## ORIGINAL

# PUBLIC MATTER

# State Bar Court of California R Hearing Department Los Angeles ACTUAL SUSPENSION

	ACTUAL SUST ENGION	
Counsel For The State Bar  Adriana M. Burger  Deputy Trial Counsel	Case Number(s): 15-0-11202	For Court use only
845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1229		FILED JAN 12 2016
Bar # <b>92534</b>		STATE BAK COURT CLERK'S OFFICE
Counsel For Respondent		LOS ANGELES
Paul Jean Virgo 9909 Topanga Blvd # 282 Chatsworth, CA 91311 (310) 666-9701		
	Submitted to: Settlement J	udge
Bar # 67900	STIPULATION RE FACTS, ODISPOSITION AND ORDER	CONCLUSIONS OF LAW AND R APPROVING
In the Matter of: Christopher Wright Taylor	ACTUAL SUSPENSION	<b>{</b>
Bar # 136803	☐ PREVIOUS STIPULATION	ON REJECTED
A Member of the State Bar of California (Respondent)		

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

#### A, Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 7, 1988.
- (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."

kwiktag \* 197 148 383

(Do	not w	rite above this line.)				
(5)		onclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of aw".				
(6)	TI "S	The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."				
(7)	No pe	o more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any ending investigation/proceeding not resolved by this stipulation, except for criminal investigations.				
(8)	Pa 61	ayment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 40.7. (Check one option only):				
		relief is obtained per rule 5.130, Rules of Procedure.				
	Misc	ravating Circumstances [Standards for Attorney Sanctions for Professional conduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are irred.				
(1)	(a)	Prior record of discipline  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)		<b>Uncharged Violations:</b> Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.				
(7)		<b>Trust Violation:</b> 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.				

(Do 1	not wr	ite above this line.)
(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)	Ш	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.
(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)	$\boxtimes$	No aggravating circumstances are involved.
Addi	tion	al aggravating circumstances:
C. M	litig ircu	ating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating mstances are required.
(1)		<b>No Prior Discipline:</b> 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)		<b>Remorse:</b> 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)		<b>Restitution:</b> Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
6)		<b>Delay:</b> 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) [	i \ !	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.

(Do n	ot wr	ite abo	ove this	line.)		
(9)		wh	rich re	Financial Stress: At the time of the misconduct, Respondent suffere sulted from circumstances not reasonably foreseeable or which were ere directly responsible for the misconduct.	ed from severe financial stress beyond his/her control and	
(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)		Go in t	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)		<b>Re</b> foll	Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.			
(13)		No	mitig	ating circumstances are involved.	· }	
Addi	tion	al m	itigati	ng circumstances:		
				ecord of Discipline. Please see attachment, page 8. ipulation: Please see attachment, page 8.		
D. D	isc	iplir	ne:		•	
(1)	$\boxtimes$	Sta	yed S	uspension:	;	
	(a)	$\boxtimes$	Res	pondent must be suspended from the practice of law for a period of o	one (1) year.	
		i.		and until Respondent shows proof satisfactory to the State Bar Confitness to practice and present learning and ability in the general la 1.2(c)(1) Standards for Attorney Sanctions for Professional Miscon	w pursuant to standard	
		ii.		and until Respondent pays restitution as set forth in the Financial C this stipulation.	conditions form attached to	
		iii.		and until Respondent does the following:	;	
	(b)	$\boxtimes$	The	above-referenced suspension is stayed.		
(2)	$\boxtimes$	Prol	bation	<b>:</b>		
,	Res date	pond of th	lent m ne Sup	ust be placed on probation for a period of <b>one (1) year</b> , which will co preme Court order in this matter. (See rule 9.18, California Rules of (	mmence upon the effective Court)	
(3)	$\boxtimes$	Actual Suspension:				
(	(a)	$\boxtimes$	Resp	oondent must be actually suspended from the practice of law in the Sirty (30) days.	tate of California for a period	
		i.		and until Respondent shows proof satisfactory to the State Bar Coufitness to practice and present learning and ability in the general law 1.2(c)(1), Standards for Attorney Sanctions for Professional Miscon	pursuant to standard	
		ii.		and until Respondent pays restitution as set forth in the Financial Cethis stipulation.	onditions form attached to	

(Do	not w	write above this line.)	;	
		iii. and until Respondent does the following:	<u>!</u> *	
E.	Add	dditional Conditions of Probation:	•	
(1)		If Respondent is actually suspended for two years or more, he/she must he/she proves to the State Bar Court his/her rehabilitation, fitness to pracability in the general law, pursuant to standard 1.2(c)(1), Standards for At Misconduct.	tice, and prese	nt learning and
(2)	×	During the probation period, Respondent must comply with the provisions Professional Conduct.	s of the State Ba	ar Act and Rules of
(3)	×	Within ten (10) days of any change, Respondent must report to the Memb State Bar and to the Office of Probation of the State Bar of California ("Of information, including current office address and telephone number, or oth purposes, as prescribed by section 6002.1 of the Business and Profession	fice of Probatio her address for	n"), all changes of
(4)	Ø	Within thirty (30) days from the effective date of discipline, Respondent m and schedule a meeting with Respondent's assigned probation deputy to conditions of probation. Upon the direction of the Office of Probation, Respondent deputy either in-person or by telephone. During the period of propromptly meet with the probation deputy as directed and upon request.	discuss these to	erms and neet with the
(5)		Respondent must submit written quarterly reports to the Office of Probation July 10, and October 10 of the period of probation. Under penalty of perjur whether Respondent has complied with the State Bar Act, the Rules of Proconditions of probation during the preceding calendar quarter. Responden are any proceedings pending against him or her in the State Bar Court and current status of that proceeding. If the first report would cover less than 30 submitted on the next quarter date, and cover the extended period.	ry, Respondent ofessional Cond it must also stated if so, the case	must state duct, and all e whether there number and
		In addition to all quarterly reports, a final report, containing the same informativenty (20) days before the last day of the period of probation and no later	nation, is due n than the last d	o earlier than ay of probation.
(6)		Respondent must be assigned a probation monitor. Respondent must pror conditions of probation with the probation monitor to establish a manner are During the period of probation, Respondent must furnish to the monitor such in addition to the quarterly reports required to be submitted to the Office of cooperate fully with the probation monitor.	nd schedule of o	compliance. av be requested
(7)	$\boxtimes$	Subject to assertion of applicable privileges, Respondent must answer fully inquiries of the Office of Probation and any probation monitor assigned und directed to Respondent personally or in writing relating to whether Respondent personalizations.	der these condit	ions which are
(8)	$\boxtimes$	Within one (1) year of the effective date of the discipline herein, Responder Probation satisfactory proof of attendance at a session of the Ethics School at the end of that session.	nt must provide I, and passage	to the Office of of the test given
		☐ No Ethics School recommended. Reason:	•	
(9)		Respondent must comply with all conditions of probation imposed in the unust so declare under penalty of perjury in conjunction with any quarterly reof Probation.	derlying crimina eport to be filed	al matter and with the Office
			;	

(Do 1	not write	above	this line.)			
(10)		The f	ollowing conditions are attached hereto ar	nd inco	rporated:	;
			Substance Abuse Conditions		Law Office Manageme	nt Conditions
			Medical Conditions		Financial Conditions	; ;
F. 0	Other	Con	ditions Negotiated by the Parties	<b>s</b> :		3
(1)	$\boxtimes$	the Con one furt	tistate Professional Responsibility Examination Multistate Professional Responsibility Examination ference of Bar Examination, to the Office of year, whichever period is longer. Failure her hearing until passage. But see rule Rules of Procedure.	mination Proba <b>to pas</b>	on ("MPRE"), administered tion during the period of the MPRE results in	ed by the National actual suspension or within actual suspension without
			lo MPRE recommended. Reason: .			
(2)		Calif	e 9.20, California Rules of Court: Respo fornia Rules of Court, and perform the acts 40 calendar days, respectively, after the e	speci	fied in subdivisions (a) a	nd (c) of that rule within 30
(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)		perio	lit for Interim Suspension [conviction red d of his/her interim suspension toward the mencement of interim suspension:	eferral e stipul	cases only]: Responde ated period of actual sus	ent will be credited for the pension. Date of
(5)		Othe	r Conditions:			
						<u>.</u> -
					(	
					:	

#### **ATTACHMENT TO**

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

IN THE MATTER OF:

CHRISTOPHER WRIGHT TAYLOR

CASE NUMBER:

15-0-11202

#### 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-11202 (State Bar Investigation)

#### **FACTS:**

- 1. As a member of the State Bar of California, respondent was required to complete 25 hours of Minimum Continuing Legal Education ("MCLE") during the period commencing on February 1, 2011, and ending on January 31, 2014 (the "compliance period").
- 2. On December 4, 2013, respondent electronically reported to the State Bat, under penalty of perjury, that he was in compliance with the MCLE requirements and, in particular, that he had completed 25 hours of MCLE during the compliance period.
- 3. In fact, respondent had not completed any of the required MCLE hours during the compliance period. Rather, respondent mistakenly believed he had completed his MCLE requirements due to his erroneous belief that he had taken the MCLE courses in the previous two years and that he was unable to locate his MCLE compliance records due to two office moves and one home move.
- 4. When respondent reported to the State Bar, under penalty of perjury, that he was in compliance with the MCLE requirements, respondent failed to review his records to determine whether he was in compliance with the MCLE requirements which rendered him grossly negligent in not knowing he had not completed the MCLE requirements during the compliance period as required.
- 5. On August 29, 2014, the Office of Member Records and Compliance ("OMRC") sent an MCLE audit notice for the compliance period to respondent. The notice requested that respondent submit proof of MCLE compliance by October 31, 2014. Respondent received the notice.
- 6. On September 18, 2014, respondent belatedly submitted to OMRC proof of completion of courses consisting of the 25 hours of MCLE, outside the MCLE compliance period, and paid applicable penalties.

#### CONCLUSIONS OF LAW:

7. By reporting under penalty of perjury to the State Bar that respondent was in compliance with the MCLE requirements when respondent was grossly negligent in not knowing that Respondent was not in compliance with the MCLE requirements, respondent committed an act involving moral turpitude in violation of Business and Professions Code section 6106.

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

#### No Prior Record of Discipline:

Respondent was admitted to practice law on December 7, 1988. Respondent was inactive from July 19, 1993 through February 27, 1998, due to MCLE noncompliance. During that period, respondent was not practicing law. In total, respondent had approximately 20 years of discipline free practice prior to the misconduct in this matter. Although related to the practice of law, respondent's failure to accurately report his MCLE compliance is mitigated by over 20 years of practice without prior discipline. Moreover, respondent would be entitled to mitigation even though his current misconduct is serious under the case entitled *Hawes v. State* Bar (1990) 51 Cal.3d 587, 596. Hawes was entitled to receive significant mitigation after Hawes had been practicing for over 10 years without any prior discipline.

#### **Prefiling Stipulation:**

Respondent has agreed to enter into this disciplinary stipulation, and he is therefore entitled to mitigating credit for saving the State Bar significant resources and time. (Silva-Vidor v. State Bar (1989) 49 Cal.3d 1071, 1079 [where mitigating credit was given for entering into a stipulation as to facts and culpability]; In the Matter of Spaith (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521). Respondent has also acknowledged his misconduct by an entering into this pre-filing stipulation.

#### 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).)

In this matter, Standard 2.11 is applicable to respondent's misconduct and provides in as follows:

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; 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 related to the member's practice of law.

In this matter, respondent committed an act of moral turpitude. When respondent stated under penalty of perjury, on December 4, 2013, that he complied with his MCLE obligations of completing 25 hours of MCLE courses for the compliance period, respondent made a grossly negligent misrepresentation because respondent failed to review his MCLE records prior to affirming compliance. Respondent could not provide any proof that he had any MCLE courses during the compliance period. In this regard, respondent stated that he had no records to support his affirmation because he had completed two moves of his office and one move of his home, and had misplaced his MCLE records.

Consequently, respondent committed an act involving moral turpitude, dishonesty and corruption by gross negligence in willful violation of Business and Professions Code section 6106. Moreover, respondent's misconduct was directly related to respondent's practice of law in that compliance with the requirements of MCLE is an affirmative obligation of all licensed attorneys. Although related to the practice of law, respondent's failure to accurately report his MCLE compliance is mitigated by over 20 years of practice without prior discipline. In mitigation, by entering into this prefiling stipulation, respondent recognizes his misconduct. Furthermore, respondent completed 25 MCLE credit hours on September 18, 2014, albeit outside the compliance period. Nevertheless, respondent's conduct in certifying his MCLE hours was grossly negligent and he should therefore receive a period of actual suspension from the practice of law.

Discipline consisting of a suspension for one year, stayed, and probation for one year, with conditions including an actual suspension of 30 days will protect the public, the courts, and the legal profession, maintain the highest professional standards, and preserve public confidence in the legal profession.

Case law also supports this result. In *In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330, the attorney was found culpable of moral turpitude based on gross negligence in violation of Business and Professions code section 6106 when she affirmed that she had fulfilled her 25 hours of required MCLE credits when, in fact, she had not taken any courses during the relevant compliance period. The attorney mistakenly recalled that she had completed the courses, and did not check or

maintain any records to confirm if her recollection was accurate. When she was randomly audited by the State Bar, she corrected her error and submitted proper proof of compliance.

In recommending a public reproval without any conditions for the attorney in Yee, the Review Department found that Yee had maintained an active law practice for over 10 years without discipline, had an exemplary record of pro bono and community service, and that her misconduct caused no harm to the public or the judicial system. Yee demonstrated good character, remorse, and recognition of wrongdoing. Yee had extraordinary mitigating circumstances which included, among others, extraordinary volunteer service and evidence of extraordinary character through the testimony of several character witnesses. Although the facts in this case are similar to the facts in the Yee matter, the extraordinary mitigating circumstances are not present in this matter. Like the attorney in Yee, respondent completed the required MCLE credit hours after he was audited and has been in practice for many years prior to the misconduct. However, unlike the attorney in Yee, respondent does not have the significant and extraordinary mitigation that was evident in Yee. Accordingly, a greater level of discipline than that imposed in Yee is appropriate.

#### COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of October 26, 2015, 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 <u>not</u> receive MCLE credit for completion of State Bar Ethics School, as a condition of reproval or suspension]. (Rules Proc. of State Bar, rule 3201.)

#### 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.

12	141	15
Date	. [	

Respondent's Signature

Christopher W. Taylor

Print Name

Respondent's Coursel Signature

Paul Jean Virgo Print Name

Deputy Trial Counsel's Signature

Adriana M. Burger Print Name

(Do not write al	bove this line.)	
In the Matt Christoph	er of: er Wright Taylor	Case Number(s): 15-O-11202
L	ACT	UAL SUSPENSION ORDER
Finding the s requested di	stipulation to be fair to the parties ismissal of counts/charges, if any	s and that it adequately protects the public, IT IS ORDERED that the r, is GRANTED without prejudice, and:
	The stipulated facts and dispos Supreme Court.	sition are APPROVED and the DISCIPLINE RECOMMENDED to the
	The stipulated facts and dispos	sition are APPROVED AS MODIFIED as set forth below, and the DED to the Supreme Court.
	All Hearing dates are vacated.	
within 15 day stipulation. (S	/s after service of this order, is gr See rule 5.58(E) & (F), Rules of F	oproved unless: 1) a motion to withdraw or modify the stipulation, filed ranted; or 2) this court modifies or further modifies the approved Procedure.) The effective date of this disposition is the effective date lly 30 days after file date. (See rule 9.18(a), California Rules of
Mex a	eg 11, 2016	YVET/TE 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 January 12, 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:

PAUL JEAN VIRGO 9909 TOPANGA BLVD # 282 CHATSWORTH, CA 91311

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

#### ADRIANA BURGER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 12, 2016.

Johnnie Lee Smith Case Administrator

State Bar Court