 2013, Venard paid respondent \$2,000 in advanced fees to file the Chapter 7 bankruptcy petition. Venard did not pay any money for filing fees.

36. Between January and May 2013, Venard provided additional documentation to respondent's law firm to assist with obtaining a loan modification, and in preparation for filing a bankruptcy petition.

37. On May 6, 2013, Ramirez sent an email to Venard stating that the \$2,000 Venard had paid for a bankruptcy action would be applied to his litigation fees because Venard decided not to file for bankruptcy.

38. Throughout the course of respondent's representation of Venard, Venard called respondent's law firm on several occasions asking to speak with respondent about filing a lawsuit against Venard's lender, but was always told that respondent was too busy to speak with him.

39. Respondent failed to file a civil complaint against Venard's mortgage lender.

40. On July 30, 2013, frustrated with respondent's failure to file a lawsuit against Venard's lender, Venard hired a new attorney, and constructively terminated respondent's employment.

41. On April 16, 2015, after the State Bar initiated an investigation against respondent, respondent sent a letter to Venard providing a full refund.

CONCLUSIONS OF LAW:

42. By failing to file a civil complaint on behalf of Venard against his mortgage lender, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

43. By failing to inform Venard, in writing, that respondent would not file a lawsuit against Venard's mortgage lender until after attempts to obtain a mortgage loan modification or other mortgage forbearance were exhausted, respondent failed to keep his 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).

44. By waiting until April 16, 2015, to refund the \$7,000 in unearned fees that respondent received from Venard, respondent failed to refund promptly unearned fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

45. By offering to negotiate a mortgage loan modification or other mortgage loan forbearance for a fee for Venard, and thereafter collecting \$7,000 in fees before respondent had fully performed each and every service respondent had been contracted to perform or represented to the client that respondent would perform, respondent violated Civil Code, section 2944.7, in willful violation of Business and Professions Code, section 6106.3.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(j)): Respondent's failure to timely refund unearned fees constitutes significant harm to Orozco and Venard. (*See e.g., In the Matter of Dixon* (Review Dept. 1999) 4 Cal. State Bar Rptr. 23, 45.) The significant harm to Orozco and Venard caused by respondent constitutes an aggravating circumstance pursuant to Standard 1.5(j).

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed 10 acts of misconduct in two client matters. Respondent's multiple acts of misconduct constitute an aggravating circumstance pursuant to Standard 1.5(b).

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

No Prior Discipline: Although respondent's misconduct is serious, he is entitled to limited mitigation for having practiced law for approximately 13 years without discipline prior to engaging in the current misconduct. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Good Character (Std. 1.6(f)): Respondent provided the State Bar with 12 character reference letters from individuals within the legal and general communities, all of whom were aware of the full extent of respondent's misconduct. Respondent is entitled to some mitigation for good character pursuant to Standard 1.6(f).

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the filing of a Notice of Disciplinary Charges, thereby saving State Bar Court time and resources. Also, by entering into this stipulation, respondent is recognizing his wrongdoing and taking steps to atone. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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

In this matter, respondent committed 10 acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.” The most severe sanction applicable to respondent’s misconduct is found in Standard 2.7 based on respondent’s violations of Business and Professions Code section 6068(m) and Rules of Professional Conduct, rule 3-110(A). Standard 2.7(b) provides that “[a]ctual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests.”

Here, a 30-day actual suspension, which is on the low end of the available range, is appropriate. An actual suspension is warranted because respondent’s committed misconduct in two client matters, and his misconduct is aggravated by multiple acts of misconduct and significant harm to these two clients. A level of discipline above a 30-day actual suspension is not warranted because respondent committed misconduct in only two client matters, which is the minimum number of client matters required for Standard 2.7(b) to apply. Further, respondent’s misconduct is mitigated by no prior record of discipline, good character, and by entering into a prefiling stipulation.

Bach v. State Bar (1991) 52 Cal.3d 1201, supports a 30-day actual suspension in this matter. In *Bach*, the California Supreme Court ordered attorney Bach actually suspended from the practice of law for 30 days, for failing to perform legal services competently for a single client, failing to communicate with his client, withdrawing from representation without client consent or court approval, failing to refund unearned fees, and failing to cooperate in the State Bar's investigation. *Id.* at 1205. The Court noted that Bach had 26 years of prior practice with no discipline. *Id.* at 1204, 1208. The Court also found that respondent's refusal to accept any responsibility for the harm caused to his client, was an aggravating factor. *Id.* at 1209.

Here, respondent's misconduct warrants the same level of discipline as attorney Bach's misconduct. Although respondent failed to perform competently and failed to adequately communicate in two client matters, as opposed to attorney Bach who only committed misconduct against a single client, respondent is entitled to more mitigating circumstances. Therefore, notwithstanding the fact that respondent committed more acts of misconduct than attorney Bach committed, because respondent is entitled to more mitigation, respondent's misconduct warrants the same level of discipline.

Balancing all of the appropriate factors, a 30-day actual suspension is consistent with the Standards and *Bach*, and is appropriate taking into consideration the facts and circumstances of these two cases.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of December 17, 2015, the prosecution costs in this matter are \$4,044. 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


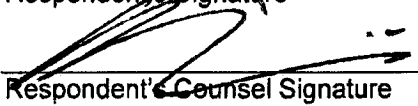

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: MANDIP SINGH PUREWAL	Case number(s): 14-O-04814; 15-O-10338
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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.

<u>12-20-15</u> Date	 Respondent's Signature	<u>Mandip Singh Purewal</u> Print Name
<u>26 Dec 2015</u> Date	 Respondent's Counsel Signature	<u>Samuel C. Bellicini</u> Print Name
<u>12-28-15</u> Date	 Deputy Trial Counselor's Signature	<u>Heather E. Abelson</u> Print Name

(Do not write above this line.)

In the Matter of: MANDIP SINGH PUREWAL	Case Number(s): 14-O-04814; 15-O-10338
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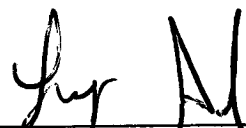
ACTUAL SUSPENSION ORDER

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

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

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

Jan 4, 2016
Date


LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on January 4, 2016, I deposited a true copy of the following document(s):

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

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

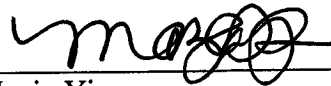
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

SAMUEL C. BELLICINI
SAMUEL C. BELLICINI, LAWYER
1005 NORTHGATE DR # 240
SAN RAFAEL, CA 94903

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

HEATHER ABELSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 4, 2016.



Mazie Yip
Case Administrator
State Bar Court