kwiktag® 211 096 847

ORIGINAL

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

Counsel For The State Bar	Case Number(s):	For Court use only
R. Kevin Bucher **Deputy Trial Counsel** **845 S. Figueroa Street** **Los Angeles, CA 90017-2515** **(213) 765-1630** Bar # **132003**	**15-O-13478-YDR;** **15-N-15118**	**PUBLIC MATTER** FILED MAY 25 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent **Alan Douglas Negron** **1894 Stow Street** **Simi Valley, CA 93063** **(805) 419-3043** Bar # **174256**	Submitted to: **Settlement Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **ACTUAL SUSPENSION** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter of: **ALAN DOUGLAS NEGRON** Bar # **174256** 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 13, 1994**.

(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."

(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: **three billing cycles following the effective date of the Supreme Court order**. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".

☐ Costs are entirely waived.

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

(1) ☒ **Prior record of discipline**

(a) ☒ State Bar Court case # of prior case **14-O-03258 (S224939)**

(b) ☒ Date prior discipline effective **June 7, 2015**

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code, section 6068(a); Rules of Professional Conduct, rule 4-200(A)**

(d) ☒ Degree of prior discipline **Two year supension, stayed, with two-years probation, with the condition an actual suspension for the first six months.**

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.

(2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.

(3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.

(4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.

(5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.

(6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

(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.

(4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.

(5) ☐ **Restitution:** Respondent paid $ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.

(6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.

(7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

(8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

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

(9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

(11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) ☐ ***No mitigating circumstances*** are involved.

Additional mitigating circumstances:

Pre-trial Stipulation - See attachment, page 9.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **three years**.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **two years**.

i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following: .

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.

☐ No Ethics School recommended. Reason: .

(9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

(10) ☐ The following conditions are attached hereto and incorporated:

☐ 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: **On May 8, 2015, the Supreme Court of California filed Order No. S224939 imposing discipline pursuant to a Stipulation re: Facts, Conclusions of Law and Disposition and Order Approving in Case Nos. 14-O-03258, effective June 7, 2015. Pursuant to Order No. S224939, respondent is required to take and pass the MPRE within one year after the effective date of the Order. The protection of the public and the interests of the respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept.1992), 2 Cal. State Bar Ct. Rptr. 181.).**

(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:**

Respondent's attendance at State Bar Ethics School, and passing of the test given at the end, between the date of execution of this stipulation and the effective date of discipline in this matter shall be deemed to satisfy the relative condition set forth in this stipulation.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ALAN DOUGLAS NEGRON

CASE NUMBERS: 15-O-13478; 15-O-15118

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-13478 (State Bar Investigation)

FACTS:

1. On May 7, 2015, Respondent was ordered actually suspended for six months commencing June 6, 2015, relating to misconduct in Case no. 14-O-03258 (S224939)), and was placed on two-years probation, and ordered to comply with rule 9.20(a) of the California Rules of Court, within 30 days of the effective date of his discipline, and also to comply with rule 9.20(c) within 40 days of the effective date of his discipline.

2. At the time his discipline was ordered, Respondent had a single client in a juvenile court matter. Prior to the effective date of his discipline, Respondent verbally communicated to his client and to opposing counsel in the juvenile matter that his actual suspension from the practice of law was eminent related to the disciplinary order of May 7, 2015.

3. Rule 9.20(a) requires that Respondent give actual written notice to all clients and opposing counsel of his suspension, and that a copy of the notice be filed with the State Bar court. Rule 9.20(b) requires that notification to his clients and opposing counsel be by certified mail.

4. On July 16, 2015, Respondent submitted a timely declaration of compliance to the Clerk of the State Bar Court, as required by rule 9.20(c). However, the declaration was rejected by the State Bar Office of Probation for failing to state that notice of his suspension was given to his single client and opposing counsel by certified mail.

5. On October 2, 2015, Respondent submitted a second declaration of compliance with rule 9.20 to the Clerk of the State Bar Court. That declaration was also rejected by the Office of Probation as, although Respondent admitted he had given verbal notice to his client and opposing counsel, he failed to indicate the notice given was by certified mail and that proof of the notice had been filed with the State Bar Court.

6. On November 16, 2015, Respondent gave his client and opposing counsel notice by certified mail of his suspension from the practice of law.

7. On November 19, 2015, Respondent submitted a third declaration of compliance with rule 9.20 to the Clerk of the State Bar Court. That declaration was rejected by the Office of Probation for

failing to advise that he had no other actions pending other than the one in which he had given notice to his client and opposing counsel of his actual suspension.

8. On January 14, 2016, Respondent submitted a fourth declaration of compliance with rule 9.20 to the Clerk of the State Bar Court. That declaration was rejected by the Office of Probation for stating that Respondent had given timely notice of his suspension to his client and opposing counsel by certified mail, and then in a separate statement attached to the declaration stating inconsistently that his certified notice to his client and opposing counsel was untimely.

9. On May 2, 2016, Respondent submitted a fifth declaration of compliance with rule 9.20 to the Clerk of State Bar Court. That declaration was rejected by the Office of Probation for stating that Respondent had given timely notice of his suspension to his client and opposing counsel by certified mail, and then in a separate statement attached to the declaration stating inconsistently that his certified notice to his client and opposing counsel was untimely.

10. On May 2, 2016, the Office of Probation sent a letter to Respondent rejecting his fifth 9.20 compliance declaration. By that letter, Respondent was advised that it may not be possible to file a compliant declaration since he had not completed all of the required acts by the court ordered deadlines, i.e., since he did not comply with rule 9.20(a) by giving notice of his suspension, by certified mail, to his client and opposing counsel, and file a copy of the notice with the State Bar court within 30 days of the effective date of his suspension.

11. To date, Respondent has not filed, and will not be able to file in the future, a declaration as required by rule 9.20(c), stating that he has completed all acts required by rule 9.20.

CONCLUSIONS OF LAW:

12. By failing to give notice by certified mail of his suspension to his client and opposing counsel within 30 days of the effective date of his suspension as required by Supreme Court Order S224939, and thereby making it impossible for him to file a compliant declaration that he had performed all acts required by rule 9.20, Respondent willfully violated rule 9.20 of the California Rules of Court.

Case No. 15-N-15118 (State Bar Investigation)

FACTS:

13. On May 7, 2015, Respondent was ordered actually suspended for six months commencing June 6, 2015, relating to misconduct in Case no. 14-O-03258 (S224939)). Respondent had actual notice of his suspension.

14. On June 9, 2015, Respondent appeared as counsel of record on behalf of the juvenile for a juvenile disposition hearing while he was suspended.

15. Through gross negligence, Respondent miscalculated the date of his actual suspension. He had a mistaken and unreasonable belief that he was entitled to practice law at the time he made the court appearance on June 9, 2015.

16. After the court appearance, when he became aware that he had not been entitled to practice law at the time he made the court appearance on June 9, 2015, Respondent self-reported his misconduct to the State Bar. The court also reported Respondent's violation.

CONCLUSIONS OF LAW:

17. By appearing in court on June 9, 2015, as counsel of record when he was actually suspended from the practice of law, Respondent held himself out as entitled to practice law, and actually practiced law, when Respondent was not an active member of the State Bar, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

18. By holding himself out as entitled to practice law, and actually practicing law on June 9, 2015, when Respondent was grossly negligent not knowing he was not an active member of the State Bar, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has a record of a single prior discipline with the State Bar in case no. 14-O-03258 (S224939), effective June 7, 2015, involving charging an unconscionable fee in a matter wherein he had been assigned power of attorney in a probate matter. He stipulated to a six month actual suspension with two years' probation.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving 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].)

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).)

Standard 1.8(a) states that if a member has a prior discipline, the degree of discipline in the current proceeding shall be greater than the discipline imposed in the prior proceeding unless the prior discipline was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing a greater discipline in the current proceeding would be manifestly unjust. Respondent was previously suspended for six months, so a greater level of discipline is appropriate here.

Standard 2.10 also provides disbarment or suspension is the presumed sanction when a member engages in the unauthorized practice of law when he or she is on actual suspension for disciplinary reasons. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law. In the present matter, Respondent claims to have miscalculated his suspension date, and the unauthorized practice of law occurred three days after his suspension was effective.

Respondent's unauthorized practice of law here is exacerbated by Respondent's failure to notify his client and opposing counsel, by certified or registered mail, of his suspension pursuant to court order. Rule 9.20(d) provides that a suspended member's willful failure to comply with the provisions of rule 9.20 of the California Rules of Court is cause for disbarment or suspension and for revocation of any pending probation.

In the present matter, Respondent's misconduct was in no way remote in time to his prior discipline, and his prior discipline was serious. His immediate failure to comply with the terms and conditions of his prior discipline demonstrates an inability or unwillingness to conform to ethical responsibilities. Balancing the mitigating and aggravating circumstances, particularly the harm to the administration of justice inherent in all cases involving unauthorized practice of law, although there was no client harm, disbarment or actual suspension pursuant to Standard 2.7 is appropriate.

In this matter, Respondent did notify his single client and opposing counsel, verbally, of his impending suspension. He had only one client and one pending matter at the time. However, Respondent did not initially give notice by certified mail to opposing counsel or to his client, and he did not file a copy of the notice with the court, as required by rule 9.20(a). His November 19, 2015 compliance declaration did give due notice, and Respondent has attempted to file a compliance declaration pursuant to rule 9.20(c) on five occasions, but each attempted filing has been rejected. The primary reason for the rejection of his compliance declarations has been that, on each occasion, he had already violated 9.20(a). Accordingly, since he cannot say he complied with 9.20(a), any 9.20(c) declarations from here in will be rejected. While Respondent has substantially complied with rule 9.20, the purpose of which is to insure the protection of concerned parties (See *Durbin v. State Bar* (1979) 23 Cal.3d 461, 467), he has not, and will not be able to, comply with the letter of rule 9.20.

Given Respondent's persistent but unsuccessful efforts to comply with rule 9.20, deviation from disbarment is appropriate. However, the failure to fully comply with rule 9.20, coupled with Respondent's unauthorized practice of law, requires a substantial period of actual suspension. A three year suspension, stayed, with three-years of probation, with a condition that Respondent be actually suspended for the first two years, and that he attend a course of State Bar Ethics School, and pass the test given at the end, will serve the purpose of protecting the public, the courts and the legal profession. A two-year actual suspension is also consistent with the lifting of the stayed suspension in his prior discipline.

Deviation from disbarment is supported by case law. Disbarment is generally the appropriate sanction for a willful violation of rule 9.20. (See *Bercovich v State Bar* (1990) 50 Cal.3d 116.) To avoid disbarment, the attorney must generally prove substantial mitigation, such as diligent but unsuccessful efforts to timely comply, physical impediments preventing timely compliance or misinformation from a probation officer or monitor. (See *Shapiro v State Bar* (1990) 51 Cal.3d 251.) He may be afforded mitigation for his substantial compliance with rule 9.20 (See *In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rtpr. 527 [a Respondent's substantial compliance with (former) Rule 955 is mitigating evidence which can influence the determination whether to impose discipline less than disbarment]). In this case, while no mitigation is being afforded for substantial compliance, Respondent's efforts to comply should be considered in determining his level of discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 28, 2016, the prosecution costs in this matter are $3,669. 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 <u>not</u> receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of ALAN DOUGLAS NEGRON	Case number(s): **15-O-13478; 15-N-15118**

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 Fact, Conclusions of Law and Disposition.

5-12-2016 Date	Respondent's Signature	Alan Douglas Negron Print Name
5-19-16 Date	Deputy Trial Counsel's Signature	R. Kevin Bucher Print Name

(Do not write above this line.)

In the Matter of: ALAN DOUGLAS NEGRON	Case Number(s): 15-O-13478; 15-N-15118

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.

- On page 7 of the Stipulation, in the sub-heading that currently says, "Case No. 15-O-13478 (State Bar Investigation)," replace "15-O-13478" with "15-N-15118."
- On page 8 of the Stipulation, in the sub-heading that currently says, "Case No. 15-N-15118 (State Bar Investigation)," replace "15-N-15118" with "15-O-13478."

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.)**

5/24/16
Date

DONALD F. MILES
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 25, 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:

ALAN D. NEGRON
1894 STOW ST
SIMI VALLEY, CA 93063

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

RONALD K. BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 25, 2016.

Johnnie Lee Smith
Case Administrator
State Bar Court