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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		
<p>Counsel For The State Bar</p> <p><b>Ann J. Kim</b>                      Deputy Trial Counsel                      845 S. Figueroa Street                      Los Angeles, CA 90017                      (213) 765-1230</p> <p>Bar # 259222</p>	<p>Case Number(s):                      14-O-05953;                      14-O-06067;                      15-O-10276;                      15-O-10486</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;"><b>FILED</b></p> <p style="text-align: center;">OCT 21 2015 <i>[Signature]</i></p> <p style="text-align: center;">STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>Susan L. Margolis</b>                      Margolis &amp; Margolis LLP                      2000 Riverside Dr.                      Los Angeles, CA 90039                      (323) 953-5996</p> <p>Bar # 104629</p>	<p style="font-size: 1.5em; font-weight: bold;">PUBLIC MATTER</p>	
<p>In the Matter of:  <b>JAMES LISSANT CONKEY</b></p> <p>Bar # 46616</p> <p>A Member of the State Bar of California                      (Respondent)</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND                      DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **June 26, 1970**.
- (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 **12** 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."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **Three billing cycles immediately following the effective date of the Hearing Department 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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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

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- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline".
- (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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (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 attachment at page 9.
- (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. **See attachment, at page 9.**
- (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.

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- (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.
- (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 attachment, at page 10.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Profiling Stipulation: see attachment, at page 10.**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproval for a period of **one (1) year**.

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- (2)  During the condition period attached to the reproof, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproof.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
  - No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  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 of the effective date of the reproof.
  - No MPRE recommended. Reason: .

- (11)  The following conditions are attached hereto and incorporated:

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Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

Financial Conditions

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

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                    JAMES LISSANT CONKEY

CASE NUMBERS:                     14-O-05953; 14-O-06067; 15-O-10276; 15-O-10486

**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-05953 (Complainant: Gustavo Romero)

**FACTS:**

1. On March 12, 2014, Gustavo and Valerie Romero (“the Romeros”) entered into a retainer agreement to hire respondent’s firm, Main Law PC (“Main”) to perform home mortgage loan modification services. The retainer agreement provided for advanced legal fees of \$3,500 to be paid to Main.

2. On March 12, 2014, the Romeros made a payment of \$1,167 in advanced fees for a loan modification to respondent. On April 10, 2014, the Romeros made a second payment of \$1,167 in advanced fees for a loan modification to respondent. On May 12, 2014, the Romeros made a final payment of \$1,167 in advanced fees for a loan modification to respondent. At the time of the payments, respondent had not completed all of the loan modification services he had agreed to perform.

3. Between April 9, 2015, and May 17, 2015, and after the instant State Bar disciplinary proceeding had commenced, respondent refunded all of the advanced fees to the Romeros.

**CONCLUSIONS OF LAW:**

4. By agreeing to negotiate a mortgage loan modification for the Romeros, and collecting fees from them when he had not completed all loan modification services he had agreed to perform, respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service respondent had contracted to perform or represented that he would perform, in violation of Section 2944.7(a)(1) of the Civil Code, and thereby wilfully violated Business and Professions Code section 6106.3.

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Case No. 14-O-06067 (Complainant: Lea Gutierrez)

FACTS:

5. On October 9, 2014, Shirley Campbell entered into a retainer agreement to hire respondent's firm, Law Offices of James Conkey, to perform home mortgage loan modification services. The retainer agreement provided for advanced legal fees of \$1,995 to be paid to respondent's firm.

6. On October 10, 2014, Ms. Campbell made a payment of \$1,995 in advanced fees for a loan modification to the Law Offices of James Conkey. At that time, respondent had not completed all of the loan modification services he had agreed to perform.

7. On October 19, 2014, Lea Gutierrez, Ms. Campbell's daughter and holder of a power of attorney with regard to Ms. Campbell's financial matters, learned of the October 10, 2014 payment by Ms. Campbell to the Law Offices of James Conkey for a loan modification. At this time, Ms. Gutierrez contacted respondent's law firm, and advised respondent that her mother did not have the capacity to enter into the retainer agreement for the loan modification, and that Ms. Gutierrez was the holder of a power of attorney with regard to Ms. Campbell's financial matters. Ms. Gutierrez also requested that respondent provide a refund of the advanced fees paid by Ms. Campbell.

8. On March 4, 2015, after the instant State Bar disciplinary proceeding had commenced, respondent refunded all of the advanced fees to Ms. Gutierrez.

CONCLUSIONS OF LAW:

9. By agreeing to negotiate a mortgage loan modification for Ms. Campbell, and collecting fees from her when he had not completed all loan modification services he had agreed to perform, respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service respondent had contracted to perform or represented that he would perform, in violation of Section 2944.7(a)(1) of the Civil Code, and thereby wilfully violated Business and Professions Code section 6106.3.

Case No. 15-O-10276 (Complainant: Gary Schmidt)

FACTS:

10. On March 21, 2014, Gary Schmidt entered into a retainer agreement to hire respondent's firm, Main Law PC ("Main"), to perform home mortgage loan modification services. The retainer agreement provided for advanced legal fees of \$3,800 to be paid to Main.

11. On March 24, 2014, Mr. Schmidt made a payment of \$1,900 in advanced fees for a loan modification to respondent. On April 29, 2014, Mr. Schmidt made a second payment of \$1,900 in advanced fees for a loan modification to respondent. At the time of the payments, respondent had not completed all of the loan modification services he had agreed to perform.

12. On May 14, 2015, after the instant State Bar disciplinary proceeding had commenced, respondent refunded all of the advanced fees to Mr. Schmidt.



## CONCLUSIONS OF LAW:

13. By agreeing to negotiate a mortgage loan modification for Mr. Schmidt, and collecting fees from them when he had not completed all loan modification services he had agreed to perform, respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service respondent had contracted to perform or represented that he would perform, in violation of Section 2944.7(a)(1) of the Civil Code, and thereby wilfully violated Business and Professions Code section 6106.3.

### Case No. 15-O-10486 (Complainant: Susan Leverett)

## FACTS:

14. On May 15, 2014, Susan Leverett entered into a retainer agreement to hire respondent's firm, Main Law PC ("Main"), to perform home mortgage loan modification services. The retainer agreement provided for advanced legal fees of \$3,740 to be paid to Main.

15. On May 15, 2014, Ms. Leverett made a payment of \$1,870 in advanced fees for a loan modification to respondent. On June 6, 2014, Ms. Leverett made a second payment of \$1,870 in advanced fees for a loan modification to respondent. At the time of the payments, respondent had not completed all of the loan modification services he had agreed to perform.

16. On May 18, 2015, after the instant State Bar disciplinary proceeding had commenced, respondent refunded all of the advanced fees to Ms. Leverett.

## CONCLUSIONS OF LAW:

17. By agreeing to negotiate a mortgage loan modification for Ms. Leverett, and collecting fees from her when he had not completed all loan modification services he had agreed to perform, respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service respondent had contracted to perform or represented that he would perform, in violation of Section 2944.7(a)(1) of the Civil Code, and thereby wilfully violated Business and Professions Code section 6106.3.

## AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent's misconduct evidences multiple acts of wrongdoing. Between March 2014 and October 2014, respondent accepted illegal advanced loan modification fees from four different clients.

## MITIGATING CIRCUMSTANCES.

**No Prior Discipline (Std. 1.6(a)):** Respondent has been an attorney since 1970 and has no record of discipline in 43 years of practice prior to the misconduct, which is entitled to significant mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49; see *Friedman v. State Bar* (1990) 50 Cal.3d 235, 242 [20 years in the practice of law without discipline is afforded significant weight in mitigation].)

**Good Character (Std. 1.6(f)):** Respondent has provided eight letters attesting to his extraordinary good character from a wide range of references in the legal and general communities who are aware of the full extent of the misconduct. References include a retired Superior Court Judge, a retired public defender, the former city attorney of Huntington Beach, a retired magazine publisher, a retired court administrator, next-door neighbors, and a Jesuit Priest, all of whom have known respondent anywhere from 15 to 61 years. Respondent also provided evidence that he has a significant record of community volunteer work. For years, respondent participated in St. Vincent de Paul Society (homeless outreach), Habitat for Humanity and California Junior Chamber of Commerce. Respondent also supported the Boys and Girls Club of Laguna Beach.

**Pre-Filing Stipulation:** Respondent has voluntarily entered into this stipulation to resolve the matter before the filing of disciplinary charges and should receive mitigative credit for his admission of culpability and consent to the imposition of discipline, thus saving limited State Bar resources and acknowledging and accepting responsibility for his misconduct. (*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; hereinafter “Standards.”) 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, Standard 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. (Standard 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Standard 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. (Standards 1.7(b)-(c).)

Standard 2.18 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, such as a violation of Business and Professions Code section 6106.3. Accordingly, respondent’s collection of illegal fees for the performance of loan modification services in four different client

matters in violation of Civil Code section 2944.7(a) (i.e. SB94) warrants some period of actual suspension.

However, Standard 1.7(c) provides:

If mitigating circumstances are found... it is appropriate to impose or recommend a lesser sanction than what is otherwise specified in a given Standard. On balance, a lesser sanction is appropriate in cases of minor misconduct where there is little or no injury to a client, the public, the legal system, or the profession and where the record demonstrates that the member is willing and has the ability to conform to ethical responsibilities in the future.

Pursuant to Standard 1.7(c), an actual suspension is not appropriate. Respondent had 43 years of discipline-free practice before collecting illegal fees for the performance of loan modification services, for which he is entitled significant mitigation. Respondent has also provided evidence of good character. Although respondent is not entitled to mitigation for restitution because State Bar disciplinary proceeding had commenced, respondent has made full refunds to the clients. Although respondent committed multiple acts of misconduct, the misconduct occurred within a limited span of seven months. Accordingly, the mitigating circumstances outweigh the aggravating factors, warranting a lesser discipline than actual suspension. Therefore, a public reproof with conditions is the appropriate level of discipline under the circumstances.

A public reproof is consistent with case law. In *In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 221, the attorney collected illegal advanced fees in loan modification matters from at least eight different clients in violation of Business and Professions Code section 6106.3. Specifically, in *Taylor*, the Review Department recommended discipline consisting of a two (2) year stayed suspension and a two (2) year probation with conditions including a six (6) month actual suspension and until he paid restitution of \$14,350.00 plus interest to six different clients. In the current matter, respondent's misconduct is not nearly as egregious as that of attorney Taylor. There are fewer clients involved and no restitution owed. Respondent also has more years of discipline-free practice prior to his misconduct (43 years versus 5 years) and good character. Therefore, respondent's misconduct warrants a lesser discipline. A public reproof is sufficient to protect the public, the courts and legal profession, to maintain the highest professional standards, and to preserve public confidence in the legal profession.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 11, 2015, the prosecution costs in this matter are \$6,000. 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.**

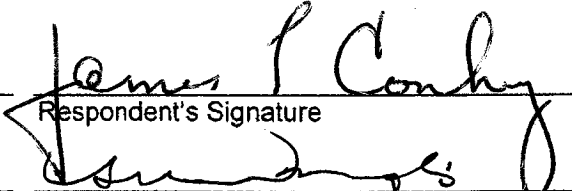

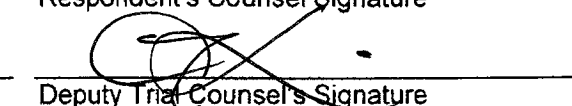
Pursuant to rule 3201, respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules of Proc. of State Bar, rule 3201.)

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In the Matter of: <b>JAMES LISSANT CONKEY</b>	Case number(s): <b>14-O-05953; 14-O-06067; 15-O-10276; 15-O-10486</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.

<u>9/22/15</u> Date	 Respondent's Signature	<u>JAMES L. CONKEY</u> Print Name
<u>9-28-15</u> Date	 Respondent's Counsel Signature	<u>SUSAN L. MARGOLIS</u> Print Name
<u>10/1/2015</u> Date	 Deputy Trial Counsel's Signature	<u>ANN J. KIM</u> Print Name

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In the Matter of: JAMES LISSANT CONKEY	Case Number(s): 14-O-05953; 14-O-06067; 15-O-10276; 15-O-10486
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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reapproval, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department 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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reapproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

October 19, 2015  
Date

Rebecca Meyer Rosenberg  
REBECCA MEYER ROSENBERG JUDGE PRO TEM  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 21, 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:

SUSAN LYNN MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

Ann J. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 21, 2015.



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Angela Carpenter  
Case Administrator  
State Bar Court