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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION PUBLIC MATTER		
Counsel For The State Bar Caitlin M. Elen-Morin Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1653 Bar # 272163	Case Number(s): 16-O-15704	For Court use only <div style="text-align: center;"> <p>FILED</p> <p>JUN 16 2017 P.B.</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
In Pro Per Respondent Steven Karlton Wen-Hao Kop 8630 E. Rosewood St. Tucson, AZ 85710-1706 (949) 536-1714 Bar # 91354	kwiktag® 226 150 219 	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: Steven Karlton Wen-Hao Kop Bar # 91354 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 **January 15, 1980**.
- (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 **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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- (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 **11-O-10036 and 11-O-12223 (See attachment, pages 9-10)**
 - (b) Date prior discipline effective **June 22, 2012.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **3-700(A)(2); 3-700(D)(2)**
 - (d) Degree of prior discipline **One-year stayed suspension, four years' probation with conditions, including a thirty day actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
 - (a) State Bar Court case # of prior case: 09-O-14632, 10-O-00938, 10-O-04423, and 10-O-06136
 - (b) Date prior discipline effective: September 14, 2011
 - (c) Rules of Professional Conduct/State Bar Act violations: 4-100(A)
 - (d) Degree of prior discipline: One-year stayed suspension, three years' probation with conditions.
- (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.

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- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment, page 10.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Prefiling stipulation, see attachment, page 10.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two (2) 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 (2) 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 resides in another jurisdiction. A comparable alternative to Ethics School is provided 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:** As a further condition of probation, because respondent resides out of state, respondent must either 1) attend a session of State Bar Ethics School, pass the test given at the end of that session, and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline herein; or 2) complete six (6) hours of live, in-person, or live online-webinar Minimum Continuing Legal Education ("MCLE") approved courses in legal ethics offered through a certified MCLE provider in Arizona or California and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of discipline.

6. On May 13, 2014, Cheung called respondent and left a voicemail message advising respondent that his April 10, 2014 quarterly report had not been received. Respondent received the voicemail.
7. On July 22, 2014, Cheung called respondent and advised respondent that his April 10, 2014 quarterly report had not been received. Respondent stated that he sent the April 10, 2014 quarterly report via FedEx and would email it to Cheung.
8. During the July 22, 2014 telephone call between respondent and Cheung, respondent informed Cheung that he recently moved. However, respondent did not update his membership records address at that time.
9. On September 16, 2014, respondent updated his membership records address to 1313 15th St., Suite 2, in Miami Beach, Florida 33139, despite having informed Cheung on July 22, 2014, that he had recently moved.
10. On September 26, 2014, respondent untimely filed a quarterly report, which had been due on April 10, 2014.
11. On October 15, 2014, Cheung called respondent and advised him that she had not received his quarterly report which was due October 10, 2014. Respondent stated that he thought he had hand delivered it before he departed for Miami, Florida.
12. On January 26, 2015, Cheung attempted to contact respondent at his membership records telephone number. Cheung reached a recording that stated the person she was trying to reach was unavailable and she was unable to leave a voicemail message. Respondent did not update his membership records telephone number until March 20, 2015.
13. On January 26, 2015, Cheung called respondent at an alternative telephone number, (949) 287-4393, and left a message advising respondent that his October 10, 2014, and January 10, 2015, quarterly reports had not been received. Cheung also sent respondent an email regarding the same. Respondent received the voicemail message and the email.
14. On January 27, 2015, respondent emailed Cheung and requested a copy of the quarterly report form.
15. On January 27, 2015, Cheung responded to respondent's email of the same date in which respondent requested a copy of the quarterly report form. Cheung provided respondent with a copy of the quarterly report form and advised respondent that his October 10, 2014, and January 10, 2015, quarterly reports were due immediately. Respondent replied that he would provide the reports as soon as possible.
16. On January 30, 2015, respondent emailed Cheung and advised that he would be at the State Bar on February 2, 2015, to submit his quarterly reports and to pay his annual dues. Cheung replied, on January 30, 2015, and advised respondent that he needed to submit his January 10, 2015 and October 10, 2014 quarterly reports on that date.
17. On February 2, 2015, respondent untimely filed two quarterly reports, which been due on October 10, 2014 and January 10, 2015, respectively.

18. On June 29, 2015, respondent emailed Cheung to request a quarterly report form because his printed copies were located in California and he was "out of state."

19. On November 24, 2015, respondent updated his membership records address to reflect an address located at 3620 S. Saguaro Shadows Dr., in Tucson, Arizona, despite having informed Cheung on June 29, 2015 that he was "out of state."

20. On January 13, 2016, respondent reimbursed CSF in the amount of \$6,423.33 for the restitution paid to Francisco and Lazara Bustos.

21. On August 19, 2016, Cheung mailed a letter to respondent at his membership records address, 3620 S. Saguaro Shadows Dr., in Tucson, AZ 85730, notifying respondent that he was out of compliance with probation because he had failed to timely comply with probation because he failed to timely file his first quarterly report, which was due October 10, 2012, failed to timely file four quarterly reports, which were due April 10, 2013, April 10, 2014, October 10, 2014, and January 10, 2015, respectively, failed to submit proof of payment of restitution in the Francisco and Lazara Bustos matter, and failed to timely report all changes of information, including current office address and telephone number or other address for State Bar purposes. A courtesy copy of this letter was also sent to respondent's membership records email address. Neither the letter nor the email was returned as undeliverable. Respondent received the letter and the email.

22. On August 19, 2016, respondent untimely filed a quarterly report, which had been due on October 10, 2012.

23. On August 25, 2016, CSF informed respondent, via email, that his January 13, 2016 reimbursement, in the amount of \$6,423.33, regarding Francisco and Lazara Bustos, was deficient by \$124.16. The email was not returned as undeliverable. Respondent received the email.

24. On August 30, 2016, respondent fully paid the remaining balance of \$124.16 in restitution in the Francisco and Lazara Bustos matter to CSF, 69 days late.

CONCLUSIONS OF LAW:

25. By failing to timely submit five quarterly reports by their due dates of October 10, 2012, April 10, 2013, April 10, 2014, October 10, 2014, and January 10, 2015; failing to provide timely proof of payment of restitution owed to former clients to the OP by June 22, 2016; and failing to report to the OP all changes of information, including current office address and telephone number, or other address for State Bar purposes within ten days of any change, respondent failed to comply with the conditions attached to respondent's disciplinary probation in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline.

Effective June 22, 2012, in case nos. 11-O-10036 and 11-O-12223 (S200198), the California Supreme Court ordered as to respondent discipline consisting of a one- year stayed suspension, four years' probation with conditions, including a 30-days' actual suspension. Respondent stipulated to engaging in

misconduct in several client matters, consisting of violating Rules of Professional Conduct 3-700(A)(2) [improper withdrawal] and 3-700(D)(2) [failure to refund unearned fees]. The misconduct occurred in October 2010. In aggravation, there were multiple acts of misconduct. In mitigation, respondent was cooperative with the State Bar in the proceedings, made partial restitution to a client (the Bustos'), and during the misconduct he had experienced severe financial hardship.

Effective September 24, 2011, in case nos. 09-O-14632, 10-O-00938, 10-O-04423, and 10-O-06136 (S193618), the California Supreme Court ordered as to respondent discipline consisting of a one-year stayed suspension and three years' probation. Respondent stipulated to engaging in misconduct in several matters consisting of violating Rules of Professional Conduct 4-100(A) [commingling]. The misconduct occurred between March 2009 through May 2010. Respondent's misconduct was mitigated by his discipline free record, his cooperation with the State Bar, and severe financial hardship and emotional difficulties respondent suffered at the time. There were no aggravating factors.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent engaged in nine acts of misconduct in violation of the conditions of his probation in case nos. 11-O-10036 and 11-O-12223 (S200198) by untimely filing five quarterly reports, failing to provide timely proof restitution to the Office of Probation, and failed to timely update his membership records address and telephone information on three separate occasions.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged his misconduct and is entitled to mitigation for 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).)

The applicable Standard in this case is Standard 2.14 which states: "Actual 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."

Standard 1.8(b) provides that disbarment is appropriate where a member has two or more prior records of discipline and "[a]ctual suspension was ordered in any one of the prior disciplinary matters; the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or the prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities."

However, Standard 1.8(b) should not be applied even though respondent has two prior records of discipline which includes a 30-days' actual suspension. The Review Department has instructed that "merely declaring that an attorney has [two or more prior] impositions of discipline, without more analysis, may not adequately justify disbarment in every case. (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.) Even in the absence of compelling mitigation, the Supreme Court has not in every instance ordered disbarment pursuant to Standard 1.7(b) (predecessor to Standard 1.8(b)). (*Conroy v. State Bar* (1991) 53 Cal.3d 495.) Here, although respondent has a prior 30-days' actual suspension, that fact alone does not render this case appropriate for disbarment, particularly where there is no demonstrated pattern of misconduct, no demonstrated unwillingness or inability to conform to ethical responsibilities, and respondent belatedly complied with the terms of his disciplinary probation in the instant case.

Here, respondent engaged in nine violations of his probation by failing to timely submit five quarterly reports, failing to provide timely proof restitution to the Office of Probation, and failing to timely update his membership records address and telephone information on three separate occasions. The conditions of respondent's probation required strict compliance. Although respondent paid the ordered restitution and provided proof thereof, albeit late, and submitted his outstanding quarterly reports, again late, there is no demonstrated unwillingness or inability to conform to ethical responsibilities. Additionally, respondent's prior records of discipline, involving misconduct consisting of improper withdrawal, failure to refund unearned fees, and commingling, do not demonstrate a pattern of misconduct in the present matter.

Still, respondent's misconduct in failing to comply with the conditions of his probation does warrant application of Standard 1.8(a). Standard 1.8(a) provides that where an attorney has a 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 misconduct is aggravated by his two prior records of discipline and his multiple acts of wrongdoing. In mitigation, respondent has entered into a pretrial stipulation. The aggravation outweighs the mitigation. In light of respondent's failure to comply with his probationary conditions

and given the aggravation and mitigation, a two-year stayed suspension, two years' probation with conditions, including a six-months' actual suspension is appropriate to protect the public, the courts, and the legal profession; maintain the highest professional standards, and preserve public confidence in the legal profession.

Case law supports this level of discipline. In *Conroy v. State Bar* (1990) 51 Cal.3d 799, the attorney had received a private reproof with conditions, one of which was that he take and pass the Professional Responsibility Exam ("PRE") within one year of the effective date of the reproof. The attorney failed to timely take and pass the PRE. However, he did tardily take and pass the PRE at the next opportunity, which was found to be mitigating. The attorney defaulted at the Hearing Department. The misconduct was aggravated by the attorney's prior record of discipline, failure to cooperate in a State Bar proceeding and failure to appreciate the seriousness of the charges and reproof conditions. The Supreme Court imposed discipline as to the attorney consisting of a one-year stayed suspension, one year probation with conditions, including 60-days' actual suspension.

Like the attorney in *Conroy*, respondent has failed to strictly comply with all the conditions of his probation. Unlike *Conroy*, respondent received some mitigation for entering into the instant prefiling stipulation. However, respondent's misconduct is more serious than that in *Conroy* as respondent engaged in more violations of his probation. Respondent's aggravation is also more severe as respondent has two prior records of discipline and engaged in multiple acts of misconduct. Therefore, the discipline in the instant matter should be more severe than in *Conroy*. Accordingly, a two-year stayed suspension, two years' probation with conditions, including six months' actual suspension imposes progressive discipline that 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 June 5, 2017, the discipline costs in this matter are \$3,139. 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


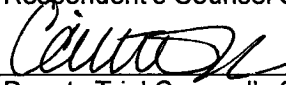
Respondent may not receive MCLE credit for completion of State Bar Ethics School or six hours of MCLE courses in legal ethics. (Rules Proc. of State Bar, rule 3201.6)

(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop	Case number(s): 16-O-15704
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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>June 9 2017</u> Date	<u></u> Respondent's Signature	<u>Steven Karlton Wen-Hao Kop</u> Print Name
<u>6-9-17</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Caitlin M. Elen-Morin</u> Print Name

(Do not write above this line.)

In the Matter of: Steven Kariton Wen-Hao Kop	Case Number(s): 16-O-15704
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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.)**

June 16, 2017
Date

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 June 16, 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:

**STEVEN KARLTON WEN-HAO KOP
STEVEN K. KOP
8630 E ROSEWOOD ST
TUCSON, AZ 85710 - 1706**

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

CAITLIN M. ELEN-MORIN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 16, 2017.



Paul Barona
Case Administrator
State Bar Court