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<b>State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  <b>Lauren Williams</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2527  Bar # 245948	<b>Case Number(s):</b> <del>15-O-15698-PEM</del> 15-O-15697-PEM	<b>For Court use only</b>  <b>FILED</b> <i>LD</i>  APR 17 2017  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel For Respondent</b>  <b>James J. Banks</b> Watson & Banks 901 F Street, Suite 200 Sacramento, CA 95814 (916) 325-1000  Bar # 119525	<b>PUBLIC MATTER</b>  <b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> <b>ARTURO REYES, Jr.</b>  Bar # 214473  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 August 8, 2001.
- (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."



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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: (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.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See "Additional Facts Re Aggravating Circumstances", attachment, page 9.
- (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 "Additional Facts Re Aggravating Circumstances", attachment, page 9.
- (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. See "Additional Facts Re Aggravating Circumstances", attachment, page 9.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

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

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

**Pretrial Stipulation – See "Additional Facts Re Mitigation Circumstances", attachment, page 9.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **one year**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of one year, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.
- 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

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- 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:

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- (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:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> 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:                   ARTURO REYES  
CASE NUMBER:                        15-O-15698-PEM

**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-15698-PEM (Complainant: Omar Flores)**

**FACTS:**

1. On April 5, 2012, respondent signed a fee agreement to represent Omar Flores ("Flores") in his criminal matter, Sacramento County Superior Court case no. 11F08023. The fee agreement excluded an appeal, except as provided for under a separate written agreement.

2. Per the fee agreement, respondent's fee was \$5,000 through trial. Flores' mother, Marycruz Valenzuela ("Valenzuela"), paid the \$5,000 to respondent on behalf of Flores. Respondent failed to obtain Flores' informed written consent to accept payment from Valenzuela.

3. On October 12, 2012, judgment was entered against Flores pursuant to his plea to second-degree robbery and he was sentenced to twelve years in prison. Respondent agreed to represent Flores in an appeal.

4. On November 6, 2012, Valenzuela paid respondent \$1,500 for the appeal. Respondent provided Valenzuela with a handwritten receipt which acknowledged that the payment was for Flores' appeal in case no. 11F08023. Valenzuela paid another \$1,000 on December 3, 2012. Valenzuela paid respondent a total of \$2,500 for Flores' appeal. Respondent failed to obtain Flores' informed written consent to accept payment from Valenzuela.

5. On December 13, 2012, respondent submitted a notice of appeal on behalf of Flores for filing in case no. 11F08023. On the same date, the Superior Court sent respondent a late appeal letter, which informed him that the notice of appeal had been rejected for filing due to being untimely. Respondent received the letter shortly after it was mailed.

6. On February 20, 2013, Flores filed a request in the Court of Appeal, Third Appellate District, case no. C073136, for permission to file the notice of appeal under the constructive filing doctrine.

7. On March 28, 2013, the Attorney General's office filed a response which declined to oppose Flores' request, based on attorney error.

8. On March 28, 2013, the Court of Appeal granted Flores' request. Flores' notice of appeal was filed as of March 29, 2013.

9. On April 10, 2013, the court served respondent with a letter which stated that if respondent did not intent to represent Flores on appeal, then he was required to file a substitution of attorney or a motion to withdraw without delay. The letter stated that, otherwise, respondent would remain in retained status. Respondent received this letter shortly after it was mailed. Respondent did not file a substitution of attorney or a motion to withdraw.

10. On May 27, 2013, the court filed a notice that Appellant's Opening Brief ("AOB") was due on July 12, 2013. The notice was served on respondent, who received it shortly after it was mailed. Respondent did not file an AOB by July 12, 2013.

11. On July 24, 2013, the court filed a notice that Flores had failed to timely file an AOB, and it was now due on August 23, 2013. The notice was served on respondent, who received it shortly after it was mailed. Respondent did not file an AOB by August 23, 2013.

12. On September 3, 2013, the court dismissed the appeal. The notice of the dismissal was served on respondent, who received it shortly after it was mailed. However, respondent did not inform Flores or Valenzuela.

13. Respondent failed to promptly refund the \$2,500 fee Valenzuela paid to him, despite failing to perform any material services relating to the appeal.

14. On November 12, 2015, the State Bar received a complaint from Valenzuela on behalf of Flores.

15. On January 21, 2016, a State Bar investigator sent respondent a letter which requested a response to the allegations. Respondent received the letter shortly thereafter and failed to respond.

16. On June 29, 2016, a State Bar investigator sent respondent a second letter which requested a response to the allegations. Although respondent informed the investigator on July 19, 2016 that he would provide a written response, he failed to do so.

17. Respondent did not refund the unearned fees until after the Notice of Disciplinary Charges ("NDC") was filed in this matter. Respondent paid Valenzuela \$2,500 for advanced fees on February 20, 2017, and \$1,073.28 for interest on the fees on March 17, 2017.

#### CONCLUSIONS OF LAW:

18. By failing to file a timely notice of appeal, failing to file the AOB, and causing Flores' appeal to be dismissed, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

19. By failing to inform Flores that the Court of Appeal dismissed his appeal on September 3, 2013, respondent failed to keep his client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).



20. By delaying until February 20, 2017, to refund the \$2,500 unearned advanced fee paid by Valenzuela on behalf of Flores, respondent failed to promptly refund any part of a fee paid in advance that has not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

21. By accepting the \$7,500 payment from Valenzuela as advanced fees for representing Flores, without obtaining Flores' informed written consent, respondent accepted compensation for representing a client from one other than the client to receive such compensation, without the client's informed written consent, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

22. By failing to respond to the State Bar's letters, dated January 21, 2016 and June 29, 2016, requesting respondent's response to the allegations of misconduct in case no. 15-O-15698, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent, in willful violation of Business and Professions Code, section 6068(i).

#### **ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent is culpable of five acts of misconduct.

**Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):** Due to respondent's failure to timely file an AOB, Flores lost his right to have his appeal heard. Also, respondent failed to earn the \$2,500 Valenzuela paid and was therefore obligated to promptly and fully refund Valenzuela and/or Flores. Respondent deprived Valenzuela and/or Flores of the \$2,500 for more than three years.

**High Vulnerability of Victim (Std. 1.5(n)):** Due to his incarceration, Flores was highly vulnerable.

#### **ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES**

**Extraordinary Good Character (Std. 1.6(f)):** Respondent provided six letters of support authored by three judges, one district attorney, one member of a board of supervisors, and a friend, each of whom have known respondent for than nine years. Each reference, notwithstanding their knowledge of the misconduct charged against respondent, attested to respondent's competence, exceptional trial skills, reputation in the legal community, and professionalism. (See *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592 [significant mitigation given for testimony of three witnesses with long-standing familiarity and broad knowledge of attorney's good character].)

**No Prior Discipline:** Mitigation is permitted for the absence of prior discipline over many years of practice, notwithstanding the seriousness of the present misconduct. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.) Significant weight is afforded for more than ten years of discipline-free practice. (See *Hawes v. State Bar* (1990) 51 Cal. 3d 587, 596.)

Respondent was admitted to the practice of law on August 8, 2001. His misconduct began in July 2013. Thus, respondent had approximately 12 years of discipline-free practice.

**Pretrial Stipulation:** By entering into this stipulation, respondent acknowledges 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 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 admits to committing five acts of professional misconduct. 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."

The most severe sanction applicable to respondent's misconduct is found in Standard 2.7(c), which applies to respondent's performance/withdrawal violations, which are limited in scope or time. Standard 2.7(c) provides for suspension or reproof, the degree of which "depends on the extent of the misconduct and the degree of harm to the client or others."

In *In the Matter of Riordan, supra*, 5 Cal State Bar Ct. Rptr. 41, Riordan was suspended for six months, stayed, for failing to file an opening brief in his client's death penalty matter over a prolonged period, violating the Supreme Court orders to submit the opening brief, and failing to report a judicial sanction. The Review Department noted that Riordan's misconduct would normally warrant a recommendation of actual suspension, but concluded that given the totality of circumstances, including Riordan's inexperience and the absence of harm to the client, provided "a unique confluence of circumstances" warranting a deviation. (*Id.* at p. 53.)

In *In the Matter of Aulakh* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 690, Aulakh received a 45-day actual suspension and was required to pay restitution for failing to timely file a statement on appeal on

behalf of his incarcerated client, failing to refund unearned fees and failing to render an accounting. Aulakh's 20 years of discipline free practice was given great weight in mitigation. However, in aggravation, Aulakh significantly harmed his client by leaving him in jail for 10 days, and was uncooperative in the disciplinary proceedings.

Unlike Riordan's prolonged neglect in his client's matter, respondent's misconduct occurred over a limited period of time. However, the "unique confluence of circumstances" present in *Riordan*, is not present here. Also, there are fewer mitigating, and more aggravating, circumstances.

Despite the similarities in misconduct and aggravating circumstances found in *Aulakh*, the mitigating circumstances present here, including several extraordinary good character references and cooperation in executing a pretrial stipulation, is stronger.

On balance, a one year suspension, stayed, one year probation and 30-day actual suspension will be sufficient to protect the public, the courts and the legal profession; maintain the highest professional standards; and preserve public confidence in the legal profession.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 24, 2017, the discipline costs in this matter are approximately \$5,957. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**

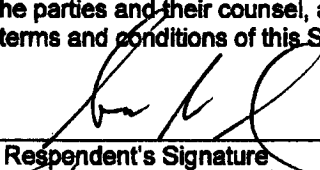


Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reproof or suspension]. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>ARTURO REYES</b>	Case number(s): <b>15-C-15698-PEM</b> <i>15-0-15697-Pleny</i>
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**SIGNATURE OF THE PARTIES**

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

<u>4/3/17</u> Date	 Respondent's Signature	<u>ARTURO REYES</u> Print Name
<u>4/3/17</u> Date	 Respondent's Counsel Signature	<u>JAMES J. BANKS</u> Print Name
<u>4/3/17</u> Date	 Deputy Trial Counsel's Signature	<u>LAUREN WILLIAMS</u> Print Name

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In the Matter of: <b>ARTURO REYES</b>	Case number(s): <b>45-O-15698-PEM</b> <b>15-0-15697-PEM</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>4/3/17</u> Date	 Respondent's Signature	<u>ARTURO REYES</u> Print Name
<u>4/3/17</u> Date	 Respondent's Counsel Signature	<u>JAMES J. BANKS</u> Print Name
<u>                    </u> Date	<u>                    </u> Deputy Trial Counsel's Signature	<u>LAUREN WILLIAMS</u> Print Name

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In the Matter of: ARTURO REYES, JR.	Case Number(s): 15-O-15697
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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. All references to case number "15-O-15698" throughout the stipulation are CORRECTED to "15-O-15697."
2. All references to "Arturo Reyes" throughout the stipulation are CORRECTED to "Arturo Reyes, Jr."
3. On page 1 of the stipulation, in paragraph A(3), in the last line the phrase "12 pages" is MODIFIED to read: "13 pages (there are two signature pages – page numbers 12 and 13)."

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.)**

April 17, 2017  
Date

  
\_\_\_\_\_  
LUCY ARMENDARIZ  
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 San Francisco, On April 17, 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:

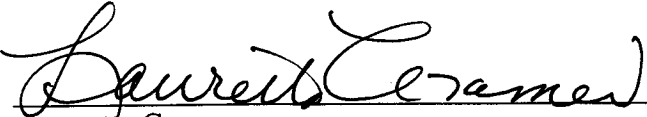
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JAMES JOSEPH BANKS  
BANKS & WATSON  
901 F ST STE 200  
SACRAMENTO, CA 95814

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

Lauren M. Williams, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 17, 2017.

  
Laurretta Cramer  
Case Administrator  
State Bar Court