PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of RAAQIM A.S. KNIGHT, A Member of the State Bar, No. 217630.	)	Case Nos. 16-N-15785; 17-O-04408-CV (Cons.) DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

Introduction[1]

In this disciplinary matter, respondent Raaqim A.S. Knight (Respondent) is charged with one count of willfully violating California Rules of Court, rule 9.20(c),[2] and one count of failing to comply with conditions of probation, in violation of Business and Professions Code section 6068, subdivision, (k). The Office of Chief Trial Counsel of the State Bar of California (OCTC) has the burden of proving these charges by clear and convincing evidence.[3] Respondent has stipulated that he violated rule 9.20(c) and section 6068, subdivision (k), as alleged. Based on the stipulated facts and evidence admitted at trial, this court finds, by clear and convincing evidence, that Respondent is culpable as charged. In light of the nature of Respondent's

[1] Unless otherwise indicated, all statutory references are to the Business and Professions Code.

[2] Unless otherwise indicated, all references to rules are to the California Rules of Court.

[3] Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

culpability and the serious aggravating circumstances that far outweigh the mitigating factors, the court recommends that Respondent be disbarred from the practice of law.

Significant Procedural History

OCTC initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) against Respondent on January 26, 2017, in case number 16-N-15785. On February 27, 2017, the initial status conference was held and Respondent failed to appear. Respondent failed to file a timely response to the NDC, and this court ordered him to do so by March 6, 2017, or be subject to a motion for entry of default. Respondent filed his response on March 7, 2017. The pretrial conference was held on May 8, 2017. Respondent failed to timely file a pretrial statement. Trial was set for May 16, 2017, and Respondent failed to appear for trial. Consequently, this court entered Respondent's default. Respondent moved to set aside his default, and the court granted the motion on July 5, 2017.

On August 9, 2017, OCTC filed an NDC in case number 17-O-04408. On August 10, 2017, this court consolidated the two pending cases and set trial for October 24, 2017. On October 16, 2017, the parties filed a Stipulation as to Facts, Conclusions of Law, and Admission of Documents.

On October 24, 2017, a one-day trial was held regarding the level of discipline to be imposed. On November 7, 2017, the parties filed their respective briefs, and the court took this matter under submission.[4]

[4] On November 8, 2017, OCTC filed a motion to strike portions of Respondent's closing brief. Respondent did not file a response to the motion. Good cause having been shown, the court grants OCTC's motion. The following are stricken from Respondent's closing brief: 1) any reference to testimony regarding Respondent's treatment with Dr. Bermudez; 2) any reference that Respondent has filed his quarterly reports or registered for State Bar Ethics School; and 3) any reference to Darren Jackson Hodge and Steven King.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 3, 2001, and has been a member of the State Bar of California at all times since that date.

Facts

Case No. 16-N-15785 – The 9.20 Matter
Case No. 17-O-04408 – The Probation Violation Matter

On April 28, 2016, the California Supreme Court filed an order in case No. S231739 (State Bar Court case Nos. 14-O-03054 (14-O-03055, 14-O-03268), hereinafter No. 14-O-03054) (Supreme Court order), which became effective on May 28, 2016. The Supreme Court Order was properly served on Respondent on or about April 28, 2016. Respondent received the order.

The Supreme Court ordered that Respondent be suspended from the practice of law for one year, stayed, and two years' probation with conditions, including a 90-day suspension. Pursuant to the order, Respondent was required to comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Supreme Court Order. Thus, by July 7, 2016, Respondent was required to file with the Clerk of the State Bar Court an affidavit showing that he had fully complied with the provisions of rule 9.20.

In addition to the rule 9.20 requirement, Respondent was ordered to comply with the following relevant conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 3, 2015:

a. Within 30 days after the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of probation. Upon 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;

b. 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 during which the probation conditions are in effect. 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. 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 the probation period; and

c. Within one year of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session.

Probation Deputy Ivy Cheung (Cheung), from the State Bar Office of Probation, sent Respondent a courtesy letter, dated May 6, 2016, attaching a copy of the Supreme Court Order, notifying Respondent of his probation terms, and advising Respondent that his rule 9.20 affidavit had to be filed with the State Bar Court no later than July 7, 2016. The courtesy letter also advised Respondent that he must contact Cheung within 30 days of May 28, 2016 (by June 27, 2016), to schedule his required meeting with the Office of Probation. The May 6, 2016 courtesy letter was mailed to Respondent's official membership records address and was not returned as undeliverable or for any other reason. Respondent received the May 6, 2016 courtesy letter.

On June 8, 2016, after the Supreme Court order became effective, attorney Edward Lear, on Respondent's behalf, filed with the Hearing Department a Motion to Correct Factual Inaccuracies in the Decision in case No. 14-O-03054. The motion specifically requested that two factual findings made in the State Bar Court Decision be corrected, but also stated that such findings did not affect the level of discipline. On June 30, 2016, the State Bar Court issued a ruling denying Respondent's motion as untimely.

Respondent did not file a rule 9.20 declaration by July 7, 2016, and he failed to submit his first quarterly report to the Office of Probation by July 10, 2016. Cheung sent Respondent a

reminder letter, dated July 21, 2016, advising Respondent that his rule 9.20 affidavit was due on July 7, 2016 (reminder letter), and advising Respondent that a willful failure to comply with the provisions of rule 9.20 is a cause for disbarment or suspension. The reminder letter was mailed to Respondent's official membership records address and emailed as an attachment to Respondent's official membership records email address. Neither the mailed nor emailed reminder letters were returned as undeliverable. Respondent received the letters.

Cheung also sent Respondent a noncompliance letter, dated July 21, 2016, advising Respondent that he had not contacted her to schedule his required probation meeting and had not filed his first quarterly report, which was due by July 10, 2016. The July 21, 2016, noncompliance letter was mailed to Respondent's official membership records address and emailed as an attachment to Respondent's official membership records email address. Neither the mailed nor emailed noncompliance letters were returned as undeliverable. Respondent received the July 21, 2016 noncompliance letter.

On August 9, 2016, Respondent called Cheung seeking to schedule his required initial meeting with the Office of Probation for August 11, 2016, at 10:00 a.m. Respondent also informed Cheung that he would get his 9.20 declaration filed "as soon as possible." On August 11, 2016, Respondent left a voicemail message for Cheung informing her that he had childcare issues and requested their required meeting be delayed until 11:00 a.m. or 2:00 p.m. that same day. Later that day, Respondent telephoned Cheung and rescheduled the required meeting for 3:00 p.m.

On August 11, 2016, at 3:00 p.m., Cheung and Respondent conducted Respondent's required initial probation meeting by telephone. During the call, Respondent confirmed that he had received the May 6, 2016, and July 21, 2016, letters. Cheung also discussed with Respondent the conditions of his probation, advised him of his reporting schedule and

requirements, and verified Respondent's mailing and email addresses as being identical to what was contained in his State Bar membership record. Cheung also advised Respondent that he must comply with the rule 9.20 affidavit requirement and probation obligations, even if those requirements were completed untimely. Cheung informed Respondent that if he could not complete any probation condition by the deadline, he should file a motion with the State Bar Court. Lastly, Cheung advised Respondent that a noncompliance referral could be made if conditions were not completed by their deadlines.

Immediately following the required probation meeting, Cheung emailed Respondent a copy of the Required Probation Meeting Record reminding Respondent about what they discussed during the required meeting. The email was not returned as undeliverable or returned for any reason. Respondent received the email and attached Required Probation Meeting Record.

Respondent did not submit his second quarterly report to the Office of Probation by October 10, 2016, and failed to submit his third quarterly report to the Office of Probation by January 10, 2017.

On January 11, 2017, OCTC mailed a letter to Respondent regarding OCTC's Notice of Intent to File Disciplinary Charges in Case No. 16-N-15785. The letter informed Respondent that the State Bar decided to file disciplinary charges for failing to file a rule 9.20 affidavit in violation of the Supreme Court order. The letter was mailed to Respondent's membership records address and was not returned as undeliverable or for any other reason. Respondent received the January 11, 2017 letter.

On March 7, 2017, Respondent filed an untimely verified response to the NDC. In his verified response, Respondent stated that his attorney, Mr. Lear, had been sending him electronic copies of the notices, filings, rulings, and other correspondence to his membership records email

address during the period of April 28, 2016 and June 30, 2016, but because he was not practicing law, Respondent did not routinely check that email address. Respondent did not submit his fourth quarterly report to the Office of Probation by April 10, 2017.

On April 18, 2017, Respondent left Cheung a voicemail message stating that he needed to file his rule 9.20 affidavit, and that he was uncertain where it should be filed. On April 20, 2017, Cheung sent an email to Respondent advising him that the rule 9.20 affidavit "must be filed with the State Bar Court, 845 South Figueroa Street, Los Angeles, CA 90017-2515." The email was not returned as undeliverable or returned for any reason. Respondent received Cheung's April 20, 2017 email.

On April 21, 2017, Respondent left Cheung a voicemail message again asking where to file his rule 9.20 affidavit, and that he left a prior voicemail message to which he did not believe Cheung had replied. Respondent further stated that the deadline for filing the rule 9.20 affidavit had passed and he needed to get a rule 9.20 affidavit on file. Respondent again requested a return call or email with the filing location information.

On April 24, 2017, Cheung sent Respondent an email advising that she had replied to Respondent's initial April 18, 2017 voicemail, and suggesting that he check his email. The email was not returned as undeliverable or returned for any reason. Respondent received Cheung's April 24, 2017 email.

On May 10, 2017, Respondent spoke with Cheung, again asking her to provide him with the filing location information. During that call, Cheung advised Respondent to read the bottom of the rule 9.20 form. Respondent filed a rule 9.20 affidavit with the court on May 10, 2017.

Respondent did not attend Ethics School, pass the test given at the end of that session, or provide proof of same to the Office of Probation by May 28, 2017. He did not submit his fifth quarterly report to the Office of Probation by July 10, 2017. As of the October 24, 2017 trial

date, Respondent had not submitted to the Office of Probation any of the quarterly reports that were due by July 10, 2016, October 10, 2016, December 10, 2016, January 10, 2017, and July 10, 2017. In addition, Respondent acknowledged at trial that he had not submitted any quarterly reports as required, including an additional quarterly report that was due by October 10, 2017.

On October 20, 2017, Respondent filed a motion with the State Bar Court requesting an extension of time or modification of the terms and conditions of probation that he received in Supreme Court case No. S231739.

Conclusions

Case No. 16-N-15785

Count One - (Rule 9.20 [Duties of Disbarred, Resigned, or Suspended Attorneys])

OCTC charged Respondent with willfully violating rule 9.20 by failing to file a rule 9.20 compliance declaration by July 7, 2016, as required by Supreme Court order No. S231739.

Rule 9.20(a) provides, in relevant part, that an attorney must:

> (1) Notify all clients being represented *in pending matters* and any co-counsel of his or her . . . suspension . . . and his or her consequent disqualification to act as an attorney after the effective date of the . . . suspension . . . and in the absence of co-counsel, also notify the clients to seek legal advice elsewhere. (Italics added.) [¶] . . . [¶]
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> (4) Notify opposing counsel *in pending litigation* or, in the absence of counsel, the adverse parties of the . . . suspension . . . and consequent disqualification to act as an attorney after the effective date of the . . . suspension . . . and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files. (Italics added.)

Rule 9.20(c) provides that "[w]ithin such time as the order may prescribe after the effective date of the member's . . . suspension . . . the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule."

On April 28, 2016, Respondent was ordered to comply with rule 9.20(c) within 40 days after the effective date of discipline (to wit, by July 7, 2016). Respondent received the Supreme Court order but did not file his rule 9.20 compliance affidavit until May 10, 2017, which was over 10 months late. Respondent has stipulated that by failing to file a rule 9.20 affidavit until 303 days past the filing deadline, he failed to comply with Supreme Court Order No. S231739 (State Bar Court Case No. 14-O-03054), in willful violation of California Rules of Court, rule 9.20. The court finds that clear and convincing evidence exists establishing that Respondent is culpable of willfully violating rule 9.20.

Case No. 17-O-04408

Count Two - (§ 6068, subd. (k) [Failure to Comply with Probation Conditions])

OCTC charged Respondent with failing to comply with the conditions of his probation by failing to contact the Office of Probation to schedule a meeting within 30 days from the effective date of discipline; failing to submit quarterly reports by July 10, 2016, October 10, 2016, January 10, 2017, April 10, 2017, and July 10, 2017; and failing to provide the Office of Probation with proof that Respondent completed State Bar Ethics School and passed the test given at the end within one year from the effective date of discipline, in willful violation of section 6068, subdivision (k). Section 6068, subdivision (k), provides that an attorney has a duty to comply with all conditions attached to any disciplinary probation. Respondent received the Supreme Court order imposing discipline in case No. S231739. Respondent had until June 27, 2016, to contact the Office of Probation to schedule a meeting but did not call to schedule the appointment until August 9, 2016 – over one month late. Moreover, Respondent failed to submit five of his quarterly reports to the Office of Probation and failed to provide proof that he satisfied the Ethics School requirement by the May 28, 2017 deadline. Respondent has stipulated that he willfully violated section 6068, subdivision (k), by failing to: 1) contact the Office of Probation

and schedule a meeting with his assigned probation deputy within 30 days after the effective date of the discipline; 2) submit to the Office of Probation written quarterly reports due by July 10, 2016, October 10, 2016, January 10, 2017, April 10, 2017, and July 10, 2017; and 3) complete State Bar Ethics School, pass the test given at the end of the session, and submit to the Office of Probation satisfactory evidence of same within one year after the effective date of the discipline. The court finds that OCTC has clearly and convincingly established that Respondent is culpable of willfully violating section 6068, subdivision (k).

Aggravation[5]

OCTC must establish aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds four aggravating circumstances.

Prior Record of Discipline (Std. 1.5(a).)

Respondent has one prior record of discipline. A previously stated, on April 28, 2016, the California Supreme Court filed an order in Supreme Court case No. S231739 (State Bar case No. 14-O-03054), which became effective on May 28, 2016. The Supreme Court suspended Respondent for one year, stayed, with two years' probation, and a 90-day actual suspension.

Respondent was culpable of nine counts of misconduct that occurred from 2013 through 2014 in three client matters. In the first matter, the clients hired Respondent to represent them in a lawsuit against the Los Angeles Police Department. After performing some legal services, Respondent effectively withdrew from representation and the clients' case was dismissed. The clients lost their ability to prosecute the case based on an unreasonable delay. Respondent was found culpable of willfully violating rules 3-110(A) (failure to perform with competence), 3-700(A)(1) (improper withdrawal from representation), and 3-700(D)(1) (failure to return client file) of the Rules of Professional Conduct.

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[5] All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

In the second client matter, Respondent was hired to represent the plaintiff in a trademark infringement case, but Respondent abandoned the client. Because of Respondent's inaction in the case, the client was sanctioned $12,000 and ultimately settled her case for far less than she believed it was worth. The defense counsel waived the sanctions as part of a settlement. Respondent was culpable of willfully violating rules 3-110(A), 3-700(A)(1) and 3-700(D)(1) of the Rules of Professional Conduct.

In the third client matter, Respondent was hired to represent a married couple in Los Angeles Superior Court. After performing some legal services, Respondent failed to act on his clients' behalf. Respondent was again found culpable of willfully violating rules 3-110(A), 3-700(A)(1) and 3-700(D)(1) of the Rules of Professional Conduct. Respondent's misconduct was aggravated by multiple acts, significant client harm and uncharged misconduct of failing to update his membership address over a six-month period (§ 6002.1, subd. (a)(1)), but tempered by 12 years of discipline-free practice, good character, extreme emotional difficulties, and cooperation with OCTC. Respondent's prior misconduct is a serious aggravating factor.

Multiple Acts (Std. 1.5(b).)

Respondent failed to file a rule 9.20 compliance affidavit with the State Bar Court, failed to submit five quarterly report, and failed to attend Ethics School and provide proof of passage of the test given at the end to the Office of Probation. The aggravating weight of this factor is modest because all of Respondent's violations arose from failing to comply with one Supreme Court order. (*In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, 355.)

Uncharged Violation of Rules of Professional Conduct (Std. 1.5(h).)

During trial, Respondent testified that he did not file *any* quarterly reports before the October 24, 2017 trial date. Respondent spontaneously made the statement after responding to a question posed to elicit information for the relevant purpose of inquiring into the cause of the

charged misconduct. (See *Edwards v. State Bar, supra,* 52 Cal.3d at pp. 35-36 [uncharged allegations of misconduct must be raised through respondent's own testimony and elicited for the relevant purpose of inquiring into his charged misconduct].) Pursuant to Respondent's probation requirements, Respondent was obligated to submit a quarterly report on October 10, 2017, but he failed to do so. Thus, Respondent voluntarily admitted that a sixth quarterly report had not been filed. Respondent's failure to file the October 10, 2017 quarterly report is an uncharged violation of section 6068, subdivision (k), which is assigned moderate weight in aggravation. (*Edwards v. State Bar* (1990) 52 Cal.3d 28, 35 [uncharged allegations of misconduct may be considered in aggravation so long as Respondent's due process rights are not violated].)

Indifference Toward Rectification/Atonement (Std. 1.5(k).)

Respondent's indifference to his discipline requirements is a significant aggravating factor. Even though Respondent received two reminder letters from Probation Deputy Cheung advising him that he must file a rule 9.20 compliance affidavit, had a discussion with Cheung regarding the 9.20 compliance affidavit, and OCTC filed the NDC in case No. 16-N-15785 alleging a rule 9.20 violation, Respondent failed to file his rule 9.20 compliance affidavit until May 10, 2017. Respondent testified that he did not realize that the Supreme Court discipline order was final until he filed his response to the NDC in case No. 16-N-15785. The court does not find this testimony credible. However, even if Respondent did not know that the Supreme Court order was final until March 2017, he waited an additional two months to file his compliance affidavit. In total, his affidavit was over 10 months late.

Additionally, Respondent has failed to comply with his probation conditions. He has not attended State Bar Ethics School and has not submitted any of the six required quarterly reports. His attitude toward his probation conditions was that, "if I'm going to be disbarred on the 9.20 alone, why bother complying with any of the other conditions." (See *In the Matter of Meyer*

(Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 702) "[R]espondent's failure to rectify his misconduct by belatedly filing those reports and providing the required proof once he was aware of this proceeding not only demonstrates, but also establishes his indifference towards rectification.

Mitigation

It is Respondent's burden to prove mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds Respondent has established two mitigating factors.

No Mitigation for Good Faith Belief (Std. 1.6(b).)

Respondent maintains that he is entitled to mitigation for a good faith belief that the Supreme Court order was not final because his attorney filed a motion to correct the record, and he was unaware that the Supreme Court order was final until March 7, 2017. The court rejects Respondent's argument because the court finds that Respondent's good faith belief was not "honestly held and objectively reasonable." (*In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 589.)

On June 8, 2016, Respondent's counsel filed a motion to correct certain facts in the Hearing Department decision filed in case No. 14-O-03054. This motion was filed after the effective date of the Supreme Court discipline order. The motion was denied as untimely on June 30, 2016, yet Respondent failed to file his rule 9.20 compliance affidavit until May 10, 2017, which was over 10 months late.

Respondent claims that he did not know that the Supreme Court order was final until March 7, 2017, when he filed his response to the NDC in case No. 16-N-15785. However, Respondent received numerous communications from Cheung reminding him about his discipline requirements. Those communications consisted of: 1) a May 6, 2016 letter advising Respondent that was obligated to file a rule 9.20 compliance affidavit, submit quarterly reports

and schedule an initial probation meeting; 2) a July 21, 2016 letter advising Respondent that he had failed to file his rule 9.20 affidavit; 3) a July 21, 2016 noncompliance letter informing Respondent that he failed to submit his first quarterly report and schedule the initial probation meeting; 4) during the initial probation meeting held on August 11, 2016, Cheung advised Respondent about the reporting schedule and requirements and that he must comply with the rule 9.20 affidavit requirement; 5) on August 11, 2016, Cheung sent Respondent an email regarding the discipline requirements they discussed following the initial probation meeting; and 6) on April 20, 2017, after an inquiry from Respondent two days prior, Cheung sent Respondent an email providing him with the address where the rule 9.20 affidavit had to be sent. In addition to the communications from Cheung, on January 11, 2017, OCTC sent Respondent a letter indicating that it intended to file a Notice of Disciplinary Charges because Respondent failed to file the required rule 9.20 compliance affidavit. Even after all of the communications that Respondent received about his failure to comply with his discipline requirements, he did not file any quarterly reports and filed his rule 9.20 affidavit over 10 months late.

Respondent has also acknowledged that his attorney sent him electronic copies of the notices, filings, rulings, and other correspondence to his membership records email address during the period of April 28, 2016 and June 30, 2016. Respondent maintains that although the communications from Cheung, OCTC, and his attorney were sent to the correct email and physical addresses, because he was no longer practicing law he only intermittently checked his mail and email. In addition, he was expecting the Supreme Court to issue a new discipline order and believed that the communications from Cheung were incorrect. He believed that she was unaware that a motion to correct certain facts had been filed and that everything would be resolved once the new order was filed.

Finally, he never sought clarification from his attorney regarding his disciplinary requirements or his expectation of a new Supreme Court order because he owed his attorney money and felt it would be awkward to ask for additional advice. Similarly, he never sought clarification as to the finality of the Supreme Court order from either the state bar court or the Supreme Court.

Respondent's attitude toward his discipline was unreasonable. He is unable to establish good faith because he buried his head in the sand and ignored his discipline obligations. It was his duty to ensure that he understood his probation conditions and other discipline requirements, and it was illogical to assume that the Supreme Court would issue a corrected order without taking any affirmative steps to confirm his belief. Accordingly, the court finds that it was unreasonable for Respondent to believe that the April 28, 2016 Supreme Court order was not final, and that his probation and rule 9.20 requirements were not in effect. (*In the Matter of Smithwick* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 320, 326 [attorneys not rewarded for ignorance of their ethical responsibilities].)

No Mitigation for Extreme Emotional/Physical/Mental Disabilities (Std. 1.6(d).)

Respondent is not entitled to any mitigation for extreme emotional difficulties based on his marital problems and financial distress. Respondent's financial problems from his failing law practice and the resulting domestic turmoil began in 2013, before the misconduct in this matter. Respondent has already been afforded mitigation credit for his financial and marital problems in his prior discipline.

Respondent contends that the financial and marital difficulties continue because he and his wife are now divorcing and they rely solely on his wife's income. First, the court finds that Respondent's financial problems are not too severe since he and his wife remain married at this time, his wife is a partner at a major law firm, and they employ a nanny who cooks, cleans,

provides childcare, and commutes his son to and from school. Second, to the extent his financial and marital problems continue, the court finds that Respondent has failed to present clear and convincing evidence establishing that those problems no longer pose a risk that he will commit further misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 197.)

Good Character (Std. 1.6(f).)

Respondent is afforded mitigating credit for good character. Respondent presented the testimony of three character witnesses and declarations from seven other individuals who attested to Respondent's good character. Six of the individuals were attorneys; therefore, serious consideration is given to their testimony because they have a "strong interest in maintaining the honest administration of justice." (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319.) The attorney who testified at the disciplinary hearing stated that although he appreciates the seriousness of the current charges, he has not altered his opinion regarding Respondent's honesty and integrity, and he would still refer clients to Respondent. The attorney indicated the he understands the nature of the charges against Respondent, but he does not believe that ignoring an order proves that Respondent is unfit to practice law.

The other two witnesses who testified on Respondent's behalf included the founder of a nonprofit organization who donates athletic balls to underserved youth and a partner in a financial consulting firm. The nonprofit founder indicated that Respondent has volunteered with her organization by assisting with organizing or participating in approximately 18 fundraising and corporate events. Both witnesses described Respondent as honest and possessing integrity. Each indicated that they had read the charges against Respondent, but their opinions about him did not change. The financial consulting partner; however, did not comprehend the full extent of Respondent's present and past misconduct.

Those individuals who provided declarations regarding Respondent's good character included five of the six aforementioned attorneys, an Associate Dean at Pacific Oaks College and a director of contract negotiations at a space and airborne systems company. The witnesses described Respondent as an honest, loyal friend who is compassionate, empathetic and always willing to help those in need. Almost all of the individuals indicated that Respondent was a good, loving parent. However, none of these declarations described the nature of Respondent's wrongdoing; rather, the vast majority of them contained the following formulaic language: "Raaqim has provided me with the Notice of Disciplinary Charges and his response. I have reviewed the facts contained within these documents, and we discussed the matter. Nothing contained within either of these documents or my discussions with Raaqim changes my opinion of him. Based on my interactions with Raaqim, I find him to be a man of integrity, with strong ethics. Regarding this matter, I believe that any failure to timely file required documents was an anomaly . . . ." In addition, four of the declarations are dated two to three months before the NDC was filed in case No. 17-O-04408. Respondent is afforded minimal weight in mitigation for good character because the vast majority of his good character evidence did not come from those "who are aware of the full extent of the misconduct." (Std. 1.6(f); see also *In re Aquino* (1989) 49 Cal.3d 1122, 1130-1131 [testimony of seven witnesses plus twenty letters affirming attorney's good character were not entitled to significant weight in mitigation because most of those who testified or wrote were unaware of the details of attorney's misconduct].)

Candor/Cooperation to Victims/State Bar (Std. 1.6(e).)

The court affords Respondent significant mitigating credit for cooperating with OCTC by entering into a stipulation and admitting culpability. His cooperation conserved judicial resources. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive weight in mitigation for those who admit culpability and facts].)

Overall the aggravating factors far outweigh the mitigating circumstances.

Discussion

The State Bar argues that the appropriate level of discipline for Respondent's misconduct is disbarment. Respondent maintains that his misconduct warrants a six-month period of actual suspension. The court finds that Respondent's misconduct warrants disbarment because he has shown that he is unwilling to comply with and has totally disregarded the requirements of his discipline.

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) The discipline analysis begins with the standards, which promote the consistent and uniform application of disciplinary measures and are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 91 [Supreme Court will not reject recommendation arising from standards unless grave doubts as to propriety of recommended discipline].) The two most relevant standards applicable to Respondent's misconduct are standards 2.14 and 1.8(a).

Standard 2.14 provides that "[a]ctual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders." Respondent was over one month late in contacting the Office of Probation to schedule his initial meeting, and as of the date of trial, he had not satisfied the Ethics School requirement or submitted any quarterly reports. He has not shown an ability to comply with the Supreme Court disciplinary order because even after he knew that the order was final in March 2017, it took him over seven months to take steps to rectify his noncompliance with his probation conditions, and he has yet to complete them.

Standard 1.8(a) provides "[i]f a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." Respondent's prior misconduct does not fall within the exception of standard 1.8(a). The misconduct underlying his prior discipline occurred two years before the discipline in this matter and the wrongdoing involved was serious. Although the standards are not always rigidly applied (*In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 527, 534 [standards are not to be followed in a talismanic fashion]), Respondent has failed to provide any reason to deviate from them. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.) Based on standards 2.14 and 1.8(a), Respondent's misconduct calls for an actual suspension greater than 90 days.

The court must also take into account Respondent's failure to comply with rule 9.20. A rule 9.20 violation is deemed a serious ethical breach for which disbarment is generally considered the appropriate discipline. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.)[6] However, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059.) Discipline less than disbarment has been imposed in rule 9.20 violation cases where the attorney has demonstrated good faith, significant mitigation, and little or no aggravation. (See *Shapiro v. State Bar* (1990) 51 Cal.3d 251; *Durbin v. State Bar* (1979) 23 Cal.3d 461; *In the Matter of Rose* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 192; *In the Matter of* Friedman, *supra*, 2 Cal. State Bar Ct. Rptr. 527.)

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[6] Rule 9.20(d) provides: "A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation."

In this case, disbarment is required. Respondent's aggravating circumstances consisting of a prior discipline record, multiple acts, uncharged misconduct and indifference far outweigh the mitigating effect of his good character and cooperation. Moreover, even though Respondent received numerous reminders, he filed his rule 9.20 compliance affidavit over 10 months late. Rule 9.20 serves "the critical prophylactic function of ensuring that all concerned parties – including clients, cocounsel, opposing counsel or adverse parties, and any tribunal in which litigation is pending – learn about an attorney's discipline." (*Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1096.) It also keeps this court and the Supreme Court apprised of the whereabouts of attorneys who are subject to our disciplinary authority. (*Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1187.) By failing to file his rule 9.20 compliance affidavit, the court had no way of knowing whether Respondent had fulfilled a crucial discipline obligation.

Respondent not only failed to comply with rule 9.20, but he repeatedly failed to comply with his probation requirements. This is not a matter of Respondent lacking notice or knowledge of the Supreme Court order. Rather, he acted willfully when, after receiving the order as well as numerous reminders, he elected not to comply with it. Respondent has no justifiable basis for disobeying a final, binding, and enforceable order of the Supreme Court. When an attorney evidences an indifference to the disciplinary system that is designed to protect the public, the courts, and the legal profession, disbarment is the appropriate sanction.[7]

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[7] The following cases all resulted in disbarment for willful violation of former rule 955 (the predecessor to rule 9.20): *Dahlman v. State Bar* (1990) 50 Cal.3d 1088, 1096 (attorney "evidenced an indifference to the disciplinary system that is designed to protect the public, the courts, and the legal profession"); *Bercovich v. State Bar, supra,* 50 Cal.3d at pp. 122, 133 (attorney's "continuing disregard of his . . . obligations under Rule 955 . . . demonstrates an inexcusable indifference to his responsibilities as a member of the Bar" and "mere suspension" was inadequate to protect public); and *Powers v. State Bar* (1988) 44 Cal.3d 337, 341 (attorney demonstrated complete indifference to professional obligations).

Recommendations

It is recommended that respondent Raaqim A.S. Knight, State Bar Number 217630, be disbarred from the practice of law in California and respondent's name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Order of Involuntary Inactive Enrollment

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the State Bar Rules of Procedure, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: February 1, 2018

Cynthia Valenzuela
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 February 1, 2018, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045

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

SCOTT D. KARPF, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 1, 2018.

Erick Estrada
Case Administrator
State Bar Court