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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
PUBLIC MATTER Counsel For The State Bar William Todd Senior Trial Counsel 845 S. Figueroa Street Los Angeles, California 90017 213-765-1491 Bar # 259194	Case Number(s): 15-O-11236, 15-O-12178, 16-O-11380 (Inv.)	For Court use only <div style="text-align: center;"> FILED MAY 05 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Edward O. Lear, Esq. Century Law Group, LLP 5200 W Century Blvd. #345 Los Angeles, California 90045 310-642-6900 Bar # 132699	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: LE'ROY TRAVELLE ROBERSON Bar # 254892 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 **January 8, 2008**.
- (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: **the two membership years following the effective date of the Supreme Court order in this case.** (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. Please see "Attachment to Stipulation," at page eight.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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

Please see "No Prior Discipline" in "Attachment to Stipulation," at page eight.

Please see "Good Character" in "Attachment to Stipulation," at page eight.

Please see "Pretrial Stipulation" in "Attachment to Stipulation," at page eight.

D. Discipline:

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

The above-referenced suspension is stayed.

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

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:

Substance Abuse Conditions Law Office Management Conditions

Medical Conditions 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: LE'ROY TRAVELLE ROBERSON

CASE NUMBERS: 15-O-11236, 15-O-12178, 16-O-11380

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-11236 (Complainant: Jose Arciniega)

FACTS:

1. On March 12, 2014, Jose Arciniega employed respondent to prepare, submit and negotiate a loan modification with OCWEN, Arciniega's mortgage lender.
2. On March 31, 2014, respondent submitted Arciniega's loan modification application to OCWEN.
3. Between April 2, 2014 and August 27, 2014, Arciniega paid respondent fees of \$4895.50 for the preparation, submission and negotiation of his loan modification before respondent completed the negotiation of the loan modification.
4. On February 25, 2015, Arciniega made a complaint against respondent with the State Bar alleging that the loan modification respondent delivered increased Arciniega's payment.
5. On April 30, 2015, respondent refunded Arciniega's fees after respondent learned of Arciniega's State Bar complaint.

CONCLUSION OF LAW:

6. By charging, collecting and receiving advance fees from respondent's client, Arciniega, to prepare, submit and negotiate a loan modification on a client's behalf, prior to performing each and every service respondent contracted to perform in violation of Civil Code section 2944.7, respondent willfully violated Business and Professions Code section 6106.3.

Case No. 15-O-12178 (Complainant: Luis Castro)

FACTS:

7. On February 6, 2014, Luis Castro employed respondent to prepare, submit and negotiate a loan modification with OCWEN, Castro's mortgage lender.

8. On February 10, 2014, respondent submitted Castro's loan modification application to OCWEN.

9. Between March 7, 2014 and July 25, 2014, Castro paid respondent fees of \$5,845 for the preparation, submission and negotiation of his loan modification before respondent completed the negotiation of the loan modification.

10. On March 25, 2015, Castro made a complaint against respondent with the Los Angeles County Department of Consumer Affairs ("LADCA") alleging that respondent failed to obtain a loan modification for Castro.

11. On April 3, 2015, Respondent refunded Castro's fees after respondent learned of Castro's LADCA complaint.

CONCLUSION OF LAW:

12. By charging, collecting and receiving advance fees from respondent's client, Castro, to prepare, submit and negotiate a loan modification on a client's behalf, prior to performing each and every service respondent contracted to perform in violation of Civil Code section 2944.7, respondent willfully violated Business and Professions Code section 6106.3.

Case No. 16-O-11380 (Inv.) (Complainant: Debora Bowles)

FACTS:

13. On May 12, 2014, Debora Bowles employed respondent to prepare, submit and negotiate a loan modification with OCWEN, Bowles's mortgage lender.

14. Between May 12, 2014 and October 2014, Bowles paid respondent fees of \$3,925 for the preparation, submission and negotiation of her loan modification application before respondent completed the negotiation of the loan modification.

15. On March 7, 2016, Bowles made a complaint against respondent with the State Bar alleging that respondent failed to obtain a loan modification on Bowles's behalf.

16. On April 13, 2016, Bowles confirmed that respondent refunded the advanced fees she paid after Bowles made her State Bar complaint.

CONCLUSION OF LAW:

17. By charging, collecting and receiving advance fees from respondent's client, Bowles, to prepare, submit and negotiate a loan modification on a client's behalf, prior to performing each and every service respondent contracted to perform in violation of Civil Code section 2944.7, respondent willfully violated Business and Professions Code section 6106.3.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent charged, collected and received advance fees for loan modification, prior to performing each and every service respondent contracted to perform, in three client matters.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has no prior record of discipline and no longer accepts advanced fees for loan modification cases. However, because he had just six years of discipline-free practice at the time of the misconduct, the mitigating weight available is limited. (See *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44 [seven years of practice in California prior to misconduct accorded only slight weight in mitigation].)

Good Character: Respondent offers seven character references, including one attorney, and six friends, three of whom also received legal services from respondent. Four of the witnesses have known respondent for 15 years or more, while only one has known him for less than two years. All of the witnesses are aware of the misconduct, and yet all still vouch for respondent's character. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50.)

Pretrial Stipulation: By entering into a pre-trial stipulation, respondent saved State Bar time and resources and is entitled to mitigation. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where the court gave an attorney mitigating credit for entering into a stipulation as to facts and culpability].) Additionally, respondent acknowledges his misconduct by entering into a pretrial 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 Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In this matter, respondent accepted advanced loan modification fees in three client matters in violation of Business and Professions Code section 6106.3, referencing Civil Code section 2944.7.

Standard 2.18 provides that disbarment or actual suspension is appropriate for any violation of a provision of Article 6 of the Business and Professions Code not otherwise specified in these Standards.

Standard 1.7(c) provides that “[i]f mitigating circumstances are found, they should be considered alone and in balance with any aggravating circumstances, and if the net effect demonstrates that a lesser sanction is needed to fulfill the primary purposes of discipline, it is appropriate to impose or recommend a lesser sanction than what is otherwise specified in a given Standard. On balance, a lesser sanction is appropriate in cases of minor misconduct, where there is little or no injury to a client, the public, the legal system, or the profession and where the record demonstrates that the member is willing and has the ability to conform to ethical responsibilities in the future.”

Respondent also accepted illegal advanced fees on multiple occasions. In aggravation, respondent committed multiple acts of misconduct. In mitigation, respondent lacks any prior discipline, though his time in practice was just six years when his misconduct began, which limits the weight available in mitigation. He also provided the State Bar with evidence of good character. Additionally, by entering into a pretrial stipulation, respondent saved State Bar time and resources and acknowledged his misconduct. Considering the Standards, and balancing the aggravating and mitigating factors, a deviation from Standard 2.18 is appropriate under Standard 1.7(c) and discipline consisting of a one-year stayed suspension with a one-year probation with conditions will serve to protect the public, the courts, and the legal profession.

This discipline is also consistent with case law. In *In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 221, the Review Department held the attorney culpable for accepting advanced fees in eight loan modification matters in violation of Business and Professions Code section 6106.3. However, though the attorney in *Taylor* committed multiple acts of misconduct as respondent did in this case, the attorney in *Taylor* committed misconduct in a larger number of matters and displayed indifference towards the rectification of his misconduct. Neither is true of this respondent. The *Taylor* attorney also caused significant harm to clients, which is not true of the instant matter. Lastly, the *Taylor* attorney’s unpaid restitution to the majority of his clients at the time the State Bar Court heard his case was aggravating, and he received only modest credit for evidence of good character. In the instant case, although he is not entitled to mitigation, respondent already refunded all fees previously paid to respondent by the clients in these three cases. This respondent also provided evidence of good character.

Under these circumstances, the six months actual suspension in *Taylor* is too severe, as respondent’s misconduct is both far narrower and less aggravated by comparison. In the instant case, the available mitigation outweighs available aggravation, and thus it is appropriate to deviate below the applicable standard.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 15, 2016, the prosecution costs in this matter are \$3,584. 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 MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT


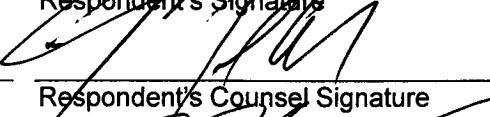
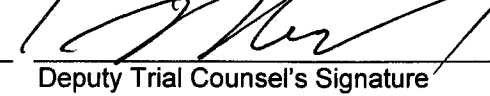
Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: LE'ROY TRAVELLE ROBERSON	Case number(s): 15-O-11236, 15-O-12178, 16-O-11380
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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>4-20-16</u> Date	 Respondent's Signature	<u>Le'Roy Travelle Roberson</u> Print Name
<u>4/20/16</u> Date	 Respondent's Counsel Signature	<u>Edward O. Lear</u> Print Name
<u>4-20-16</u> Date	 Deputy Trial Counsel's Signature	<u>William Todd</u> Print Name

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In the Matter of: LE'ROY TRAVELLE ROBERSON	Case Number(s): 15-O-11236; 15-O-12178; 16-O-11380
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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.

In the caption on page 1 of the Stipulation, "In Pro Per Respondent" which appears above the name of Edward O. Lear, Esq. is deleted, and in its place is inserted "Respondent's Counsel".

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.)**

May 4, 2016
Date

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

CERTIFICATE OF SERVICE

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

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

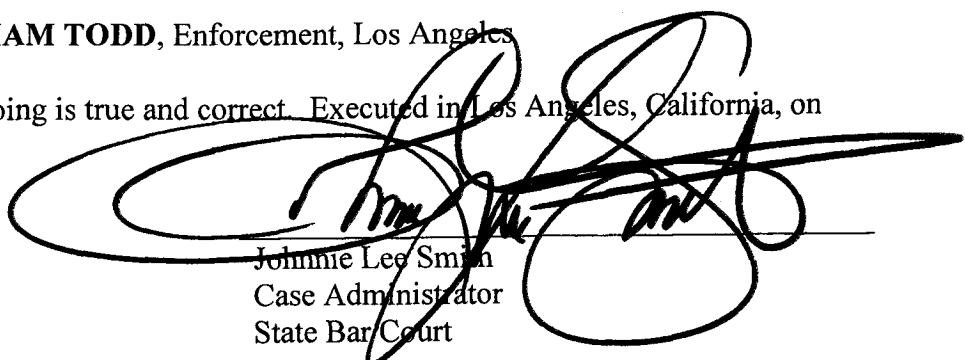
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045**

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

WILLIAM TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 5, 2016.



Johnnie Lee Smith
Case Administrator
State Bar Court