

ORIGINAL

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<p align="center">State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION</p> <p align="right">PUBLIC MATTER</p>		
<p>Counsel For The State Bar</p> <p>Ann J. Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1230</p> <p>Bar # 259222</p>	<p>Case Number(s): 15-J-10991-YDR</p>	<p>For Court use only</p> <p align="center">FILED</p> <p align="center">MAR 11 2016</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave. Unit 308 South Pasadena, CA 91030</p> <p>Bar # 77688</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: RORY JOSEPH VOHWINKEL</p> <p>Bar # 276102</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 **May 25, 2011**.
- (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 **11** 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.
- ☒ 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 in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- ☐ Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(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 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..

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- (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 8.
- (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.

- (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 subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

No Prior Record of Discipline: see attachment, at page 8.

Good Character: see attachment, at pages 8-9.

Community Service: see attachment, at page 9.

Pretrial Stipulation: see attachment, at page 9.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) 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:

The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent is placed on probation for a period of **one (1) year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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- (3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☐ The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RORY JOSEPH VOHWINKEL

CASE NUMBER: 15-J-10991-YDR

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. 15-J-10991 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

1. Respondent was admitted to practice law in the state of Nevada on September 25, 2003. Respondent was admitted to practice law in California on May 25, 2011.
2. On June 5, 2014, the State Bar of Nevada, Southern Nevada Disciplinary Board, filed a complaint alleging professional misconduct by respondent.
3. On September 11, 2014, respondent entered into a Conditional Guilty Plea in Exchange for a State Form of Discipline with the State Bar of Nevada, Southern Nevada Disciplinary Board, in case numbers SG10-0181, SG11-1436, and SG12-0892.
4. In case number SG10-1181, respondent admitted that he committed a violation of rule 1.3, rule 1.4, rule 1.5, rule 5.3, and rule 5.5 of the Nevada Rules of Professional Conduct.
5. In case number SG11-1436, respondent admitted that he committed a violation of rule 1.3, rule 1.4, rule 1.5, rule 5.3, and rule 5.5 of the Nevada Rules of Professional Conduct.
6. In case number SG12-0892, admitted that he committed a violation of rule 1.3, rule 1.4, rule 1.5, rule 5.3, and rule 5.5 of the Nevada Rules of Professional Conduct.
7. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client. Rule 1.4 requires that a lawyer promptly respond to client inquiries and keep the client reasonably informed about the status of the matter. Rule 1.5 prohibits making an agreement for, charging, or collecting an unreasonable fee or an unreasonable amount for expenses. Rule 5.3 holds a lawyer responsible for conduct of a nonlawyer that the lawyer has direct supervisory authority over. Rule 5.5 prohibits assisting another person in the unauthorized practice of law.
8. On September 23, 2014 the State Bar of Nevada, Southern Nevada Disciplinary Board filed a Findings of Fact, Conclusions of Law and Recommendation Approving Conditional Guilty Plea in Exchange for a State Form of Discipline: recommending that respondent receive a public reprimand, pay disciplinary costs, and pay restitution in the amount of \$1,250. On November 20, 2014, the Notice of Entry of Order was filed and that order became final.

9. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

10. Respondent was part owner and supervising attorney of Paladin Legal Advocacy Center ("Paladin"), which advertised as being able to provide assistance with loan modifications, short sales, and bankruptcies. The advertisements stated that "all work is overseen by experienced real estate attorneys in our office".

State Bar of Nevada Case No. SG10-1181 (Sharyn Nesbitt)

11. In September 2009, Sharyn Nesbitt ("Nesbitt") retained Paladin to negotiate two loan modifications. Nesbitt paid Paladin \$5,500 for these services. Nesbitt was a Nevada resident and the properties were located in Nevada.

12. Zachary Roberts ("Roberts"), a California attorney who has never been license to practice in Nevada, conducted Nesbitt's initial consultation and facilitated the signing of the retainer agreement.

13. Roberts also provided Nesbitt with legal advice as to the best course of action based on her situation, and counseled her regarding the documentation that would be required to submit her application with the bank.

14. In April 2010, Nesbitt tried to contact Paladin, but received no response.

15. Dissatisfied with her service by Paladin, Nesbitt subsequently filed a grievance with the Nevada State Bar.

State Bar of Nevada Case No. SG11-1436 (Joe Yakubik)

16. On April 2, 2009, Joe Yakubik ("Yakubik") retained Paladin to negotiate loan modifications for six residential properties. Yakubik paid Paladin \$8,000 for these services. Yakubik was a Nevada resident and the properties were located in Nevada.

17. Roberts conducted Yakubik's initial consultation, facilitated the signing of his fee agreement, provided legal advice as to the best course of action based on Yakubik's situation, and counseled him regarding the documentation required to submit his application with the bank. Yakubik provided the required documentation to Paladin.

18. Yakubik stated that no work was ever done on his loan modifications with the exception of a third party authorization form being sent to a few of his lenders. When Yakubik complained to Roberts, Roberts referred Yakubik to respondent stating that respondent was the local attorney assigned to Yakubik's files.

19. On September 26, 2011, Yakubik filed a bar grievance with the Nevada State Bar stating that he had demanded an accounting from respondent, but never received a response or a refund.

20. In response to the Nevada State Bar, respondent confirmed Yakubik had retained the services of Paladin.

State Bar of Nevada Case No. SG12-0892 (Robert and Adela Lindsey)

21. On May 6, 2009, Robert and Adela Lindsey ("Lindseys") retained Paladin to pursue a loan medication for their home. The Lindseys paid Paladin \$1,500 for these services. The Lindseys were Nevada residents and the property was located in Nevada.

22. Roberts conducted the Lindseys' initial consultation, facilitated the signing of their fee agreement, provided them with legal advice regarding the best course of action based on their situation, and counseled them regarding the documentation required to submit their application with the bank. The Lindseys provided the required documentation to Paladin.

23. Over the next several months, the Lindseys made frequent attempts to contact Paladin for information about the progress of their loan modification with no response. I

24. In December 2009, Mrs. Lindsey went to the office and demanded their money back. This was the first and only time the Lindseys ever spoke with respondent. Respondent refused to provide a refund.

25. Paladin did not obtain a loan modification for the Lindseys. The Lindseys terminated Paladin's service.

CONCLUSION OF LAW:

26. As a matter of law, respondent's culpability of professional misconduct determined in the proceeding in Nevada warrants the imposition of discipline under the laws and rules binding upon respondent in the State of California at the time respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a). The misconduct, had it occurred in California, would have violated Rules of Professional Conduct, rule 3-110(A) (failure to perform), rule 1-300(A) (aiding the unauthorized practice of law) and Business and Professions Code section 6068(m) (failure to respond to client inquiries).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)). From 2009 to 2011, respondent failed to communicate, failed to perform services with competence, failed to adequately supervise a non-attorney, and aided in the unauthorized practice of law in three separate client matters.

MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline: Respondent had practiced law for six years without a prior record of discipline in Nevada when the misconduct occurred. Respondent is entitled to nominal mitigating credit. (*In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67 [five years entitled to nominal weight].)

Good Character: Respondent provided seven letters attesting to his extraordinary good character from a wide range of references in the legal and general communities. Some of whom are aware of the full extent of the misconduct. References include respondent's former teacher and coach, a law school colleague, a soccer teammate, current clients, one former client, and a close family friend, (*In the Matter*

of *Kreitenberg* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469, 477; *In re Ford* (1988) 44 Cal.3d 810, 818 [witnesses who are not aware of the full extent of respondent's misconduct are entitled to limited weight].)

Community Service: Respondent is a member of the Young Philanthropist Society of the United Way and frequently volunteers at the Piggy Bank program, which promotes financial education and stability. Respondent is also a member of the Federal Club of the Human Rights Campaign, promoting equal rights, and volunteers as a youth volleyball coach. Additionally, respondent has been a "Big Brother" for Big Brothers Big Sisters of Southern Nevada for the past three years. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [where civic service was recognized as a mitigating circumstance].)

Pretrial Stipulation: Respondent has entered into a full stipulation. Respondent is entitled to mitigation for cooperating with the Office of Chief Trial Counsel prior to trial, thereby saving the State Bar Court time and 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].) Weight should be tempered given that findings in other jurisdictions are conclusive evidence of culpability here.

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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

Had the misconduct occurred in California, it would have violated Rules of Professional Conduct, rule 3-110(A) (failure to perform), rule 1-300(A) (aiding the unauthorized practice of law) and Business and Professions Code section 6068(m) (failure to respond to client inquiries). Standard 2.7(b) applies to

respondent's failure to perform and communicate in multiple client matters and provides for actual suspension. Standard 2.7(b) imposes the most severe sanction with actual suspension. Standard 2.7(b) is a broad standard, and consolidation of other factors, including scope and magnitude of wrongdoing, aggravation and mitigation is necessary to fix discipline (See Std. 1.7(b)).

In the current matter, respondent stipulated with the Nevada State Bar that he failed to perform, failed to communicate, and aided in the authorized practice of law in three client matters. Respondent's misconduct occurred in 2009-2010. Since 2010, respondent has not engaged in any misconduct and the totality of circumstances indicates that respondent's misconduct was isolated.

In mitigation, respondent had six years of discipline-free practice in Nevada prior to the misconduct, good character, and community service. In aggravation, respondent engaged in multiple acts of misconduct. Balancing the misconduct with the mitigating and aggravating circumstances, a discipline on the lower end of the spectrum is appropriate. A one (1) year stayed suspension and a one (1) year probation with conditions best serves the purposes of professional discipline as stated in Standard 1.1.

This recommended level of discipline is supported by case law. In *Matthew v. State Bar* (1989) 49 Cal.3d 784, the attorney failed to perform services, failed to communicate, and refused to return unearned fees in three client matters. In aggravation, the Supreme Court found harm and indifference. In mitigation, the Supreme Court did not assign much weight to the attorney's lack of prior discipline because he was only in practice a brief time. The Supreme Court imposed a sixty-day actual suspension.

The current matter does not involve client funds, and overall, it is less serious. Unlike *Matthew*, respondent provided mitigation of good character and community service. Therefore, the appropriate level of discipline for respondent's misconduct should be less than *Matthew*, and a stayed suspension is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 1, 2016, the prosecution costs in this matter are \$3,066.00. 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 Ethics School ordered as a condition of discipline. (Rules of Proc. of State Bar, rule 3201.)

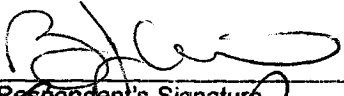


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In the Matter of:
VOHWINKEL, RORY J.

Case number(s):
15-J-10991-YDR

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>3/1/16</u> Date	 Respondent's Signature	<u>RORY J. VOHWINKEL</u> Print Name
<u>3/3/16</u> Date	 Respondent's Counsel Signature	<u>ELLEN A. PANSKY</u> Print Name
<u>3/4/2016</u> Date	 Deputy Trial Counsel's Signature	<u>ANN J. KIM</u> Print Name

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In the Matter of:
VOHWINKEL, RORY J.

Case Number(s):
15-J-10991

STAYED SUSPENSION ORDER

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

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

Page 7, #12 – modified to read “licensed” instead of license

Page 8, #21—modified to read “modification” instead of medication

Page 8, #23 – delete “I”

Page 10 – paragraph 2 modified to read “aided in the unauthorized practice of law” instead of aided in the authorized practice of law

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.)**

March 10, 2016

Date

Yvette D. Roland
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 March 11, 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:

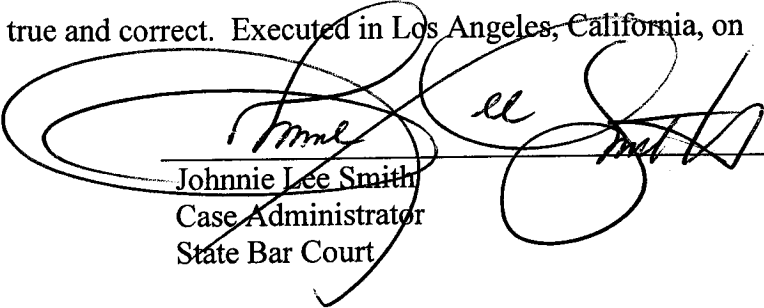
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ELLEN ANNE PANSKY
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030**

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

ANN J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 11, 2016.



Johnnie Lee Smith
Case Administrator
State Bar Court