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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>			PUBLIC MATTER
<p>Counsel For The State Bar</p> <p><b>Jennifer Kishimizu Pinney</b>  <b>State Bar of California</b>  <b>Office of Chief Trial Counsel</b>  <b>845 S. Figueroa Street</b>  <b>Los Angeles, CA 90017</b>  <b>(213) 765-1349</b></p> <p>Bar # <b>280869</b></p>	<p>Case Number(s):  <b>15-O-15006-CV</b></p>	<p>For Court use only</p> <p style="font-size: 24pt; font-weight: bold;">FILED</p> <p style="font-size: 18pt; font-weight: bold;">MAR 15 2017</p> <p>STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES</p>	
<p>Counsel For Respondent</p> <p><b>Paul Virgo</b>  <b>9909 Topanga Blvd #282</b>  <b>Chatsworth, CA 91311</b>  <b>(310) 666-9701</b></p> <p>Bar # <b>67900</b></p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND            DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>		
<p>In the Matter of:  <b>ROBERT POINIER EASTON</b></p> <p>Bar # <b>97116</b></p> <p>A Member of the State Bar of California            (Respondent)</p>			

**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 26, 1981**.
- (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 (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of discipline.** (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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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

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- (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.
- (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. See Attachment page 8.
- (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 investigation and proceedings.

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- (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 subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**No Prior Discipline: See Attachment page 8.**  
**Pretrial Stipulation: See Attachment page 8.**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one year**.

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- (2)  During the condition period attached to the reproof, 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 reproof. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reproof conditions period, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reproof with the probation monitor to establish a manner and schedule of compliance. During the reproof conditions period, Respondent must furnish 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 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 conditions attached to the reproof.
- (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)  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 of the effective date of the reproof.

No MPRE recommended. Reason:

- (11)  The following conditions are attached hereto and incorporated:

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Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

Financial Conditions

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

None.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                                 ROBERT POINIER EASTON  
CASE NUMBER:                                     15-O-15006

**FACTS AND CONCLUSIONS OF LAW.**

Robert Poinier Easton (“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-15006 (State Bar Investigation)

**FACTS:**

1. On May 30, 2012, Judith Medina-Amos (“Medina-Amos”) hired Respondent to pursue a personal injury claim on behalf of Medina-Amos’ minor daughter, A.A., against Fast Track Enterprises, Inc. dba Barona Speedway.
2. Respondent was hired on a contingency fee basis.
3. In February 2013, Respondent had reached a settlement with Barona Speedway’s insurance provider, K&K Insurance Group, Inc. for the amount of \$37,000 to be deposited into a structured settlement account.
4. Respondent was responsible for negotiating the medical liens and preparing and filing the Petition for Minor’s Compromise with the Superior Court of California.
5. K&K Insurance sent several reminder letters to Respondent regarding the Petition for Minor’s Compromise on February 10, 2013, May 27, 2013, July 1, 2013, August 28, 2013, January 26, 2016, February 25, 2016, March 25, 2016, and April 20, 2016.
6. On September 17, 2014, Medina-Amos emailed Respondent requesting a status update. Respondent received her message, but failed to respond to her email.
7. On October 9, 2014, Medina-Amos emailed Respondent requesting him to call her. Respondent received her message, but failed to call her or respond to her email.
8. On November 11, 2014, Medina-Amos emailed Respondent regarding her frustration in Respondent delaying the case. Respondent received her message, but failed to respond to her email.
9. On June 16, 2015, Medina-Amos emailed Respondent that she was again frustrated with Respondent’s failure to finalize the settlement or respond to her messages. Respondent received her message, but failed to respond to her email.

10. On June 26, 2015, Medina-Amos emailed Respondent regarding Respondent's lack of communication and failure to perform and that she intended to file a complaint with the State Bar of California. Respondent received her message, but failed to respond to her email.

11. On August 25, 2015, Medina-Amos emailed Respondent requesting to talk about the case. Respondent received her message, but failed to respond to her email.

12. To date, Respondent has failed to negotiate one of the three medical liens and failed to file the Petition for Minor's Compromise with the Superior Court of California in order to finalize the settlement.

#### CONCLUSIONS OF LAW:

13. By failing to negotiate one of the three medical liens and failing to prepare and file the Petition for Minor's Compromise after settling his client's personal injury claim in February 2013, Respondent recklessly failed to perform with competence, in willful violation of Rules of Professional Conduct rule 3-110(A).

14. By failing to respond to six emails from Medina-Amos between September 2014 and September 2015 that sought status updates, Respondent failed to respond promptly to reasonable status inquiries in willful violation of Business and Professions Code, section 6068, subdivision (m).

#### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent failed to respond to his client's several emails between September 2014 to September 2015. Respondent also failed to perform by failing to negotiate one of the three medical liens and prepare and file the Petition for Minor's Compromise after agreeing to a settlement amount in February 2013. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555 [the commission of multiple acts of misconduct is considered serious aggravation].)

#### MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Respondent was admitted to the California State Bar on January 26, 1981. He has no prior record of discipline. Respondent has been licensed to practice law in California for approximately 33 years prior to the misconduct described herein. (*Friedman v. State Bar* (1990) 50 Cal. 3d 235, 245 [over 20 years of practice before first misconduct is highly significant even though misconduct at issue was serious].)

**Pretrial Stipulation:** By entering into this stipulation, Respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)



## **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 the 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.) Here, there are no reasons to depart from the Standards.

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)-(c).)

Standard 2.7(c) states, “Suspension or reproof is the presumed sanction for performance, communication, or withdrawal violations, which are limited in scope or time. The degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients.”

Here, the extent of Respondent’s misconduct involves his failure to respond to reasonable status inquiries by his client and failure to perform legal services competently in one client matter by failing to negotiate one of the three medical liens and prepare the Petition for Minor’s Compromise to finalize the settlement. As a result of Respondent’s misconduct, his client has endured delay in obtaining the settlement funds. Although Respondent’s multiple acts of misconduct also constitute an aggravating circumstance, Respondent’s aggravation is outweighed by his mitigation.

At the time of misconduct in 2014, Respondent had practiced law discipline-free for 33 years. Respondent is entitled to significant mitigation for his long history of practicing law without a record of discipline. This warrants a level of discipline on the lower end of the “range” of discipline suggested by Standards 2.7(c). Therefore, in weighing the misconduct, along with Respondent’s mitigation and aggravation, the appropriate level of discipline is a public reproof.

This level of discipline is consistent with case law. In *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, Van Sloten ceased performing any services for a single client and was found culpable of a single act of failing to perform. In aggravation, Van Sloten failed to appear for the oral argument of the appeal of the referee’s decision, which the Supreme Court found demonstrated a lack of concern for the disciplinary

process and a failure to appreciate the seriousness of the charges against him. (*Id.* at p. 933.) Van Sloten had no prior record of discipline and the court imposed a six-month stayed suspension with one year of probation. The misconduct in the present case is similar because this is Respondent's first disciplinary matter in which he failed to communicate and provide legal services competently in one client matter. Unlike the attorney in *Van Sloten*, who had only been practicing for five years before the misconduct occurred, Respondent has had 33 years of discipline-free practice. Accordingly, Respondent is entitled to significant mitigation, outweighing his aggravating circumstances. Therefore, a level of discipline in the lower range of Standard 2.7(c) is appropriate.

In light of the foregoing, discipline consisting of a public reproof is appropriate to protect the public, the courts and the legal profession, maintain high professional standards by attorneys, and preserve public confidence in the legal profession. (Std. 1.1.)

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of February 3, 2017, the discipline costs in this matter are \$3,878.45. 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.**




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: <b>ROBERT POINIER EASTON</b>	Case number(s): <b>15-O-15006</b>
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>2/13/17</u> Date	<u></u> Respondent's Signature	<u>Robert Poinier Easton</u> Print Name
<u>2/16/2017</u> Date	<u></u> Respondent's Counsel Signature	<u>Paul Virgo</u> Print Name
<u>3/7/17</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Jennifer Kishimizu Pinney</u> Print Name

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In the Matter of: <b>ROBERT POINIER EASTON</b>	Case Number(s): <b>15-O-15006-CV</b>
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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
  - The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
  - All court dates in the Hearing Department are vacated.
1. On page 3 of the stipulation, in paragraph B(9) (which is titled "Indifference"), an "X" is INSERTED in the box.
  2. On page 3 of the stipulation, in paragraph B(11) (which is titled "Multiple Acts"), the "X" in the box and the second sentence, which begins "See Attachment," are DELETED.
  3. On page 6 of the stipulation, under the heading "F. Other Conditions Negotiated by the Parties," the word "None" is DELETED, and the following text is INSERTED in its place:

If Respondent has not yet done so, Respondent must *promptly* (1) negotiate the one "outstanding" medical lien for his client, the daughter of Judith Medina-Amos, and (2) seek the superior court's approval of the \$37,000 settlement of his client's claims against Fast Track Enterprises, Inc., d/b/a Barona Speedway. Respondent must report the status of his medical-lien negotiations and of his efforts to obtain the superior court's approval of the settlement in each quarterly reproof report he is required to file under paragraph E(5), *ante*. (See *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 869 [where the review department attached a condition to the respondent attorney's reproof requiring the respondent attorney to obey a superior court sanction order so that the attorney's professional duty to obey the order would not be terminated by the reproof].)

4. On page 8 of the stipulation, under the heading "Aggravating Circumstances," the paragraph, which begins: "Multiple Acts of Misconduct ...," is DELETED,<sup>1</sup> and the following text is INSERTED in its place:

**Indifference (Std. 1.5(k)):** Respondent's failure to negotiate the one "outstanding" medical lien and his failure to prepare and file a petition seeking the superior court's approval of the settlement once he became aware of

<sup>1</sup> The record does not support the stipulated finding of multiple-acts-of-misconduct aggravation. Collectively, respondent's failure to communicate, failure to negotiate a medical lien, and failure to seek court approval of the settlement establish but "a single [count] of failing to perform" legal services competently. (*Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 931, 933; see also *Calvert v. State Bar* (1991) 54 Cal.3d 765, 782 ["Adequate communication with clients is an integral part of competent professional performance as an attorney"]; *In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 839, citing *In the Matter of Blum* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 170.)

The citation to *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555 is inapt in the present case, in which respondent failed to competently perform in a single client matter. In stark contrast, the attorney in *Valinoti* was found culpable on a total of 23 counts of serious misconduct in 9 separate client matters. Moreover, the review department held that the multiple-acts-of-misconduct aggravation in *Valinoti* was particularly serious because, at the very least, the attorney's misconduct was comprised of "repeated, similar acts of misconduct," which were committed over a period spanning two and one-half years.

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the present proceeding establishes his indifference towards rectification of the consequences of his misconduct, which is an aggravating circumstance. (Cf. *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 702; see also *In the Matter of Robins* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 708, 714 [attorney's failure to pay liens for up to two years as aggravation].)

5. On page 9 of the stipulation, in the fifth paragraph, the last sentence, which begins "Although Respondent's multiple acts ...," is DELETED, and the following text is INSERTED in its place: "Even though Respondent has been indifferent towards rectification of the consequences of his misconduct, his indifference is outweighed by his substantial, if not compelling, mitigation."

The court also orders that costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that those costs are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Robert Poinier Easton must pay one-half of the costs with his membership fees for each of the years 2018 and 2019. If he 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.

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

March 15, 2017  
Date

  
CYNTHIA VALENZUELA  
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 March 15, 2017, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

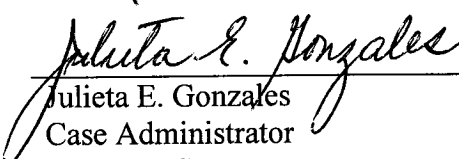
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

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

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

Asami J. Kishimizu Pinney, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 15, 2017.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court