

ORIGINAL

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<b>State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION</b>		
Counsel For The State Bar  <b>Catherine Taylor</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2537  Bar # 210540	Case Number(s): 15-O-11182-PEM 15-O-12166 [INV] 15-O-12530 [INV] 15-O-12742 [INV] 15-O-13653 [INV]	For Court use only  <div style="text-align: right; font-size: 2em;"><b>FILED</b></div> <div style="text-align: right; font-size: 1.5em;">JAN 05 2016</div> <div style="text-align: right; font-size: 1.2em;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel For Respondent  <b>Samuel C. Bellicini</b> 1005 Northgate Drive, #240 San Rafael, CA 94903 (415) 298-7284  Bar # 152191	<div style="font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	
In the Matter of: <b>RAYMOND PAUL TURLEY</b>  Bar # 177777  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**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 29, 1995**.
- (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 **15** 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."

(Effective July 1, 2015)



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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):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline**
  - (a)  State Bar Court case # of prior case
  - (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.

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- (7)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See Attachment at p. 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 Attachment at p. 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. **See Attachment at p. 12.**
- (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

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**No Prior Discipline: See Attachment at p. 12.**  
**Family/Personal Difficulties: See Attachment at p. 12.**  
**Good Character: See Attachment at p. 12.**  
**Pre-Trial Stipulation: See Attachment at p. 12.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two years**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **90 days**.

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- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

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- 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)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

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

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

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In the Matter of: <b>RAYMOND PAUL TURLEY</b>	Case Number(s): <b>15-O-11182 [15-O-12166; 15-O-12530; 15-O-12742; 15-O-13653]-PEM</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

#### b. Installment Restitution Payments

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

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

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

#### c. Client Funds Certificate

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

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b. Respondent has kept and maintained the following:

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

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

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

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

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

d. **Client Trust Accounting School**

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



ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:        RAYMOND PAUL TURLEY

CASE NUMBERS:            15-O-11182-PEM  
                                  [15-O-12166; 15-O-12530; 15-O-12742; 15-O-13653]

**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-O-11182 (State Bar Investigation)

FACTS:

1. In order to remain as an active member of the State Bar, respondent was required to complete 25 hours of minimum continuing legal education ("MCLE") during the period February 1, 2011 through January 31, 2014 (the "compliance period").
2. On June 30, 2014, respondent reported under penalty of perjury to the State Bar via a submitted compliance declaration using the online reporting tool through My State Bar Profile on the State Bar website that he was in compliance with the MCLE requirements, and, in particular, that he had completed all of his MCLE during the compliance period.
3. In fact, respondent had completed no hours within the compliance period.
4. When respondent reported to the State Bar under penalty of perjury that he was in compliance with the MCLE requirements, respondent knew that he had not completed any of the MCLE during the compliance period as required.
5. By November 12, 2014, respondent completed 25 hours of MCLE after the compliance period and MCLE audit and paid the \$75 penalty.

CONCLUSIONS OF LAW:

6. By falsely reporting under penalty of perjury to the State Bar that he was in compliance with the MCLE requirements when respondent knew he was not, respondent thereby committed an act involving moral turpitude, dishonesty or corruption willful violation of Business and Professions Code, section 6106.

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Case No. 15-O-12166 (CW: Quarles)

FACTS:

7. Between November 1 and 11, 2014, respondent was placed on ineligible status and not entitled to practice law due to MCLE non-compliance.
8. On November 10, 2014, respondent filed a Notice and Motion for Reconsideration in Alameda County Superior Court case no. RG10537233, on behalf of his client, Meaghan Keegan.

CONCLUSIONS OF LAW:

9. By filing a motion on behalf of his client in Alameda County Superior Court case no. RG10537233, respondent held himself out as entitled to practice law and actually practiced law when respondent was not entitled to practice law in California in violation of Business and Professions Code sections 6125 and 6126, and thereby wilfully violated Business and Professions Code section 6068(a).
10. By filing a motion on behalf of his client in Alameda County Superior Court case no. RG10537233, respondent held himself out as entitled to practice law and actually practiced law when respondent was not entitled to practice law in California in violation of Business and Professions Code sections 6125 and 6126, and thereby wilfully violated Business and Professions Code section 6106.

Case No. 15-O-12530 (State Bar Investigation)

FACTS:

11. On April 30, 2015, respondent issued check no. 1149, a check drawn on his client trust account ("CTA"), Bank of America account no. xxxxxx7798, payable to Rocwood [sic] Apartments, respondent's landlord, in the amount of \$1,070.
12. At the time the check was issued, respondent's CTA had a balance of \$112.47, which were respondent's own funds.
13. On May 1, 2015, respondent deposited \$1,100 of his own funds into the CTA.

CONCLUSIONS OF LAW:

14. By issuing check no. 1149 drawn on respondent's client trust account, Bank of America account no. xxxxxx7798, for payment of personal expenses; by overdrawing the account; and by depositing \$1,100 of his funds into the CTA, respondent willfully violated the Rules of Professional Conduct, rule 4-100(A).

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Case No. 15-O-12742 (CW: Barber)

FACTS:

15. In August 2009, Branden Barber hired respondent to represent him in a personal injury matter arising out of a motorcycle accident that occurred July 24, 2008, resulting in minor injury and property damage.
16. Respondent failed to file Barber's case within the statute of limitations.
17. In September 2009, respondent admitted his error to Barber and promised to pay Barber \$12,000 to rectify respondent's mistake.
18. On August 14, 2015, respondent reaffirmed the debt and signed a contract to repay Barber with interest. As of December 1, 2015 respondent has paid Barber \$7,500.

CONCLUSIONS OF LAW:

19. By failing to file a personal injury lawsuit on behalf of Barber within the statute of limitations period, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 15-O-13653 (State Bar Investigation)

FACTS:

20. On May 22, 2015, respondent issued e-check no. 0242955, a check drawn on his client trust account ("CTA"), Bank of America account no. xxxxxx7798, payable to Verizon Wireless in the amount of \$114.36.
21. At the time the check was issued, respondent's CTA had a balance of \$2.47, resulting in an overdraft of negative -\$111.89. The bank honored the check.

CONCLUSIONS OF LAW:

22. By issuing e-check no. 0242955 drawn on respondent's client trust account, Bank of America account no. xxxxxx7798, for payment of personal expenses, and by overdrawing the account, respondent willfully violated the Rules of Professional Conduct, rule 4-100(A).

**AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent committed six acts of misconduct over a four year period.

**Harm (Std. 1.5(j)):** Respondent failed to file his client's personal injury lawsuit within the statute of limitations, thereby preventing his client from recovering his losses due to injuries and property damage.

## MITIGATING CIRCUMSTANCES.

**1.6(g) Spontaneous remorse, timely atonement:** In case no. 15-O-12742, respondent admitted to his client his failure to file the personal injury case before the statute of limitations ran and offered to pay client Branden Barber \$12,000 to rectify it. Respondent paid \$6,000 of his promise before he was unable to pay any more and stopped communicating. Since then, respondent has re-affirmed the debt in writing and begun making monthly payments to Barber, including interest.

**No prior discipline:** Respondent, when the misconduct herein occurred, had practiced law for 15 years without a prior record of discipline. Respondent is entitled to mitigating credit for no prior discipline even where the underlying misconduct is found to be serious or significant. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13; *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49).

**Family/personal difficulties:** Respondent went through a difficult separation and child custody battle beginning in 2012. During that time, he moved out of the family home and moved his office about three times, at one point working out of his apartment to save money. He also limited his practice significantly and his income suffered. Beginning around the same time, and continuing through 2014, respondent's mother's health deteriorated significantly and she was ultimately placed in a dementia-care home in August 2014. Respondent's parents live in Los Angeles and his mother's declining health and Alzheimer's would require sudden, urgent trips to help his 85-year-old father who was his mother's primary caregiver. During this time, respondent signed his compliance declaration "without adequate review or assurance that I had actually completed" the MCLÉ. Respondent is also seeking treatment for alcohol dependence and depression. All these factors distracted respondent from directing adequate attention to his law practice. (*In the Matter of Mitchell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 332 [the Supreme Court has often considered lay testimony of emotional problems as mitigation.]; *In the Matter of Heiner* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 301 [The Supreme Court has often accepted lay testimony regarding marital difficulties as appropriate mitigation.]).

**Character references (Std. 1.6(f)):** Respondent provided three letters from attorneys familiar with his work and aware of his divorce and family difficulties. In addition, respondent has provided four letters from friends attesting to his good character and describing his misconduct as a by-product of his stress and family problems. All of the character references are aware of the nature of respondent's misconduct.

**Pre-trial Stipulation:** Respondent has admitted all of the alleged misconduct in response to the investigation letters and has agreed to enter into a stipulation as to facts to fully resolve this matter without the necessity of a trial, thereby saving the State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]).

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## 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).)

The misconduct here involves different standards. Most seriously, Std. 2.11 applies to acts of moral turpitude: one for falsely reporting MCLE credits and one for practicing law while ineligible:

Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct and related to the member’s practice of law.

Where different standards apply, the most severe sanction must be imposed, according to Std. 1.7. Therefore, the range of discipline here is actual suspension to disbarment.

Respondent’s misrepresentation to the State Bar regarding respondent’s MCLE compliance, made under penalty of perjury, constitutes an act of dishonesty directly related to the practice of law and places respondent’s fitness to practice law in question. Misrepresentations are compounded when made in writing under penalty of perjury, which thereby includes an imprimatur of veracity which should place a reasonable person on notice to take care that their statement is accurate, complete and true. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786.) Respondent completed no hours of MCLE during the compliance period, and did not check his records prior to affirming his compliance. Respondent was subsequently placed on ineligible status between November

1-12, 2014, during which time he filed a motion on behalf of a client. For these reasons, respondent's misconduct is serious and warrants actual suspension.

*Chasteen v. State Bar* (1985) 40 Cal.3d 586, involved an attorney whose misconduct affected four different clients, and involved practicing law while ineligible and failures to communicate, failures to perform, commingling, and misappropriation. In mitigation, the court recognized Chasteen's depression over the breakup of his marriage and a long history of alcohol abuse, which he recently had begun to address. The court imposed 60 days actual suspension; five years stayed suspension; and five years probation, to be served concurrently with his earlier discipline case (and for which he was already on probation).

In aggravation, respondent's misconduct consists of multiple acts and resulted in harm to Barber, preventing him from recovering from the other party for his losses sustained in the motorcycle accident.

In mitigation, respondent's misconduct occurred over a relatively short period of time, concurrent with significant upheaval in his personal life, and the conflux of those circumstances are unlikely to recur. Respondent had been in practice for 15 years with no prior discipline at the time the misconduct occurred. Respondent also provides character evidence from three attorneys with whom he has worked and four lifelong friends attesting to his good character and also his family difficulties, all of whom are aware of the nature of his misconduct. Respondent has fully cooperated with the State Bar and has admitted during the investigation stage all of the misconduct as alleged, including this pre-trial stipulation. While it is noteworthy that respondent has now established a separate operating account, Client Trust Accounting School, as a condition of any discipline, must be required.

Respondent's misconduct is similar to Chasteen's, but respondent's mitigation is greater. Considering the totality of the circumstances here, 90 days actual suspension is warranted.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of November 17, 2015, the prosecution costs in this matter are \$7,496. 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, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reapproval or suspension.** (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: <b>RAYMOND PAUL TURLEY</b>	Case number(s): <b>15-O-11182 [15-O-12166; 15-O-12530; 15-O-12742; 15-O-13653] -PEM</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>12-8-15</u> Date	 Respondent's Signature	<u>RAYMOND PAUL TURLEY</u> Print Name
<u>20 Dec. 2015</u> Date	 Respondent's Counsel Signature	<u>SAMUEL C. BELLICINI</u> Print Name
<u>12-29-15</u> Date	 Deputy Trial Counsel's Signature	<u>CATHERINE TAYLOR</u> Print Name

(Do not write above this line.)

In the Matter of: RAYMOND PAUL TURLEY	Case Number(s): 15-O-11182 [15-O-12166; 15-O-12530; 15-O-12742; 15-O-13653] -PEM
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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.

1. Throughout the stipulation, all references to "Raymond Paul Turley" are deleted and in their place is inserted "Paul Raymond Turley".

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.)**

Date

Jan 5, 2016

  
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 5, 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:

Catherine E. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 5, 2016.

  
Laretta Cramer  
Case Administrator  
State Bar Court