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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Brooke A. Schafer, bar no. 194824 Supervising Senior Trial Counsel William S. Todd, bar no. 259194 Senior Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1051 Bar #	Case Number(s): 15-O-11453	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED JUN 06 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Geoffrey L. Taylor PO Box 10278 Marina del Rey, CA 90295 (818) 262-8176 Bar # 108697	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: GEOFFREY L. TAYLOR Bar # 108697 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 **June 3, 1983**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective July 1, 2015)

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Actual Suspension

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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 (2) billing cycles following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

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

- (1) ☐ **Prior record of discipline**
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☒ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith. **See Attachment to Stipulation, page 8.**
- (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.
- (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.
- (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. **See Attachment to Stipulation, at page 8.**
- (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 \$ \$29,955.99 on June 2, 2014 in restitution to **Michelle Lacho** without the threat or force of disciplinary, civil or criminal proceedings. **See Attachment to Stipulation, at page 9.**
- (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. **See Attachment to Stipulation, at page 9.**
- (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 to Stipulation, at page 8.

Remorse - See Attachment to Stipulation, at page 8.

Prefiling Stipulation - See Attachment to Stipulation, at page 9.

Personal Problems - See Attachment to Stipulation, at page 9.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **three (3) 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 (3) 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 **two (2) 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:

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: **Respondent attended Ethics School on May 7, 2015, and passed the test given at the end of the session. This satisfies the requirement in this matter. (See rule 5.135, Rules of Procedure.).**

(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:

☐ 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 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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GEOFFREY L. TAYLOR

CASE NUMBER: 15-O-11453

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-11453 (Complainant: Michelle Lacho)

FACTS:

1. On August 31, 2013, Michelle Lacho ("Lacho") was involved in a car accident in which she sustained injuries. Lacho was transported to Los Robles Hospital in Thousand Oaks immediately after the accident.
2. On September 20, 2013, Lacho retained Respondent to represent her against the driver of the at-fault vehicle. Under the fee agreement, Respondent was entitled to 33-1/3% of the recovery.
3. On December 27, 2013, Lacho's claim against the at-fault driver settled for \$50,000.
4. Per the September 20, 2013, fee agreement, Respondent's attorney's fees amounted to \$16,665.
5. On January 6, 2014, Respondent deposited the \$50,000 in settlement funds into his client trust account. Respondent was required to maintain a balance of \$33,335 in his client trust account on behalf of Lacho, until disbursed on Lacho's behalf.
6. In January 2014, Lacho asked Respondent to hold the settlement funds in his client trust account until Lacho could complete negotiations with Los Robles Hospital on her own. Respondent agreed to hold the settlement funds and to negotiate the liens with the remaining medical providers on Lacho's behalf.
7. Between January 2014 and May 2014, Lacho was in negotiations with Los Robles Hospital and, in May 2014, Los Robles Hospital waived Lacho's entire medical bill.
8. While Lacho was negotiating with Los Robles Hospital, between January 14, 2014 and April 30, 2014, Respondent issued several checks that were drawn upon his client trust account and which resulted in the balance in his client trust account dipping below \$33,335. None of those checks were issued on Lacho's behalf. Respondent deposited the funds into his general operating account for his use. He expected to be able to replenish the funds from a third party source prior to Lacho's request for reimbursement. By April 30, 2014, the balance in Respondent's client trust account fell to \$32.70. Respondent thus misappropriated \$33,302.30 of Lacho's funds.

9. In May 2014, the parties agreed that Lacho's net portion of the settlement funds amounted to \$29,955.99, with the remainder of the settlement funds reserved for Lacho's outstanding medical bills.

10. On June 2, 2014, Respondent, using his own funds, wired \$29,955.99 to Lacho, pursuant to her request.

11. On February 23, 2015, the State Bar contacted Respondent for the first time regarding a complaint filed by Lacho. As of that date, Respondent was continuing negotiations with three remaining medical providers and by March 18, 2015, Respondent satisfied all known medical bills incurred by Lacho as a result of her car accident

CONCLUSIONS OF LAW:

12. By failing to maintain \$33,302.30 in his client trust account on behalf of Lacho between January 14, 2014 and April 30, 2014, Respondent failed to maintain client funds in a client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

13. By misappropriating \$33,302.30 of Lacho's funds, Respondent committed an act involving moral turpitude in willful violation of Business and Professions Code section 6106.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Intentional Misconduct. (Std. 1.5(d)): Respondent intentionally withdrew over \$33,000 from his CTA, however his actions did not involve bad faith or dishonesty.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent had practiced law for 31 years without a prior record of discipline when the misconduct herein occurred. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 245 (20 years' practice with no discipline considered "highly significant" mitigation).) A lengthy record of discipline-free practice is considered as a strong mitigating factor where misconduct is aberrational and future misconduct is unlikely. (*Id.*)

Candor (Std. 1.6(e)): Prior to the initiation of any proceedings by the State Bar, Respondent paid Lacho all of her settlement funds and approximately half of the medical bills. Respondent also voluntarily enrolled in and attended both Ethics School and Client Trust Accounting School.

Remorse: Respondent has demonstrated remorse and recognition of wrongdoing. Respondent wrote a letter to Lacho on March 18, 2015, apologizing for any inconvenience he caused while handling Lacho's case and processing payments for her medical bills. In addition, in November 2015, Respondent and Lacho agreed that Respondent would forfeit his entire fee of over \$16,000 to Lacho. Respondent has also been candid with the State Bar and admitted that he misappropriated Lacho's funds for living expenses. Respondent from the outset has fully and repeatedly acknowledged his wrongdoing to the State Bar. (*In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 1, 13 [finding mitigation where respondent acknowledged misappropriation, repaid one client before learning of complaint to State Bar, and paid restitution in full before NDC filed].)

Restitution (Std. 1.6(j)): Respondent has made full restitution to Lacho and has paid all of her outstanding medical bills without the threat or force of disciplinary, civil or criminal proceedings.

Personal Problems: In March 2014, Respondent's brother suffered a severe heart attack and Respondent travelled out of town to attend to him. Respondent was preoccupied with caring for his brother and devoted little time to his work for approximately one month, through his brother's surgery and cardiac rehabilitation. This period was very stressful for Respondent and the stress continued to manifest itself. Respondent enrolled in and continues to participate in the Lawyer's Assistance Program ("LAP") because of the personal stress that contributed to the misconduct.

Stressful emotional difficulties may be considered in mitigation. (*Rose v. State Bar* (1989) 49 Cal.3d 646, 667.) By seeking treatment with LAP, Respondent has undertaken a program of steady progress toward rehabilitation. Although Respondent continues to treat through LAP, Respondent is afforded some mitigation for his efforts at rehabilitation, even though it is still ongoing. (*In the Matter of John Deierling*, (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 552, 560-561.)

Good Character: Respondent provided letters from a business partner of 16 years, a friend of 10 years, a client of 22 years, an attorney friend of 40 years, and an attorney friend of 28 years. They all expressed familiarity with the misconduct admitted to by Respondent and nevertheless have high praise for Respondent's character and professional skill. (*In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592. [Three witnesses accorded significant weight in mitigation due to their familiarity with Respondent and their knowledge of his good character, work habits and professional skills.]

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the filing of disciplinary charges, thereby avoiding the necessity of a trial and saving the State Bar Court 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].) By entering into the stipulation, Respondent acknowledged and accepted responsibility for his misconduct.

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 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, Respondent committed two acts of professional misconduct stemming from intentional misappropriation of over \$33,000. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." Here, the most severe sanction applicable to Respondent's misconduct is found in Standard 2.1(a), which applies to Respondent's violation of Business and Professions Code section 6106.

Standard 2.1(a) provides that disbarment is the presumed sanction for intentional misappropriation of entrusted funds, unless the amount misappropriated is insignificantly small *or* sufficiently compelling mitigating circumstances clearly predominate, in which case actual suspension is appropriate. Here, compelling mitigating circumstances are present which suggest that disbarment is not necessary to fulfill the purposes of attorney discipline. Respondent's misconduct, which he has owned up to since Lacho first complained to the State Bar, is certainly among the most serious an attorney can commit. However in fixing discipline his actions must be considered in light of aggravating and mitigating factors. Here, there is one aggravating factor in that Respondent's actions were intentional. On the other hand, there is compelling mitigation, including 31 years' discipline-free practice, candor, restitution, good character, remorse and personal problems. On balance the facts weigh against disbarment. Nevertheless, a lengthy period of actual suspension is warranted.

It is true that the California Supreme Court has consistently stated that misappropriation generally warrants disbarment in the absence of clearly mitigating circumstances. (*Kelly v. State Bar* (1988) 45 Cal.3d 649, 656; *Waysman v. State Bar* (1986) 41 Cal.3d 452, 457.) However, the court has also stated that willful misappropriation "covers a broad range of conduct varying significantly in the degree of culpability." (*Edwards v. State Bar* (1990) 52 Cal.3d 28, 38.) Further still, the Supreme Court has indicated that in some misappropriation cases a discipline of less than disbarment is warranted where extenuating circumstances show that the misappropriation of entrusted funds is an isolated event involving a single client and other mitigating circumstances are present. (See *Edwards v. State Bar*, *supra*, 52 Cal. 3d 28, 36 - 39 (one year actual suspension for an attorney who willfully misappropriated a client's settlement funds totaling approximately \$3,000 in light of the attorney's good faith in refraining from acts of deceit towards the client, making full repayment within three months after the misappropriation and before the attorney was aware of the complaint to the State Bar, cooperating candidly throughout the proceedings, and voluntarily taking steps to improve his management of entrusted funds); *Boehme v. State Bar* (1988) 47 Cal.3d 448, 451-452 (18-month actual suspension for an attorney who willfully misappropriated a client's settlement funds totaling \$1,901.32 in light of the attorney's single instance of misconduct in over 20 years of practice).)

The case of *Friedman v. State Bar* (1990) 50 Cal.3d 235 is instructive. There, the attorney committed misconduct in two client matters, one of which involved an intentional misappropriation of client funds.

In the misappropriation matter, the attorney was retained to represent a client in a personal injury action on a contingency basis. The action settled for \$40,000 and the settlement draft was deposited into the attorney's client trust account. During the period Respondent was to maintain \$27,085, Respondent's account dipped to \$71.29. Months after the client's request for payment, the attorney paid the client, but refused to account for the funds. The Court concluded that the attorney used his client's funds for his personal benefit and for the benefit of other clients. Among other things, the Court found that, in the two matters, the attorney engaged in moral turpitude, failed to perform, abandoned his clients, failed to return fees, and failed to account. The Court stated that, although the attorney's misconduct was serious, it appeared to have been aberrational and gave great weight to the fact that Respondent had practiced law for more than 20 years with an unblemished record. The Court concluded that, because the past misconduct was apparently aberrational, the threat of future misconduct should be somewhat discounted and that disbarment would be excessive. The Court imposed a discipline consisting of five years suspension, stayed, and five years' probation, with conditions including a three-year actual suspension.

The misconduct in this matter, unlike *Friedman*, involves compelling mitigating circumstances and limited aggravation. Although the misconduct is not excused, the significant mitigating factors suggest that the misconduct is aberrational, and disbarment is not needed.

At the time of the misconduct, Respondent had practiced law for over 31 years without discipline. By admitting his misconduct and paying the client before the client filed a complaint with the State Bar, Respondent demonstrated remorse and that he is willing to conform his future conduct to the ethical requirements of the legal profession. Moreover, although Respondent's misconduct related directly to the practice of law, the misappropriation did not involve deceit, and Respondent did not intend to permanently deprive Lacho of her funds. Respondent anticipated that the film project he was involved in would provide him with funds to replenish the funds he withdrew from his client trust account prior to Lacho concluding her negotiations with Los Robles Hospital. Although the payment from the film project failed to materialize, when Lacho did request her funds, Respondent did not delay but paid her in full. Respondent took prompt steps to rectify his misconduct before significant harm could injure his client. The facts indicate this was an isolated event.

In light of the foregoing, combined with Respondent's compelling evidence of mitigation including spontaneous candor and cooperation, remorse, the full payment of restitution to the client prior to the filing of a State Bar complaint, evidence of his good character and prefiling stipulation, a discipline consisting of a three years' stayed suspension, three years' probation, with conditions including a two-year actual suspension and until Respondent complies with Standard 1.2(c)(1) will adequately serve the disciplinary goals of these proceedings.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of May 27, 2016, the prosecution costs in this matter are \$3,139. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

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

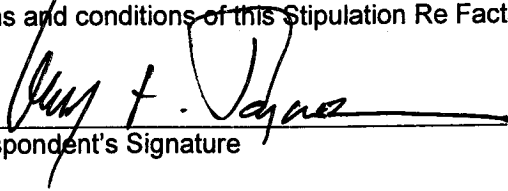
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In the Matter of: GEOFFREY L. TAYLOR	Case number(s): 15-O-11453
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SIGNATURE OF THE PARTIES

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.

06.01.2016
Date


Respondent's Signature


Geoffrey L. Taylor
Print Name

Date

Respondent's Counsel Signature

Print Name

June 1, 2016
Date


Deputy Trial Counsel's Signature

Brooke A. Schafer
Print Name

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In the Matter of: GEOFFREY L. TAYLOR	Case Number(s): 15-O-11453
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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. On page 4 of the Stipulation, an "X" is inserted in the box at paragraph D.(1)(b) staying the suspension set forth in paragraph D.(1)(a).
2. On page 9 of the Stipulation, the two lines at the top of the page regarding restitution are deleted, and in its place is inserted the following language: "Restitution (Std. 1.6(j)): Respondent made full restitution to Lacho without the threat or force of disciplinary, civil or criminal proceedings and has paid all of Lacho's outstanding medical bills."

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 June 6, 2016

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 <select city>, on June 6, 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:

GEOFFREY L. TAYLOR
TAYLOR & ASSOCIATES
PO BOX 10278
MARINA DEL REY, CA 90295

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

BROOKE SCHAFER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 6, 2016.



Rose M. Luthi
Case Administrator
State Bar Court