


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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Michaela Carpio Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1338 Bar # 304677	Case Number(s): 16-J-13611-DFM	For Court use only PUBLIC MATTER FILED  APR 25 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Raymond T. Lee III Law Office of R.T. Lee, III P.O. Box 308 Dublin, OH 43017 (614) 598-7563 Bar # 206308	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: RAYMOND T. LEE III Bar # 206308 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 **March 10, 2000**.
- (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 **14** 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."



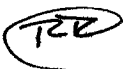



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (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: **two 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
- (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.



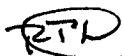
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- (7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See attachment at page 11.**
- (9) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See attachment at page 11.**
- (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 at page 11.
- (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. **See attachment at page 11.**
- (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



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

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

Pretrial Stipulation: See Attachment at page 12.

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law 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:

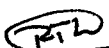
- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be placed on probation for a period of **two 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 **six months**.
- 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: **Respondent is a resident of Ohio. As per agreement by the parties, in lieu of State Bar Ethics School, see "Other Conditions Negotiated by the Parties" in section (F)(5) below.**

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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:** Within one (1) year of the effective date of discipline herein, respondent must submit to the Office of Probation satisfactory proof of completion of no less than six (6) hours of participatory Minimum Continuing Legal Education ("MCLE") approved courses in general legal ethics by a certified provider. (See Rules of Procedure of the State Bar of California, rule 5.135(B).) This six-hour MCLE requirement is separate from any other MCLE requirement and respondent will not receive MCLE credit for the hours.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RAYMOND T. LEE III

CASE NUMBER: 16-J-13611

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. 16-J-13611 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

1. Respondent was admitted to practice law in the State of Ohio on November 21, 1983, and was admitted to practice law in the State of California on March 10, 2000. Respondent has never been admitted to practice law in the State of Kentucky, or otherwise entitled to practice law in that state.

2. On October 6, 2014, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio recommended that respondent be indefinitely suspended from the practice of law based on violating Kentucky Supreme Court Rules ("KSCR"), rules 3.130(1.3), 3.130(1.4(a)(3)), 3.130(1.4(a)(4)), 3.130(1.16(d)), 3.130(5.5(a)), and 3.130(8.4(c)) and violating Ohio Rules of Government of the Bar, rule V, §4(G) and Ohio Rules of Professional Conduct 8.1(b).

3. On January 14, 2016, the Supreme Court of Ohio filed an Order on Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court indefinitely suspending respondent from the practice of law with conditions, including the completion of one credit hour of continuing legal education for each month of the suspension, reimbursement of the Lawyers' Fund for Client Protection within 90 days, notification of clients, co-counsel, and opposing counsel of the suspension, delivery of all client files, and the refund of all unearned fees. Thereafter, that order became final. To date, respondent remains suspended and on probation in Ohio.

4. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

5. At all pertinent times, respondent had a retainer agreement with the Federal Educators Association ("FEA") under which he was paid a fixed fee per month to handle disciplinary matters involving members of the FEA's collective bargaining unit as needed. More than 50 percent of the matters respondent handled for the FEA involved teacher discipline.

6. Patricia Buhl was a member of the FEA collective bargaining unit until October 5, 2007, when Buhl resigned from her position as a teacher at Pierce Elementary School in the Fort Knox Community

Schools, Fort Knox, Kentucky. She resigned because her husband served in the United States Army and was transferred from Fort Knox to the Marshall Islands.

7. On November 3, 2007, respondent emailed Buhl in response to several emails she sent inquiring about whether she should or could file a grievance in connection with the investigation that was pending against her at the time she resigned from her employment with Fort Knox Community Schools. In the response, he noted that the position of the FEA was weakened by her resignation because she was no longer a member of the collective bargaining unit and a grievance brought on her behalf by the FEA could be challenged because the FEA would lack "standing" to act on her behalf.

8. On November 28, 2007, the Kentucky Education Professional Standards Board ("Kentucky Board") sent Buhl a letter to inform her that she had been accused of misconduct as a teacher and to provide her with an opportunity to respond. The letter was sent to Buhl at her new address in Kwajalein Atoll, Marshall Islands.

9. Upon receiving the letter from the Kentucky Board, Buhl sought the advice of the FEA. On or about January 9, 2008, Buhl prepared a draft reply to the disciplinary letter and emailed it to respondent and FEA staff members for their review.

10. Respondent reviewed Buhl's draft reply, provided comments, and recommended that she submit her draft as the reply. Respondent further indicated that he and the FEA were preparing a "lawyer supplement" to her reply to be sent after her reply was submitted.

11. Buhl made respondent's proposed changes to the draft reply and sent it back to him. Because she was out of the country, she asked respondent to submit her reply letter. As requested, respondent faxed Buhl's reply letter to the Kentucky Board.

12. On January 10, 2008, respondent sent an email to Buhl's husband confirming that Buhl's reply had been sent to the Kentucky Board. Respondent indicated that there was "nothing to do at this time but to wait on the KY Board to ponder" and that "we", respondent and the FEA, would be submitting supplemental material. Neither respondent nor the FEA ever sent any supplemental material to the Kentucky Board.

13. On March 19, 2008, the Kentucky Board sent a letter to Buhl and copied respondent notifying them that they would hold a hearing on the disciplinary complaint against her.

14. On April 29, 2008, Buhl emailed respondent seeking advice as to what to do in response to the Kentucky Board. Respondent replied advising that there is no time limit for the Kentucky Board to act and there was nothing to do until a judge was assigned and a prehearing conference was set. Respondent further indicated that "[w]e will naturally review the charges and take whatever action is appropriate based on the charges brought, if any."

15. From April 2008 to October 2008, respondent did not have any contact with Buhl. On October 1, 2008, and again on June 5, 2009, Buhl emailed respondent to check on the status of the complaint. Respondent received the emails but did not respond to either inquiry.

16. From June 2009 to March 2010, respondent and Buhl had no contact. On March 24, 2010, attorney Courtney Baxter sent a letter to Buhl notifying Buhl that Baxter had been retained by the Kentucky Board to prosecute Buhl's disciplinary matter. The letter was sent to Buhl's old Kentucky

address, notwithstanding the fact that the Kentucky Board had her new address in the Marshall Islands. The letter further indicated that Baxter attempted to reach respondent but respondent had not responded to any of her phone calls.

17. On April 4, 2010, unaware of the letter from Baxter, Buhl emailed the FEA to inquire about the complaint. The FEA advised her that she should do nothing and should have no reason to believe the complaint was still under review.

18. On February 11, 2011, Baxter filed a Notice of Statement of Charges and Issues ("the complaint") with the Kentucky Board. Service of the complaint went to Buhl's old Kentucky address.

19. On February 15, 2011, Stuart W. Cobb, the hearing officer for the Kentucky Board ("Hearing Officer Cobb"), issued a Notice Assigning Case, Order Setting Filing Requirements, and Scheduling Prehearing Conference. The notice and order were served upon Buhl at her old Kentucky address and respondent at his post office box – although the post office box number for respondent was incorrect. Respondent had no recollection of ever receiving the order.

20. Baxter eventually learned that the notice and order were not served on respondent. To rectify that error, on February 28, 2011, she contacted respondent. Respondent told Baxter that he had not heard from Buhl in a while and he was not sure if he still represented her. He promised to make inquiry and get back to her. He denied receiving a copy of the complaint. Respondent was provided a copy of the complaint on February 28, 2011. Respondent did not inform Buhl of the complaint.

21. On March 2, 2011, Hearing Officer Cobb issued a Prehearing Conference Order setting forth attempts to serve Buhl at her last known address in the United States were returned undeliverable. The order further indicated that they did not try to reach her in the Marshall Islands because the forwarding order had expired. The order was served at Buhl's old Kentucky address and was mistakenly served on another attorney, not respondent. The order gave Baxter leave to file a motion for default judgment.

22. As of March 7, 2011, Baxter had not heard back from respondent and so she filed a motion for default judgment on behalf of the Kentucky Board. Buhl was again served at her old Kentucky address, and respondent was served at his post office box.

23. On March 13, 2011, Buhl emailed respondent and the FEA notifying them that renters at their old Kentucky address forwarded her a copy of the prehearing conference order. She asked respondent and the FEA to contact the Kentucky Board to clear up the misunderstanding and expressed concern about a decision being made without their knowledge. She further added that "[t]hey obviously have not reviewed anything in their files for surely there is information from you." To the email, she attached draft arguments prepared by her husband.

24. On March 15, 2011, Hearing Officer Cobb issued a recommended order of default.

25. On the same afternoon, respondent emailed Baxter and indicated that Buhl had authorized him to represent her but he would need to move to be admitted *pro hac vice* that same night.

26. On March 16, 2011, Baxter and respondent exchanged email messages and agreed to seek a new prehearing conference date from the hearing officer and open discussions regarding settlement. Respondent then sent a letter to the hearing officer seeking a date for a new prehearing conference and indicated that he intended to file a motion for admission *pro hac vice*. In a subsequent email, Baxter

informed respondent that she just received a copy of an order granting a default judgment against Buhl. Baxter recommended that respondent file a motion to have the default judgment set aside and agreed to prepare a settlement proposal.

27. Later that same afternoon, respondent emailed Buhl forwarding a copy of the letter he sent the hearing officer and promising to get "something else" filed on Monday. Buhl replied thanking him and posed a number of questions about the case. Respondent never replied. Notwithstanding respondent's representations and promises to Buhl to file something else on her behalf, he never filed a notice of appearance, never moved to be admitted *pro hac vice*, never moved to set aside the default judgment, and never filed anything else on behalf of Buhl.

28. By April 11, 2011, Buhl had not received any communications from respondent and so she sent him an email seeking an update. Respondent received the email but never replied.

29. On May 16, 2011, the Kentucky Board issued a final order permanently revoking Buhl's teaching certificate. Service of the order went to Buhl at her old Kentucky address. She never received it.

30. On June 21, 2011, Buhl again sent an email to respondent seeking an update. Respondent received the email but never replied.

31. On November 2, 2011, Buhl learned for the first time that her teaching certification in Kentucky had been revoked. She received the notice from Pennsylvania. Pennsylvania is her original state of certification and notified her because it was attempting to revoke her Pennsylvania certification based upon the action taken by Kentucky. She emailed respondent about the revocation. Again, respondent received the email but never replied.

32. In an email exchange that began on November 3, 2011, the FEA replied to Buhl asking her to send all documents related to her teaching certification. By the end of the email exchange on November 9, 2011, Buhl had sent the FEA all of the documents and again asked the FEA for her help and the assistance of respondent who was copied on all of the email messages in the exchange. Respondent received the email but neither respondent nor the FEA responded to Buhl's request for additional assistance.

33. On November 21, 2011, Buhl emailed respondent and the FEA to notify them that she had retained new counsel, Jeffrey Walther, and asked them to provide Walther with all information related to her matter. Respondent received the email but never replied.

34. On December 13, 2011, Walther sent a letter to respondent requesting Buhl's file. Respondent replied to Walther on December 16, 2011, and promised to "devote tomorrow" to getting Buhl's file. Respondent never produced the file.

35. Buhl filed a grievance against respondent in Ohio. On May 22, 2012, Ohio's Office of Disciplinary Counsel ("Disciplinary Counsel") sent respondent a certified letter of inquiry regarding Buhl's grievance commencing the disciplinary investigation and proceeding against respondent in Ohio.

36. Respondent's misconduct took a toll on Buhl's health and family. She feared for her husband's career and going back into the classroom because she might be falsely accused. During the

disciplinary proceeding against respondent in Ohio, Buhl testified that she may never return to teaching even though her license will be restored.

CONCLUSIONS OF LAW:

37. As a matter of law, respondent's culpability of professional misconduct determined in the proceeding in Ohio warrants the imposition of discipline under the laws and rules binding upon respondent in the State of California at the time respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed multiple acts of misconduct in a single client matter by failing to perform legal services with competence, failing to reasonably communicate with the client, engaging in dishonesty, fraud, deceit or misrepresentation, abandoning the client, failing to release the file back to the client, and practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction.

Significant Harm to the Client, the Public, or the Administration of Justice (1.5(j)): By accepting Ms. Buhl's case when he was not entitled to practice law in Kentucky, by failing to take any steps to be admitted *pro hac vice* in Kentucky, and by failing to notify Ms. Buhl that he would not be able to take legal action on her behalf and that she should retain a new attorney, respondent led Ms. Buhl to believe that he was taking steps as her attorney to protect her interests when he was not. Ms. Buhl lost her teaching certification in Kentucky and had to obtain new counsel in order to vacate the certification revocation. Moreover, Pennsylvania began the certification revocation process against Buhl based on her certification revocation in Kentucky. Thereafter, respondent made it difficult for Ms. Buhl by delaying the return of her file. Respondent's misconduct also caused Ms. Buhl emotional distress.

Indifference Toward Rectification or Atonement (1.5(k)): Despite Ms. Buhl's multiple requests for assistance and despite respondent's actual knowledge of the default proceedings, he failed to take steps to be admitted in Kentucky *pro hac vice*, failed to take any action to set aside the default, and failed to take any action to notify Ms. Buhl that she should get a new attorney as he could not practice law in Kentucky, which shows indifference towards rectifying his misconduct.

MITIGATING CIRCUMSTANCES.

No Prior Discipline (1.6(a)): Respondent was admitted to practice law in the State of Ohio on November 21, 1983, and was admitted to practice law in the State of California on March 10, 2000, and has been active from that time, totaling 28 years of discipline-free practice in Ohio and 11 years of discipline-free practice in California at the time of the misconduct. Given that this is respondent's first discipline in California and that there is no indication that the misconduct is likely to occur, respondent is entitled to substantial mitigation for a discipline-free record after a significant number of years of practicing law. (*Hawes v. State Bar*, (1990) 51 Cal.3d 587, 596 [gave significant weight in mitigation to attorney practicing 10 years without discipline]; *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [mitigation credit for many years of discipline free practice given even when conduct is 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; hereinafter "Standards.") 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 purpose 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).)

In this matter, respondent was found culpable of professional misconduct in another jurisdiction, and to determine the appropriate sanction in this proceeding, it is necessary to consider the equivalent rule or statutory violation under California law. Here, respondent was found culpable of 10 acts of professional misconduct in Ohio. Respondent's misconduct in Ohio is analogous to California Rules of Professional Conduct, rules 1-300(B) [Unauthorized Practice of Law], 3-110(A) [Failing to Act Competently], 3-700(A)(2) [Termination from Employment], and 3-700(D)(1) [Failure to Release File], and Business and Professions Code sections 6068(i) [Failure to Cooperate with Investigation], 6068(m) [Failure to Communicate], and 6106 [Moral Turpitude, Dishonesty, or Corruption]. 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 2.11, which applies to respondent's violation of Business and Professions Code section 6106 [Moral Turpitude, Dishonesty, or Corruption]. Standard 2.11 provides that "[d]isbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly

negligent misrepresentation, or concealment of a material fact.” The degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients.

Given the extent of respondent’s misconduct and the degree of harm to his client, significant actual suspension is appropriate. Here, for four years, respondent’s conduct gave Ms. Buhl a reasonable belief or expectation that he represented her in the disciplinary proceeding in Kentucky. However, respondent failed to take any action in Ms. Buhl’s case. Respondent’s misconduct led Buhl to lose her Kentucky teaching license and required her to retain another attorney in order to get her license back again.

Significant discipline is also consistent with case law. In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, the attorney received two years suspension stayed and two years’ probation with conditions, including six months actual suspension for the unauthorized practice of law in another jurisdiction, charging an illegal and unconscionable fee, failing to return unearned fees, failing to maintain funds in trust, and committing acts of moral turpitude. In mitigation, the attorney suffered from extreme emotional distress, provided eight character witnesses, and cooperated with the State Bar by entering into a stipulation of material facts. In aggravation, the attorney had a prior record of discipline, committed multiple acts of wrongdoing, significantly harmed the public, the administration of justice, and her clients, and demonstrated indifference towards the consequences of her actions.

In *Wells*, the attorney represented two clients in employment discrimination cases in South Carolina when the attorney was not admitted in that state. Although its analysis mainly focused on the attorney’s unconscionable fees, the court stated that, “[w]e are concerned that an experienced practitioner such as respondent was ignorant of the most basic rules regarding her license to practice, and as a consequence, the South Carolina Supreme Court was deprived of the ability to ensure she would adhere to that state’s standards of professional responsibility.” (*Id.* at 916-917.) The crux of the misconduct in *Wells* is very similar to that of respondent’s misconduct in the present case. Both attorneys practiced law in a jurisdiction wherein they were not authorized to do so, and as a result, caused significant harm to their clients. As such, discipline similar to that in *Wells* is appropriate in this case.

In light of the foregoing, two years suspension stayed and two years’ probation with conditions, including six months actual suspension is the appropriate level of discipline and will best serve the goals of protection of the public, the courts, and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 22, 2017, the discipline costs in this matter are \$3,758. 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 suspension. (Rules Proc. of State Bar, rule 3201.)

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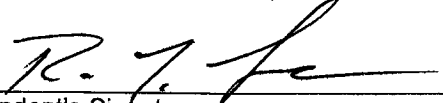
In the Matter of:
RAYMOND T. LEE III

Case number(s):
16-J-13611

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.

28 March 2017
Date


Respondent's Signature

RAYMOND T. LEE III
Raymond T. Lee III

Date

Respondent's Counsel Signature

Print Name

4/4/17
Date


Deputy Trial Counsel's Signature

Michaela Carpio
Michaela Carpio

(122)

(Do not write above this line.)

In the Matter of: RAYMOND T. LEE III	Case Number(s): 16-J-13611
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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.

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 24, 2017
Date


YVETTE D. ROLAND
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 April 25, 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:

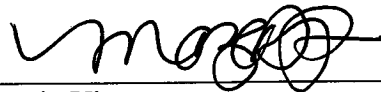
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RAYMOND T. LEE III
LAW OFFICE OF R.T. LEE, III
PO BOX 308
DUBLIN, OH 43017

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

MICHAELA F. CARPIO, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 25, 2017.



Mazie Yip
Case Administrator
State Bar Court