

PUBLIC MATTER



FILED
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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No.: 16-PM-13899-WKM
)	
RONNY MOR,)	ORDER GRANTING MOTION TO REVOKE
)	PROBATION AND ORDER OF
Member No. 248274,)	INVOLUNTARY INACTIVE ENROLLMENT
)	(Bus. & Prof. Code, § 6007, subd. (d)(1))
<u>A Member of the State Bar.</u>)	

Introduction

The Office of Probation of the State Bar of California (Probation Office), represented by Supervising Attorney Terrie Goldade, filed a motion seeking to revoke the two-year disciplinary probation that the Supreme Court imposed on respondent **RONNY MOR**¹ in its December 8, 2015, order in *In re Ronny Mor on Discipline*, case No. S229719 (State Bar Court case No. 14-O-05766) (*Mor I*). (Bus. & Prof. Code,² § 6093, subd. (b); Rules Proc. of State Bar, rule 5.310 et seq.)

As set forth *post*, the court finds, by a preponderance of the evidence (§ 6093, subd. (c); Rules Proc. of State Bar, rule 5.311), that respondent willfully failed to comply with three of the conditions of his probation as charged in the motion to revoke probation. Accordingly, the court will grant the motion to revoke probation and will recommend, among other things, that

¹ Respondent was admitted to the practice of law in California on January 30, 2007, and has been a member of the State Bar of California since that time.

² Unless otherwise indicated, all further statutory references are to the California Business and Professions Code.

respondent's probation be revoked; that the previously stayed, one-year suspension be lifted; that respondent be suspended from the practice of law in California for two years; that execution of such suspension be stayed; and that respondent be placed on probation again for two years subject to conditions of probation comparable to those imposed on him under the Supreme Court's December 8, 2015, order, but with a recommendation that respondent be actually suspended for the first year of the new two-year probation period, which is the full period of the stayed suspension imposed on him in *Mor I*. Further, the court recommends that respondent remain actually suspended until he pays restitution to his former client and provides proof thereof to the State Bar's Probation Office and, if respondent remains suspended for two years or more, that he remain suspended from the practice of law until he establishes his rehabilitation, fitness to practice, and present learning and ability in the general law in accordance with standard 1.2(c)(1) of the Standards for Attorney Sanctions for Professional Misconduct.³

Even though the court recommends a one-year actual suspension, and even though respondent has only one prior record of discipline involving a single client matter, his failure to pay restitution as required in *Mor I* and his lack of participation in this proceeding compels the court to order respondent's involuntary inactive enrollment under section 6007, subdivision (d) because of the serious nature of these failures. (*In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532 [State Bar Court must consider the need for public protection in view of the Supreme Court's inherent and plenary jurisdiction over attorney discipline before ordering inactive enrollment].)

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³ The standards are located in title IV to the Rules of Procedure of the State Bar. All further references to standard(s) or Std. are to this source.

Procedural History

On June 9, 2016, the Probation Office filed and properly served its Motion to Revoke Probation on respondent by certified mail, return receipt requested, at his membership records address. The service of the motion on respondent was deemed complete when mailed. (Cf. § 6002.1, subd. (c); *Bowles v. State Bar* (1989) 48 Cal.3d 100, 107-108.) Thereafter, respondent failed to file a response to the motion to revoke probation, and the time in which respondent had to file a response has expired.

The Probation Office did not request a hearing on the motion. Accordingly, the court took the motion under submission for decision without a hearing on July 6, 2016.

Findings of Fact and Conclusions of Law

Because respondent failed to file a response to the motion to revoke probation, the factual allegations contained in the motion and its supporting documents are treated as admissions. (Rules Proc. of State Bar, rule 5.314(C).) The court admits into evidence (1) the declaration of respondent's assigned probation deputy, which begins on page 8 of the Probation Office's memorandum of points and authorities in support of the motion to revoke probation, and (2) exhibits 1, 2, and 3 to that same declaration. (Rules Proc. of State Bar, rule 5.314(H).)

On December 8, 2015, the California Supreme Court filed an order placing respondent on one year's stayed suspension and two years' probation with conditions, including 30 days' actual suspension. The Supreme Court imposed that discipline on respondent, including each of the probation conditions, in accordance with the Hearing Department's August 3, 2015, approval of the Stipulation Re Facts, Conclusions of Law and Disposition in *Mor I* and its recommended discipline.

The California Supreme Court's December 8, 2015, order in *Mor I* became effective on January 7, 2016, and has continuously been in effect since that time. Therefore, January 7, 2016,

was also the “effective date of discipline” in *Mor I*. At all times material to the motion to revoke probation, respondent had actual knowledge of the Supreme Court’s December 8, 2015, order in *Mor I*. (Cal. Rules of Court, rule 8.532(a); Evid. Code, § 664; *In re Linda D.* (1970) 3 Cal.App.3d 567, 571.)

Probation Violations

Probation Deputy Meeting Condition

During the period of probation, respondent was required, within 30 days from the effective date of discipline, to contact the Probation Office and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of his probation and to thereafter meet with the probation deputy as directed by the Probation Office. The record establishes, as charged, that respondent willfully violated this condition because he failed to contact the Probation Office to schedule a meeting with his probation deputy by February 6, 2016, which is 30 days after the effective date of the Supreme Court order in *Mor I*. In fact, respondent did not contact his probation deputy until March 4, 2016, almost a month past the deadline.

Probation Reporting Condition

Respondent was required to submit written, quarterly probation reports to the Probation Office on January 10, April 10, July 10, and October 10. The record establishes, as charged, that respondent willfully violated this condition by failing to submit his first probation report, which was due on April 10, 2016.

Restitution Condition

Respondent’s restitution condition required that respondent pay his former client, Jon Mayer (Mayer), \$4,250, with 10 percent interest per annum accruing from March 28, 2014. Respondent was also required to provide proof to the Probation Office of payment to Mayer by April 6, 2016, 90 days after the effective date of discipline. The record establishes, as charged,

that respondent willfully violated his restitution condition by failing to provide proof to the Probation Office that he paid Mayer by April 6, 2016. The court notes that respondent was not charged with failing to pay Mayer, but only with failing to provide the Probation Office with proof of payment.

Aggravation

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

Respondent has one prior record of discipline: *Mor I*. In *Mor I*, respondent stipulated to three acts of professional misconduct in one client matter. In the first instance, respondent stipulated that he willfully violated rule 1-300(B) of the State Bar Rules of Professional Conduct,⁴ when he provided loan modification services on behalf of Mayer in Minnesota, when he was not admitted to practice in Minnesota, and thus practiced law in a jurisdiction when doing so violated the regulations of the profession in that jurisdiction. In the second instance, respondent stipulated that he willfully violated rule 4-200(A) when he entered into an agreement with Mayer, in which he charged and collected a \$4,250 fee, but he was not authorized to do so, and thus collected an illegal fee. In the third instance, respondent stipulated that he willfully violated rule 3-700(D)(1) when he, after termination of his employment, failed to return Mayer's client file to him upon Mayer's request. In addition, respondent's misconduct was aggravated because he committed multiple acts of misconduct, showed indifference toward rectification or atonement, and failed to make restitution to the client. However, respondent's misconduct was slightly mitigated by his lack of a prior professional discipline record in California of over seven years of practice, and also by his entering into a stipulation prior to trial.

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⁴ Unless otherwise indicated, all further rule references are to the State Bar Rules of Professional Conduct.

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

Even after the Probation Office filed the present motion to revoke probation, respondent (1) failed to file his first probation report; and (2) failed to provide to the Probation Office proof of payment to Mayer. These failures establish respondent's indifference towards rectifying his misconduct, which is a very significant aggravating circumstance.

Mitigation

Because respondent did not file a response to the motion to revoke probation, no evidence exists of any mitigating circumstances. Additionally, the court is not otherwise aware of any mitigating circumstances.

Discussion

Public protection and attorney rehabilitation are the primary goals of attorney disciplinary probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452.) “[T]here has been a wide range of discipline imposed for probation violations from merely extending probation . . . to a revocation of the full amount of the stayed suspension and imposition of that amount as an actual suspension.” (*In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.)

In determining the appropriate level of discipline in a probation revocation proceeding, the court is to consider the “total length of stayed suspension which could be imposed as an actual suspension and the total amount of actual suspension earlier imposed as a condition of the discipline at the time probation was granted.” (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 540.) The court is to also consider the seriousness of the probation violations, the respondent's recognition of his or her misconduct, and the respondent's efforts to comply with the conditions of probation. (*Ibid.*)

Section 6093, subdivision (b), provides that violation of a probation condition constitutes cause for revocation of any probation then pending, and may constitute cause for discipline. Standard 1.8(a) provides that, when an attorney has one 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 discipline was not remote in time and involved serious misconduct. Accordingly, greater discipline should be recommended in this matter. Nevertheless, rule 5.312 of the Rules of Procedure of the State Bar of California provides that in probation revocation proceedings, the court is limited to recommending an actual suspension less than or equal to the period of suspension previously stayed --- in this case, one year. However, the extent of the discipline to recommend is dependent, in part, on the seriousness of the probation violation and respondent’s recognition of his misconduct and his efforts to comply with the conditions. (*In the Matter of Potack, supra*, 1 Cal. State Bar Ct. Rptr. at p. 540.) Furthermore, “[t]he violation of a probation condition significantly related to the attorney’s prior misconduct merits the greatest discipline, especially if the violation raises a serious concern about the need to protect the public or shows the attorney’s failure to undertake steps toward rehabilitation.” (*In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 151.)

An attorney has a professional duty to comply with all the terms and conditions of any disciplinary probation imposed by the Supreme Court. (§ 6068, subd. (k).) Thus, an attorney’s failure to comply with the conditions of his or her disciplinary probation “ ‘demonstrates a lapse of character and a disrespect for the legal system that directly relate to an attorney’s fitness to practice law and serve as an officer of the court. [Citation.]’ [Citation.]” (*In the Matter of Tiernan, supra*, 3 Cal. State Bar Ct. Rptr. at p. 530.) Here, respondent’s continuing failure to file

his first probation report and to provide proof of payment to his former client after the Probation Office filed the present motion to revoke probation not only establish respondent's indifference to rectification of his misconduct, but also establish respondent's refusal to undertake the rehabilitative process and to conform his conduct to the strictures of the profession.

Furthermore, the restitution requirement was directly related to his prior misconduct. As such, this merits that the greatest discipline be recommended in this matter.

Based on the foregoing, the court will, therefore, recommend the imposition of the full period of the stayed suspension previously imposed on respondent in *Mor I*. (See *In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63, 78.) The court further concludes, in light of respondent's refusal to provide proof of restitution to his former client, that it is appropriate that respondent remain on actual suspension until he fully makes restitution and provides proof of such to the Probation Office, and if respondent remains on actual suspension for two years or more, that he remain suspended from the practice of law until he establishes his rehabilitation, fitness to practice, and present learning and ability in the general law in accordance with standard 1.2(c)(1) before he may be relieved of the one-year actual suspension. Finally, the court concludes that public protection compels respondent's involuntary inactive enrollment under section 6007, subdivision (d)(1), and that the requirements of section 6007, subdivision (d)(1) have been met.

The court does not recommend that respondent be again ordered to take and pass a professional responsibility examination because he was ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) in the Supreme Court's December 8, 2015, order in *Mor I*. That portion of the Supreme Court's December 8, 2015, order will remain in effect even after respondent's probation is revoked in this proceeding. Therefore, if respondent fails to take and pass the MPRE within the time prescribed in the Supreme Court's December 8,

2015, order (or as it may be modified by the State Bar Court), respondent will be suspended from the practice of law until he does. (*Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.)

Discipline Recommendation

The court orders that the Office of Probation's June 9, 2016, motion to revoke probation is GRANTED. Accordingly, the court recommends that the two-year probation imposed on respondent **RONNY MOR** in the Supreme Court's December 8, 2015, order in case No. S229719 (State Bar Court case No. 14-O-05766) be revoked; that the stay of execution of the one-year suspension imposed in that case be lifted; and that **RONNY MOR** be suspended from the practice of law in California for two years; that execution of such suspension be stayed; and that respondent be placed on probation again for two years subject to the following conditions:

1. Respondent **RONNY MOR** is suspended from the practice of law for a minimum of the first year of probation (with credit given for the period of involuntary inactive enrollment under Business and Professions Code section 6007, subdivision (d)(1) (Bus. & Prof. Code, § 6007(d)(3)),⁵ and he will remain suspended until the following conditions are satisfied:
 - i. He makes restitution to Jon Mayer in the amount of \$4,250 plus 10 percent interest per year from March 28, 2014 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Jon Mayer, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation (Probation Office) in Los Angeles; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. During the probation period, respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
3. Within 10 days of any change, respondent must report to the Membership Records Office of the State Bar and to the Probation Office, 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.

⁵ See involuntary inactive enrollment order, *post*.

4. Within 30 days from the effective date of discipline, respondent must contact the Probation Office and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Probation Office, 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 Probation Office 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 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 20 days before the last day of the period of probation and no later than the last day of probation.

6. Subject to assertion of applicable privileges, respondent must answer fully, promptly and truthfully any inquiries of the Probation Office 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.
7. Within one year of the effective date of the discipline herein, respondent must provide to the Probation Office satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.

California Rules of Court, Rule 9.20

The court further recommends that **RONNY MOR** be ordered to comply with California Rules of Court, rule 9.20, and to 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 order in this probation revocation proceeding.⁶

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⁶ Respondent must file a rule 9.20(c) compliance affidavit even if he does not have any clients on the date the Supreme Court orders him to comply with rule 9.20. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) Furthermore, an attorney's failure to fully and timely comply with rule 9.20 is extremely serious misconduct for which disbarment is ordinarily the sanction ordered. (Cal. Rules of Court, rule 9.20(d); *Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.)

Costs

Finally, the court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

IX. ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

The court orders that **RONNY MOR** be involuntarily enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivision (d)(1), effective three days after service of this order by mail. Unless otherwise ordered, **RONNY MOR**'s involuntary inactive enrollment under this order will terminate as provided by section 6007, subdivision (d)(2). (Bus. & Prof. Code, § 6007, subd. (d)(2); Rules Proc. of State Bar, rule 5.315.)

Dated: August 4, 2016


W. KEARSE MCGILL
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 August 4, 2016, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION TO REVOKE PROBATION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT (Bus. & Prof. Code, § 6007, subd. (d)(1))

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

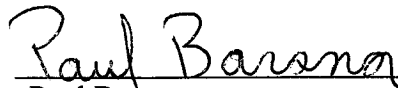
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RONNY MOR
PO BOX 120364
SAN DIEGO, CA 92112 - 0364**

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

TERRIE L. GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 4, 2016.



Paul Barona
Case Administrator
State Bar Court