

1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF PROBATION
3 TERRIE GOLDADE, No. 155348
4 SUPERVISING ATTORNEY
5 845 South Figueroa Street
6 Los Angeles, California 90017-2515
7 Telephone: (213) 765-1000

FILED

JUL 22 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

10 In the Matter of:

11 VICTOR SALDANA,
12 No. 256119,

13 A Member of the State Bar

) Case No. 16-PM-14952
)
) MOTION TO REVOKE PROBATION;
) MEMORANDUM OF POINTS AND
) AUTHORITIES; DECLARATION OF EDDIE
) ESQUEDA; EXHIBITS 1 THROUGH 3;
) PROBATION REVOCATION RESPONSE
) FORM [Rule 5.310, et seq., Rules of Procedure
) of the State Bar]

16 **TO: The State Bar Court and Victor Saldana, Respondent:**

17 **PLEASE TAKE NOTICE THAT** the State Bar of California, Office of Probation,
18 hereby moves pursuant to Rules of Procedure of the State Bar of California, rules 5.310, et seq.,
19 to revoke the probation imposed upon Victor Saldana ("Respondent") in prior disciplinary case
20 nos. 13-O-12363, 13-O-12538, and 13-O-14098 and to impose upon Respondent the entire
21 period of suspension of one year previously stayed by order no. S226326 of the Supreme Court
22 filed on September 15, 2015. The State Bar requests that Respondent remain on actual
23 suspension and until Respondent makes restitution as follows:

- 24 (1) To Felipe Sanchez in the principal amount of \$5,000 with interest of 10% per annum
25 accruing from April 28, 2011. If the Client Security Fund ("CSF") has reimbursed
26 Felipe Sanchez for all or any portion of the principal, Respondent must also pay
27 restitution to CSF in the amount paid, plus applicable interest and costs, and
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1 (2) To Loretta and Kenneth Aparicio in the principal amount of \$3,000 with interest of
 2 10% per annum accruing from August 17, 2012. If the CSF has reimbursed Loretta
 3 and Kenneth Aparicio for all or any portion of the principal, Respondent must also
 4 pay restitution to CSF in the amount paid, plus applicable interest and costs,
 5 and, if that suspension lasts at least two years, Respondent should remain suspended and until he
 6 complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for Professional
 7 Misconduct. The State Bar further requests that Respondent be ordered to comply with rule
 8 9.20, California Rules of Court, and that Respondent be placed on involuntary inactive
 9 enrollment pursuant to Business and Professions Code section 6007(d).

10 This motion is based upon the factual allegations that Respondent has violated the terms
 11 of probation imposed on Respondent by the aforementioned order as follows:

12 1. As a condition of probation, Respondent was ordered to, within thirty days of the
 13 effective date of discipline—by November 14, 2015, contact the Office of Probation and
 14 schedule a meeting to discuss the terms and conditions of his probation. Respondent has not
 15 complied in that Respondent did not contact the Office of Probation and schedule his required
 16 meeting until two months later, on January 14, 2016. (The meeting was then held as scheduled
 17 on January 20, 2016.)

18 2. As a condition of probation, Respondent was ordered to comply with specified fee
 19 arbitration conditions in relation to Loretta and Kenneth Aparicio. Respondent has not complied
 20 as follows:

Condition	Due Date	Completed	Comments
Initiate fee arbitration	11/14/15		No proof of completion
Provide accounting to Aparicios	At time initiates fee arbitration		No proof of completion
Provide copy of conformed fee arbitration filing to Office of Probation	11/29/15		Not filed
Deposit disputed funds in trust	10/30/15		No proof of completion
Provide proof to Office of Probation that disputed funds were placed in trust	11/14/15		Not filed

1	Report to Office of Probation that	1/10/16		Not filed
2	disputed funds remain in trust	4/10/16		Not filed
		7/10/16		Not filed

3 The fee arbitration condition stated that Respondent understood that his failure to strictly comply
4 with the conditions might result in the Court imposing additional discipline (with attendant costs)
5 and conditions upon him, including ordering him to pay back the full amount of \$3,000 paid to
6 him by the Aparicios plus 10% interest from August 17, 2012.

7 3. As a condition of probation, Respondent was ordered to pay restitution to Felipe
8 Sanchez the principal amount of \$5,000 plus 10% interest per annum accruing from April 28,
9 2011. If the Client Security Fund (“CSF”) reimbursed Felipe Sanchez for all or any portion of
10 the principal amount, Respondent was ordered to also pay restitution to CSF in the amount paid,
11 plus applicable interest and costs. Respondent was to pay and provide satisfactory proof of
12 payment to the Office of Probation not later than 90 days of the effective date of discipline—
13 January 13, 2016. Respondent has not complied in that he has not paid restitution, and, as such,
14 has not provided proof of such payment.

15 4. As a condition of probation, Respondent was ordered to comply with the State
16 Bar Act and the Rules of Professional Conduct and to report such compliance in writing under
17 penalty of perjury each January 10, April 10, July 10, and October 10 (“quarterly reports”).
18 Respondent has not complied in that Respondent’s first quarterly report was due January 10,
19 2016; he filed that quarterly report late on January 20, 2016. Respondent has not filed his
20 quarterly reports due April 10 and July 10, 2016.

21 This motion is also based on the attached Memorandum of Points and Authorities, the
22 attached Declaration of Eddie Esqueda, the attached exhibits, and all documents on file with the
23 court in this matter.

24 In accordance with rules 5.314(A) and 5.314(E) of the Rules of Procedure of the State
25 Bar of California, the Office of Probation requests that a hearing be held unless the Court, based
26 upon this motion and any response, determines that imposition of the discipline as requested
27 above is warranted.

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NOTICE - FAILURE TO RESPOND

YOUR FAILURE TO FILE A RESPONSE WITHIN TWENTY (20) DAYS OF SERVICE OF THIS MOTION WILL CONSTITUTE AN ADMISSION OF THE FACTUAL ALLEGATIONS CONTAINED IN THIS MOTION AND MAY RESULT IN THE IMPOSITION OF ACTUAL SUSPENSION PURSUANT TO THE UNDERLYING DISCIPLINARY ORDER. ALSO, FAILURE TO REQUEST A HEARING WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO A HEARING. SEE RULE 5.314(B) OF THE RULES OF PROCEDURE OF THE STATE BAR.

NOTICE - INACTIVE ENROLLMENT

YOU ARE HEREBY NOTIFIED THAT, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(d), IF THE STATE BAR COURT RECOMMENDS ACTUAL SUSPENSION ON ACCOUNT OF A PROBATION VIOLATION OR OTHER DISCIPLINARY MATTER, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE STATE BAR COURT. SEE RULE 5.315, RULES OF PROCEDURE OF THE STATE BAR.

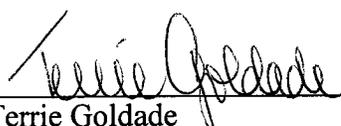
NOTICE - COST ASSESSMENT

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 5.129, ET SEQ., RULES OF PROCEDURE OF THE STATE BAR.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF PROBATION

DATED: July 22, 2016

By: 
Terrie Goldade
Supervising Attorney

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. RESPONDENT HAS NOT COMPLIED WITH THE TERMS OF PROBATION, AND
3 PROBATION SHOULD BE REVOKED.

4 By order filed September 15, 2015, the Supreme Court imposed discipline on Respondent
5 in case no. S226326. The Supreme Court suspended Respondent for one year but stayed the
6 execution of the suspension on the condition that Respondent comply with all terms of probation.

7 As terms of probation, Respondent was ordered as follows:

8 1. within thirty days of the effective date of discipline—by November 14, 2015, contact
9 the Office of Probation and schedule a meeting to discuss the terms and conditions of his
10 probation. Respondent has not complied in that Respondent did not contact the Office of
11 Probation and schedule his required meeting until two months later, on January 14, 2016.
12 (The meeting was then held as scheduled on January 20, 2016.)

13 2. comply with specified of fee arbitration conditions in relation to Loretta and Kenneth
14 Aparicio. Respondent has not complied as follows:

15

16 Condition	Due Date	Completed	Comments
17 Initiate fee arbitration	11/14/15		No proof of completion
18 Provide accounting to Aparicios	At time initiates 19 fee arbitration		No proof of completion
20 Provide copy of conformed fee 21 arbitration filing to Office of 22 Probation	11/29/15		Not filed
23 Deposit disputed funds in trust	10/30/15		No proof of completion
24 Provide proof to Office of 25 Probation that disputed funds were 26 placed in trust	11/14/15		Not filed
27 Report to Office of Probation that 28 disputed funds remain in trust	1/10/16 4/10/16 7/10/16		Not filed Not filed Not filed

24 The fee arbitration condition stated that Respondent understood that his failure to strictly
25 comply with the conditions might result in the Court imposing additional discipline (with
26 attendant costs) and conditions upon him, including ordering him to pay back the full
27 amount of \$3,000 paid to him by the Aparicios plus 10% interest from August 17, 2012.
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1 3. pay restitution to Felipe Sanchez the principal amount of \$5,000 plus 10% interest per
2 annum accruing from April 28, 2011. If the Client Security Fund (“CSF”) reimbursed
3 Felipe Sanchez for all or any portion of the principal amount, Respondent was ordered to
4 also pay restitution to CSF in the amount paid, plus applicable interest and costs.

5 Respondent was to pay and provide satisfactory proof of payment to the Office of
6 Probation not later than 90 days of the effective date of discipline—January 13, 2016.
7 Respondent has not complied in that he has not paid restitution, and, as such, has not
8 provided proof of such payment.

9 4. comply with the State Bar Act and the Rules of Professional Conduct and to report
10 such compliance in writing under penalty of perjury each January 10, April 10, July 10,
11 and October 10 (“quarterly reports”). Respondent has not complied in that Respondent’s
12 first quarterly report was due January 10, 2016; he filed that quarterly report late on
13 January 20, 2016. Respondent has not filed his quarterly reports due April 10 and July
14 10, 2016.

15 Consequently, the State Bar Court should recommend revocation of Respondent’s probation.

16 Attached hereto as Exhibit 1 is a certified copy of Respondent’s registration card and
17 Respondent’s membership records address history with the State Bar of California. Exhibit 1
18 will be offered as evidence based upon the certification of Membership Records and
19 Certification to show that Respondent was properly served in this proceeding.

20 A. Respondent Was Served With The Supreme Court Order.

21 It is presumed that Respondent was served with the disciplinary order of the Supreme
22 Court imposing a period of probation. The clerks of the reviewing courts have a duty to transmit
23 a copy of all decisions of those courts to the parties. (California Rules of Court, rule 8.532(a).)
24 Pursuant to Evidence Code section 664, there is a rebuttable presumption that such official duties
25 have been regularly performed. Therefore, absent any evidence to the contrary, it is presumed
26 that the Supreme Court clerk has complied with the duty to transmit to Respondent a copy of the
27 order placing Respondent on probation. (*In re Linda D.* (1970) 3 Cal.App. 3d 567; *People v.*
28 *Smith* (1965) 234 Cal.App.2d 407; *Fischer v. Lukens* (1919) 41 Cal.App. 358.)

1 B. Respondent's Violation of Probation Was Willful

2 Violation of a condition of probation must be willful to warrant discipline. (*In the Matter*
3 *of Potack* (1991 Review Dept.) 1 Cal. State Bar Ct. Rptr. 525.) A willful failure is demonstrated
4 by a general purpose or willingness to permit the omission and can be proven by direct or
5 circumstantial evidence. (*Durbin v. State Bar* (1979) 23 Cal.3d 461; *Zitny v. State Bar* (1966) 64
6 Cal.2d 787.) It does not require bad faith.

7 The burden of proof in a probation revocation proceeding is the preponderance of the
8 evidence. (Rule 5.311, Rules of Procedure.) For purposes of determining culpability, it is
9 misguided to distinguish between "substantial" and "insubstantial" or "technical" violations of
10 probation conditions. (*In the Matter of Potack*, supra.) Respondent's failure to comply with
11 probation demonstrates a lack of concern about professional responsibilities, and therefore,
12 probation should be revoked.

13 II. RESPONDENT'S VIOLATION OF PROBATION WARRANTS THE IMPOSITION
14 OF THE FULL STAYED SUSPENSION.

15 In a probation revocation proceeding, the hearing judge may recommend actual
16 suspension up to the entire period of stayed suspension. (Rule 5.312, Rules of Procedure.) In
17 this case, the Supreme Court imposed a stayed suspension of one year. Based on the violation of
18 probation, the hearing judge should now recommend that Respondent be actually suspended for
19 the full period of stayed suspension. Respondent should remain suspended and until Respondent
20 makes restitution as follows:

- 21 (1) To Felipe Sanchez in the principal amount of \$5,000 with interest of 10% per
22 annum accruing from April 28, 2011. If the Client Security Fund ("CSF") has
23 reimbursed Felipe Sanchez for all or any portion of the principal, Respondent must also
24 pay restitution to CSF in the amount paid, plus applicable interest and costs, and
25 (2) To Loretta and Kenneth Aparicio in the principal amount of \$3,000 with interest of
26 10% per annum accruing from August 17, 2012. If the CSF has reimbursed Loretta and
27 Kenneth Aparicio for all or any portion of the principal, Respondent must also pay
28 restitution to CSF in the amount paid, plus applicable interest and costs,

1 and, if that suspension lasts at least two years, Respondent should remain suspended and until he
2 complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for Professional
3 Misconduct. (*In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 81. ; *In the*
4 *Matter of Luis* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 737.)

5 III. UPON FINDING OF VIOLATION OF PROBATION, THE COURT MAY ORDER A
6 RESPONDENT PLACED ON INACTIVE STATUS.

7 In a probation revocation proceeding, the hearing judge may order the involuntary
8 inactive enrollment of a Respondent upon a finding that each of the elements of Business and
9 Professions Code section 6007(d) have occurred. (Rule 5.315, Rules of Procedure.) Those
10 elements have occurred where the Respondent is under an order of stayed suspension with a
11 period of probation and has violated that probation and where the hearing judge recommends a
12 period of actual suspension. (Business and Professions Code, section 6007(d)(1).) See *In the*
13 *Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532. The order
14 enrolling a respondent inactive shall be effective upon service unless otherwise ordered by the
15 judge. (Rule 5.315, Rules of Procedure.)

16 CONCLUSION

17 The Supreme Court has stayed Respondent's suspension and placed him on probation,
18 and Respondent has violated that probation. The State Bar requests that the hearing judge
19 recommend revocation of Respondent's probation and the imposition of one year of actual
20 suspension. Respondent should remain suspended and until Respondent makes restitution as
21 follows:

- 22 (1) To Felipe Sanchez in the principal amount of \$5,000 with interest of 10% per
23 annum accruing from April 28, 2011. If the Client Security Fund ("CSF") has
24 reimbursed Felipe Sanchez for all or any portion of the principal, Respondent must also
25 pay restitution to CSF in the amount paid, plus applicable interest and costs, and
26 (2) To Loretta and Kenneth Aparicio in the principal amount of \$3,000 with interest of
27 10% per annum accruing from August 17, 2012. If the CSF has reimbursed Loretta and
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1 Kenneth Aparicio for all or any portion of the principal, Respondent must also pay
2 restitution to CSF in the amount paid, plus applicable interest and costs,
3 and, if that suspension lasts at least two years, Respondent should remain suspended and until he
4 complies with Standard 1.2(c)(1), Attorney Sanctions for Professional Misconduct. Furthermore,
5 the hearing judge should order Respondent placed on involuntary inactive enrollment until the
6 suspension is effective and order Respondent to comply with Rule 9.20, California Rules of
7 Court.

8 Respectfully submitted,

9 THE STATE BAR OF CALIFORNIA
10 OFFICE OF PROBATION

11
12 DATED: July 22, 2016

13 By: 

14 Terrie Goldade
15 Supervising Attorney
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1 7. A review of the probation file on Respondent reflects that a disciplinary order
 2 imposing probation is contained therein. A certified copy of said order, filed on September 15,
 3 2015, is attached hereto and incorporated by reference as Exhibit 2. A certified copy of the
 4 stipulation filed March 18, 2015 is also included within Exhibit 2 for the Court's convenience.
 5 Pursuant to said order, the terms and conditions of probation imposed on Respondent include the
 6 following:

7 a. within thirty days of the effective date of discipline—by November 14, 2015,
 8 contact the Office of Probation and schedule a meeting to discuss the terms and
 9 conditions of his probation. Respondent has not complied in that Respondent did not
 10 contact the Office of Probation and schedule his required meeting until two months later,
 11 on January 14, 2016. (The meeting was then held as scheduled on January 20, 2016.)

12 b. comply with specified of fee arbitration conditions in relation to Loretta and
 13 Kenneth Aparicio. Respondent has not complied as follows:

Condition	Due Date	Completed	Comments
Initiate fee arbitration	11/14/15		No proof of completion
Provide accounting to Aparicios	At time initiates fee arbitration		No proof of completion
Provide copy of conformed fee arbitration filing to Office of Probation	11/29/15		Not filed
Deposit disputed funds in trust	10/30/15		No proof of completion
Provide proof to Office of Probation that disputed funds were placed in trust	11/14/15		Not filed
Report to Office of Probation that disputed funds remain in trust	1/10/16 4/10/16 7/10/16		Not filed Not filed Not filed

23 The fee arbitration condition stated that Respondent understood that his failure to strictly
 24 comply with the conditions might result in the Court imposing additional discipline (with
 25 attendant costs) and conditions upon him, including ordering him to pay back the full
 26 amount of \$3,000 paid to him by the Aparicios plus 10% interest from August 17, 2012.

1 c. pay restitution to Felipe Sanchez the principal amount of \$5,000 plus 10%
2 interest per annum accruing from April 28, 2011. If the Client Security Fund (“CSF”)
3 reimbursed Felipe Sanchez for all or any portion of the principal amount, Respondent
4 was ordered to also pay restitution to CSF in the amount paid, plus applicable interest and
5 costs. Respondent was to pay and provide satisfactory proof of payment to the Office of
6 Probation not later than 90 days of the effective date of discipline—January 13, 2016.
7 Respondent has not complied in that he has not paid restitution, and, as such, has not
8 provided proof of such payment.

9 d. comply with the State Bar Act and the Rules of Professional Conduct and to
10 report such compliance in writing under penalty of perjury each January 10, April 10,
11 July 10, and October 10 (“quarterly reports”). Respondent has not complied in that
12 Respondent’s first quarterly report was due January 10, 2016; he filed that quarterly
13 report late on January 20, 2016. Respondent has not filed his quarterly reports due April
14 10 and July 10, 2016.

15 8. As Custodian of Records, I have reviewed the entire contents of the probation file
16 on Respondent which reflects that the relevant portions of the disciplinary orders imposing
17 probation and a letter confirming the terms and conditions of probation, including suspension,
18 were provided to the Respondent on October 8, 2015.

19 9. The following documents, attached hereto and incorporated by reference
20 collectively as Exhibit 3, are contained in the Office of Probation file maintained on respondent:

- 21 a. Reminder letter mailed to Respondent on October 8, 2015 outlining the terms
22 and conditions of his probation.
- 23 b. January 13, 2016 e-mail to Respondent attaching copy of October 8, 2015
24 letter to him.
- 25 c. Respondent’s petition for relief or modification of restitution served January
26 13, 2016.
- 27 d. E-mail trail between Respondent and Office of Probation from January 13 and
28 14, 2016 setting required meeting.

- 1 e. Respondent's quarterly report due January 10, 2016 filed late on January 20,
2 2016. Respondent reported that he was not in compliance including
3 restitution and arbitration.
- 4 f. January 21, 2016 e-mail to Respondent attaching a copy of the Required
5 Probation Meeting Record for required meeting with Respondent on January
6 20, 2016.
- 7 g. Office of Probation's opposition to petition for relief or modification of
8 restitution filed January 21, 2016.
- 9 h. Order denying Respondent's petition for relief or modification of restitution
10 filed by State Bar Court on January 28, 2016.
- 11 i. May 18, 2016 letter mailed to Respondent setting forth his noncompliance
12 with his probation conditions.
- 13 j. May 18, 2016 e-mail to Respondent attaching a copy of the May 18, 2016
14 letter mailed to Respondent setting forth his noncompliance with his probation
15 conditions.

16 10. A complete review of the Respondent's file reflects that none of the letters
17 referred to above were returned to the State Bar of California, Office of Probation by the United
18 States Postal Service as undeliverable, or for any other reason.

19 11. On Friday, January 8, 2016, I received a telephonic voice mail message from
20 Respondent asking that I return his call.

21 12. On Monday, January 11, 2016, I received a telephonic voice mail message from
22 Respondent stating that he was following up on his previous message and asking that I return his
23 call.

24 13. On January 13, 2016, I telephoned Respondent. He told me that he was calling
25 because he had not received anything from the Office of Probation. I told him that I had mailed
26 him a letter on October 8, 2015 and that it had not been returned to the Office of Probation by the
27 United States Postal Service. Respondent stated that he was in the process of moving so it was
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possible that he had received it and does not recall. I told him that I would e-mail him a copy and asked that he contact me to schedule his required meeting.

14. On January 20, 2016, I conducted the ordered meeting with Respondent in person to review the terms and conditions of his probation. He had the October 8, 2015 Office of Probation letter with him. I told him that if his pending restitution motion was not granted, he would be referred for his noncompliance.

15. Although not due until October 15, 2016, Respondent has not provided proof of (1) completion of Ethics School, or (2) passage of the Multistate Professional Responsibility Examination.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 22 day of July, 2016 at Los Angeles, California.


Eddie Esqueda
Declarant

DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NUMBER(s): NEW PM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

MOTION TO REVOKE PROBATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF EDDIE ESQUEDA EXHIBITS 1 THROUGH 3; PROBATION REVOCATION RESPONSE FORM { Rule 5.310 et seq., Rules of Procedure of the State Bar }

in a sealed envelope placed for collection and mailing as Certified mail #7160 3901 9845 4871 9567 and regular mail mailed at Los Angeles, on the date shown below, addressed to:

Victor Saldana
The Law office of Tony M. Lu
3333 S Brea Canyon Rd
Diamond Bar, CA 91765

Courtesy copy by regular mail to:
Victor Saldana
The Law office of Tony M. Lu
3333 S Brea Canyon Rd
Diamond Bar, CA 91765

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: July 22, 2016

SIGNED: 
Mia Hibler
Declarant

Counsel for Respondent	(for Court use)
In the Matter of Bar # A member of the State Bar of California ("Respondent")	Case no(s). PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1) Respondent requests a hearing in this matter and intends to participate.

OR

(2) Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a) Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b) Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: _____

Signature



THE STATE BAR
OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

July 6, 2016

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the registration card on file in the Membership Records Department of the State Bar of California for VICTOR SALDANA, #256119.

THE STATE BAR OF CALIFORNIA

Kathan Lambert
Custodian of Membership Records

00001

MEMBERSHIP RECORDS
180 HOWARD STREET
SAN FRANCISCO CA 94105-1639

THE STATE BAR OF CALIFORNIA
REGISTRATION CARD

INFORMATION PROVIDED ON THIS CARD BECOMES PUBLIC RECORD

MEMBER'S FULL NAME
LAST FIRST MIDDLE NAME OR INITIAL

Saldana Victor

(PLEASE PRINT IN BLACK INK, OR TYPE)
OFFICE ADDRESS, OR, IF NONE, OTHER ADDRESS FOR STATE BAR PURPOSES:

FIRM
NAME

ADDRESS,
LINE 1 13024 Judith St

ADDRESS,
LINE 2

CITY Baldwin Park STATE CA ZIP 91706

FOREIGN
COUNTRY

TELEPHONE 626 824-4924 FAX 909 468-5020

E-MAIL victor.saldana@yahoo.com

BIRTH DATE MONTH 06 DAY 16 YEAR 69 PLACE OF BIRTH Los Angeles

UNDERGRADUATE
DEGREE FROM:

LAW DEGREE FROM: Whittier College School of Law CITY Costa Mesa STATE CA

DATES AND PLACES OF
PRIOR ADMISSION TO PRACTICE:

State Bar Use Only
256119
NUMBER
06 03 08
DATE ADMITTED
FEE \$
W.C. \$ 8

MEMBER: I hereby enroll myself as an attorney and counselor at law, promising faithfully to perform all legal duties and comply with the obligations prescribed by the laws of the State of California, and declare the information on the reverse to be correct:

OATH (to be taken before a Notary or other authorized administering officer):

I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counselor at law to the best of my knowledge and ability.

DATE 6/3/08 SIGNED

Vinton Saldana
(member signature)

NOTARY: If oath is taken before a Notary, the Notary must complete this section:

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____
proved to me on the basis of satisfactory evidence to be the person who appeared before me.

SIGNATURE

COUNTY OF _____

STATE OF _____

← Place Notary Seal

OR, OTHER: If oath is taken before any other authorized administering officer, the officer must complete this section:

I hereby certify that the foregoing oath, taken by the person above named, as required by law, was formally administered by and subscribed to before me.

DATE 4/3/08 SIGNED

[Signature]
(administering officer signature)
Judge, U.S. District Ct.
(title)

← Place Seal

There are two kinds of certificates of admission available: a free standard typed certificate or a customized certificate. See enclosed yellow instruction sheet for the current fee. Please indicate which certificate you wish to order. Do not include payment now. You will be billed.

STANDARD CERTIFICATE

OR

CUSTOMIZED CERTIFICATE



THE STATE BAR OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

July 6, 2016

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the address history on file in the Membership Records Department of the State Bar of California for VICTOR SALDANA, #256119 from June 3, 2008 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

Kathan Lambert
Custodian of Membership Records

00004

MM595R2

MEMBER ADDRESS CHANGE HISTORY

Print Date: 7/06/16

Member #: 256119

Date of Admission: 6/03/2008 Status: Active

Effective: 5/04/2016

Name: Victor Saldana

Address: The Law Office of Tony M. Lu

Eff: 1/04/2016

3333 S Brea Canyon Rd
Diamond Bar CA 91765

The Law Office of Victor Saldana

Eff: 5/05/2014

16927 Taylor Ct
Torrance CA 90504

The Law Office of Victor Saldana

Eff: 9/10/2009

1901 W Pacific Ave Ste 240
West Covina CA 91790

The Law Office of Lu & Saldana

Eff: 9/25/2008

3333 S Brea Canyon Rd Ste 213
Diamond Bar CA 91765

Eff: 6/03/2008

13024 Judith St
Baldwin Park CA 91706

00005

(State Bar Court Nos. 13-O-12363 (13-O-12538); 13-O-14098)

SEP 15 2015

S226326

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re VICTOR SALDANA on Discipline

The court orders that Victor Saldana, State Bar Number 256119, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. Victor Saldana is suspended from the practice of law for the first 60 days of probation;
2. Victor Saldana must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 18, 2015.; and
3. At the expiration of the period of probation, if Victor Saldana has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Victor Saldana must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If Victor Saldana 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.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.
Witness my hand and the seal of the Court this

CANTIL-SAKAUYE

Chief Justice

00001

day of SEP 15 2015 20

Clerk

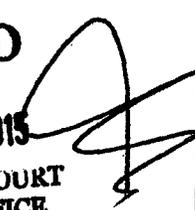
By: 

(Do not write above this line.)

ORIGINAL

**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>R. Kevin Bucher Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1630</p> <p>Bar # 132003</p>	<p>Case Number(s): 13-O-12363-YDR 13-O-12538 13-O-14098</p>	<p>For Court use only</p> <p>FILED</p> <p>MAR 18 2015</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> 
<p>Counsel For Respondent</p> <p>Paul T. O'Brien 969 S Village Oaks Dr Ste 210 Covina, CA 91724 (626) 967-7744</p> <p>Bar # 171252</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: VICTOR SALDANA</p> <p>Bar # 256119</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 June 3, 2008.
- (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 16 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."

BS
2-11-15

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **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.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See attachment, page 11**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(Do not write above this line.)

- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See attachment, page 11**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (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 and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. **See attachment, page 12.**

(Do not write above this line.)

- (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:

Family Problems/Emotional Difficulties - See attachment, page 11
Pre-trial Stipulation -See attachment, page 12

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one year**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **60 days**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the 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 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.

(Do not write above this line.)

- (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:
- (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 checked="" 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**

(Do not write above this line.)

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: Fee arbitration, see attachment, page 14.**

(Do not write above this line.)

In the Matter of: VICTOR SALDANA	Case Number(s): 13-O-12363-YDR; 13-O-12538; 13-O-14098
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
FELIPE SANCHEZ	\$5,000	April 28, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **90 days of the effective date of discipline**.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

(Do not write above this line.)

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: VICTOR SALDANA

CASE NUMBERS: 13-O-12363-YDR; 13-O-12538; 13-O-14098

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 13-O-12363 (Complainant: Loretta and Kenneth Aparicio)

FACTS:

1. On August 17, 2012 Loretta and Kenneth Aparicio (the Aparicios) retained Respondent to file a Chapter 13 Bankruptcy petition on the Aparicios' behalf to prevent their mortgage lender from commencing any foreclosure action on their home. The Aparicios paid Respondent \$3000 on August 17, 2012. Respondent thereafter filed the Chapter 13 Bankruptcy petition on August 21, 2012, U.S. Bankruptcy court case no. 2:12-bk-38617-VZ.

2. On December 18, 2012, the Aparicio's mortgage lender filed a Motion for Relief From Automatic Stay, and a hearing date was set for January 22, 2013. Respondent did not oppose the Motion for Relief From Automatic Stay and did not appear at the hearing date., nor did her perform any other services of value on the Aparicio's behalf after August 12, 2012.

3. When the Aparicios were served with the Order lifting the automatic stay, they attempted to contact Respondent telephonically and by email. They left several messages but Respondent did not respond to the Aparicio's messages.

4. The Aparicios were unable to pursue the Chapter 13 Bankruptcy on their own and the action was dismissed.

5. On June 11, 2013, a State Bar investigator sent an investigative letter was sent to Respondent at his then current official membership records address seeking his response to the allegations made by the Aparicios. However, the investigative letters were not received as Respondent had vacated his office and failed to maintain his current office address and email address on the official membership records of the State Bar.

CONCLUSIONS OF LAW:

6. By failing to oppose the motion for relief from automatic stay, attend the hearing of the motion, or take any other action on the Aparicio's behalf after filing thre intial bankruptcy petition, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).]

7. By failing to respond to reasonable status inquiries from his client Respondent to respond to reasonable status inquiries, in willful violation of Business and Professions Code, section 6068(m).

8. By vacating his office and not maintaining his current mailing address on the official membership records of the State Bar, Respondent failed to comply with Business and Professions Code section 6002.1, in willful violation of Business and Professions Code section 6068(j).

Case No. 13-O-12538 (Complainant: Lumar Timbol)

FACTS:

9. On June 14, 2013 and on July 3, 2013, a State Bar investigator sent investigative letters to Respondent at his then current membership address seeking his response to allegations made by Lumar Timbol regarding Respondent's performance in a debt collection matter. The correspondence was followed by an email enclosing the investigative letter. However, the investigative letters were not received as Respondent had vacated his office and failed to maintain his current office address and email address on the official membership records of the State Bar.

CONCLUSION OF LAW:

10. By vacating his office and not maintaining his current mailing address on the official membership records of the State Bar, Respondent failed to comply with Business and Professions Code section 6002.1, in willful violation of Business and Professions Code section 6068(j).

Case No. 13-O-14098 (Complainant: Felipe Sanchez)

11. On April 28, 2011, Felipe Sanchez, employed Respondent to perform legal services, namely to represent him in a civil lawsuit. Between April 28, 2011 and December 23, 2011, Sanchez paid Respondent \$5,000 in advanced fees.

12. Respondent filed a civil complaint on Sanchez' behalf on May 28, 2011 in Los Angeles Superior Court, *Sanchez v. Arteaga*, case no. KC061282. Thereafter, Respondent failed to appear in court on March 28, 2012 at a duly-noticed pre-trial status conference, appeared in court on April 10, 2012 on the duly noticed date for trial but was not prepared to proceed to trial, and, after the trial date was continued, failed to appear in court on May 8, 2012, on the duly noticed continued date for trial.

13. Due to Respondent's failure to appear at trial on May 8, 2012, the court dismissed Sanchez' case with prejudice and entered judgment in favor of the defendant.

14. After the case was dismissed, Sanchez requested that Respondent return the \$5,000 in advanced fees paid to Respondent. Following the dismissal of his case, Sanchez requested Respondent return all fees that he paid to Respondent. Respondent did not refund any of the advanced fees to Sanchez.

15. Between May 8, 2012 and September 20, 2013, Sanchez made repeated attempts to contact Respondent to discuss the status of his case. Respondent did not respond to numerous inquiries from his client, and failed to keep him apprised of important developments, before and after the matter was dismissed by the court.

16. Sanchez ultimately complained about Respondent's conduct to the State Bar. On September 12, 2013, a State Bar investigator an investigative letter was sent to Respondent at his then current official membership records address seeking his response to the allegations made by Sanchez. . However, the investigative letters were not received as Respondent had vacated his office and failed to maintain his current office address and email address on the official membership records of the State Bar.

CONCLUSIONS OF LAW:

17. By failing to appear at a regularly scheduled pre-trial conference, appearing at the first trial date not prepared to proceed to trial, and failing to appear at the continued trial date, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).]

18. By failing to respond to reasonable status inquiries made by Sanchez during the course of his representation, Respondent failed to respond to reasonable status inquiries made by his client in willful violation of Business and Professions Code, section 6068(m).

19. By failing at the termination of his employment to refund unearned advanced fees, Respondent failed to promptly refund any part of a fee paid in advance that had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

20. By vacating his office and not maintaining his current mailing address on the official membership records of the State Bar, Respondent failed to comply with Business and Professions Code section 6002.1, in willful violation of Business and Professions Code section 6068(j).

AGGRAVATING CIRCUMSTANCES.

Harm to Client (Std. 1.5(f)) – Respondent's abandonment of his client matters and his failure to return unearned fees, seriously harmed his clients. In the Aparicio matter his failure to perform resulted in the dismissal of his clients' bankruptcy case. His failure to appear in the Sanchez matter, caused the case to be dismissed with prejudice and the client losing his opportunity to recover damages.

Multiple Acts of Wrongdoing (Std. 1.5(b)) – Respondent's multiple acts of misconduct in three different client matters, including failures to perform, failures to communicate, failure to refund unearned fees, and failure to cooperate with State Bar investigations, evidences multiple acts of wrongdoing.

MITIGATING CIRCUMSTANCES.

Family Problems/ Emotional Difficulties – Respondent suffered extreme marital and emotional problems at and around the time of his misconduct, resulting in the loss of his wife, his home, his bank account, and his office. His emotional difficulties and family problems were directly related to his misconduct, leading him to neglect his professional responsibilities and ultimately leading to the loss of his legal business. (See *In the Matter of Spaith* (1990) 3 Cal. State Bar Ct. Rptr. 511 [marital problems and similar difficulties can be mitigating if they are extreme and are directly responsible for the misconduct].) His difficulties are attested to by his clergy, with whom he sought counsel, and who has provided information to the State Bar at Respondent's request.

Good Character (Std. 1.6(f)) – Respondent has provided attestations from seven members of the legal and general community, including his clergy and one judge, who express confidence in his good character despite his misconduct.

Pretrial Stipulation – Even though the misconduct here is serious, Respondent is entitled to mitigation for entering into the present stipulation prior to trial, saving valuable State Bar time and resources. (*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].)

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 Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent has committed multiple acts of misconduct in three client matters. Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.5(b), which applies to Respondent’s violation of Rules of Professional Conduct, rule 3-110(a) and Business and Professions Code section 6068(m). Under standard 2.5(b) actual suspension is appropriate for failing to perform legal services or properly communicate in multiple client matters, not demonstrating a pattern of misconduct. There is no evidence of a pattern of misconduct in the present matter. While it is clear Respondent committed misconduct with regard to his representation of his clients, he did perform work before constructively abandoning their cases. Respondent is entitled to mitigation for his emotional

difficulties, good character and willingness to enter into this pre-trial stipulation. Actual Suspension on the lower end of that provided by Standard 2.5(b) is appropriate to effectuate the purpose of discipline.

The Supreme Court has generally considered actual suspension an appropriate discipline where multiple instances of misconduct involving client inattention have occurred. (*Lester v. State Bar* (1976) 17 Cal.3d 547.) In *Gadda v. State Bar* (1990) 50 Cal.3d 344, the attorney had been found culpable of client neglect in three immigration matters aggravated by deceit in two of the matters and the publication of a misleading advertisement. The Court considered as aggravation the attorney's failure to recognize the seriousness of his misconduct but noted in mitigation his very active and generous pro bono immigration legal work. The Supreme Court ordered a two year suspension, stayed, on conditions including a six month actual suspension and until restitution was made. While the present case involves two client matters, there was no deceit or moral turpitude as in *Gadda*.

Calvert v. State Bar (1990) 50 Cal.3d 344, is a matter involving similar misconduct as in the present case. In *Calvert* the attorney was found culpable of unreasonable client neglect in a single client matter, including failure to perform, continued representation of her client though she knew she could not perform competently, and withdrew from employment without taking reasonable steps to avoid prejudice to the client. The Supreme Court found the attorney's breach of her duty to her client was significant, but did not agree with the review departments order of a six month actual suspension, lowering the actual suspension to 60 days.

A one year stayed suspension, with one year of probation, with conditions including a 60 day actual suspension is appropriate and will serve the purpose of protecting the public, the courts and the legal profession. It is also consistent with the decision of the Review Department in *Calvert*.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-12363	Three	Rules of Professional Conduct, section 4-100(B)(3)
13-O-12363	Four	Business and Professions Code, section 6068(i)
13-O-12538	Five	Rules of Professional Conduct, rule 3-110(A)
13-O-12538	Six	Business and Professions Code, section 6068(m)
13-O-12538	Seven	Rules of Professional Conduct, rule 3-700(D)(2)
13-O-12538	Eight	Business and Professions Code, section 6068(i)
13-O-14098	Three	Business and Professions Code, section 6068(i)

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notices of Disciplinary Charges filed on October 4, 2013 and October 28, 2013 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

FEE ARBITRATION CONDITIONS OF PROBATION:

A. Respondent's Duty to Initiate and Participate in Fee Arbitration

Respondent must initiate fee arbitration with the State Bar of California's Mandatory Fee Arbitration Program within thirty (30) days from the effective date of this matter, including making any payment(s) and filing fees required to start the process. The fee arbitration will be for the \$3,000 in fees and costs that Loretta and Kenneth Aparicio paid Respondent on August 17, 2012. Respondent must not request more fees than have already been paid by, or on behalf of, the Aparicios.

At the time respondent initiates fee arbitration, he must provide to the Aparicios a full accounting of all fees and costs paid to respondent by the Aparicios, including complete records of all funds of the Aparicios coming into respondent's possession, and how those funds were allegedly earned, if at all.

Respondent must provide the Office of Probation with a copy of the conformed filing within forty-five (45) days from the effective date of this matter. Respondent must immediately provide the Office of Probation with any information requested regarding the fee arbitration to verify respondent's compliance.

Respondent must fully and promptly participate in the fee arbitration as directed by the State Bar Mandatory Fee Arbitration Program. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration. Respondent understands and agrees that the Office of Probation may contact the Mandatory Fee Arbitration Program for information.

Respondent must accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, respondent must abide by the arbitration award and forego the right to file an action seeking a trial de novo in court to vacate the award.

B. Disputed Funds Must be Held in Trust by Respondent

Respondent must keep the disputed funds in a separate interest-bearing trust account (not an IOLTA). If Respondent has removed the disputed funds from trust, respondent must open a separate interest-bearing trust account and deposit the disputed funds into such account within fifteen (15) days from the effective date of discipline. Respondent must provide evidence, e.g. a copy of respondent's bank statement showing that the disputed funds have been placed in trust within thirty (30) days from the effective date of this matter, and a statement under penalty of perjury that the funds have remained in trust with each of respondent's quarterly and final reports.

C. Respondent's Duty to Comply with the Arbitration Award

Within fifteen (15) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, respondent must provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent must abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth

a deadline for any payment, respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award. respondent must provide proof thereof to the Office of Probation within thirty (30) days after payment.

To the extent that respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of this matter, respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been provided to the Office of Probation.

D. Fee Arbitration Conditions can be Satisfied by Respondent's Full Payment to Loretta and Kenneth Aparicio

The Fee Arbitration Conditions can also be satisfied by respondent's full payment of \$3,000 in fees and costs that the Aparicios paid respondent on August 17, 2012 plus interest of 10% per annum from August 17, 2012 within thirty (30) days from the effective date of this matter. Satisfactory proof of payment must be received by the Office of Probation within forty-five (45) days from the effective date of this matter.

If the Client Security Fund ("CSF") has reimbursed the Aparicios for all or any portion of the principal amount(s), respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs. To the extent the CSF has paid only principal amounts, respondent will still be liable for interest payments to the Aparicios. Any restitution to the CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent must pay all restitution to the Aparicios before making payment to CSF. Satisfactory proof of payment(s) to CSF must be received by the Office of Probation within thirty (30) days of any payment.

E. Effect of Respondent's Failure to Comply with Fee Arbitration Conditions

Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court imposing additional discipline (with attendant costs) and conditions upon respondent, including ordering respondent to pay back the full amount of \$3,000 paid to respondent by the Aparicios plus 10% interest from August 17, 2012.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of VICTOR SALDANA	Case number(s): 13-O-12363; 13-O-12538; 13-O-14098
---	--

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 Fact, Conclusions of Law and Disposition.

2/17/15
Date

Victor Saldana
Respondent's Signature

VICTOR SALDANA
Print Name

2/17/15
Date

[Signature]
Respondent's Counsel Signature

PAUL T. O'BRIEN
Print Name

5.26.15
Date

[Signature]
Deputy Trial Counsel's Signature

R. KEVIN BUCHER
Print Name

(Do not write above this line.)

In the Matter of: VICTOR SALDANA	Case Number(s): 13-O-12363 et.seq.
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ACTUAL SUSPENSION ORDER

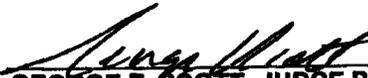
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

On page four of the Stipulation, in Section "D. Discipline" subparagraph (3)(a), insert an "X" in the box that immediately precedes the sentence that begins, "Respondent must be actually suspended from the practice of law. . . ."

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.)

Date 3-18-15


GEORGE E. SCOTT, JUDGE PRO TEM
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 March 18, 2015, 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:

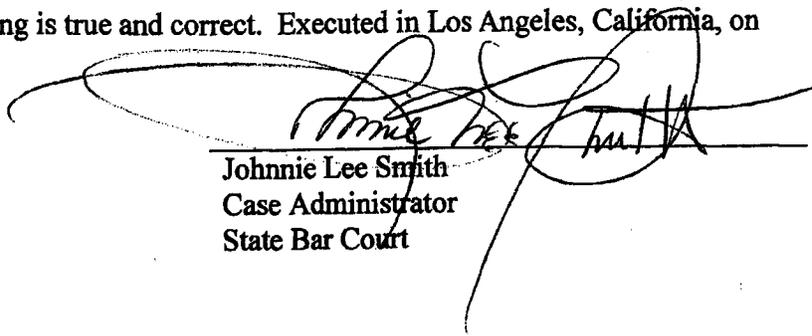
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**PAUL T. O'BRIEN
LAW OFFICE OF PAUL O'BRIEN
969 S VILLAGE OAKS DR
STE 210
COVINA, CA 91724**

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

RONALD BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 18, 2015.



Johnnie Lee Smith
Case Administrator
State Bar Court

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 ALAN B. GORDON, No. 125642
ASSISTANT CHIEF TRIAL COUNSEL
5 R. KEVIN BUCHER, No. 132003
DEPUTY TRIAL COUNSEL
1149 South Hill Street
6 Los Angeles, California 90015-2299
Telephone: (213) 765-1630
7

FILED

OCT 28 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

8 STATE BAR COURT

9 HEARING DEPARTMENT - LOS ANGELES

10
11 In the Matter of:

) Case No. 13-O-14098

12 VICTOR SALDANA,
13 No. 256119,

) NOTICE OF DISCIPLINARY CHARGES

14
15 A Member of the State Bar

16
17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
20 **THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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The State Bar of California alleges:

JURISDICTION

1. VICTOR SALDANA ("Respondent") was admitted to the practice of law in the State of California on June 3, 2008, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-14098
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about April 28, 2011, Felipe Sanchez, employed Respondent to perform legal services, namely to prosecute a civil lawsuit, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

- a. Failing to appear in court or about March 28, 2012, at a duly-noticed pre-trial status conference;
- b. Appearing in court on or about April 10, 2012, on the duly noticed date for trial, inexcusably not prepared to proceed to trial;
- c. Failing to appear in court or about May 8, 2012, on the duly noticed continued date for trial;
- d. Allowing by his failure to appear in court or about May 8, 2012, for the court's dismissal of his client's lawsuit with prejudice and for the court's entry of judgment in favor of the defendant.

COUNT TWO

Case No. 13-O-14098
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to numerous reasonable status inquiries, both by telephone and letter, made by Respondent's client, Felipe Sanchez, between May 8, 2012 and September 20, 2013, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT THREE

Case No. 13-O-14098
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a written response to the State Bar's letter of September 12, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-14098, in willful violation of Business and Professions Code, section 6068(i).

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

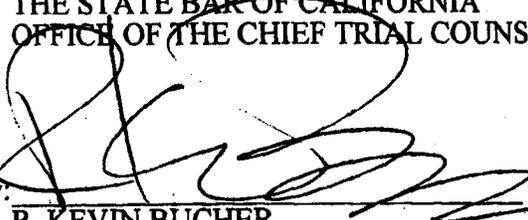
NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: October 20, 2013

By: 
R. KEVIN BUCHER
Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / PERSONAL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 13-O-14098

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a)) [X] By U.S. Certified Mail: (CCP §§ 1013 and 1013(a)) [] By Overnight Delivery: (CCP §§ 1013(e) and 1013(d)) [] in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

[] (U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)*

[X] (Certified Mail / Overnight Delivery) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article / Tracking No.: 7160 3901 9844 3984 1094 & 7160 3901 9844 3984 1100 at Los Angeles, addressed to: (see below)*

By Personal Delivery: (CCP §§ 1011)

[] (Personal Delivery) I personally served the following person(s) at the address, date and time stated below:

Person Served: VICTOR SALDANA; Business / Residential Address: Law Office of Victor Saldana, 1901 W. Pacific Avenue, Suite 240, West Covina, California 91790; Courtesy Copy to: -via Certified Mail- 1228 S. Leland Avenue, Apt. 45, West Covina, California 91790-2428

(if applicable)

DATE

TIME

(for personal service)

On: (Click v to enter Day Month) at .m.

By Fax Transmission: (CCP §§ 1013(e) and 1013(f)) []

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

Facsimile Number:

By Electronic Service: (CCP § 1010.5) []

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Electronic Address:

[] via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: October 28, 2013

SIGNED:

BERNARD PIMENTEL
Declarant

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 ALAN B. GORDON, No. 125642
ASSISTANT CHIEF TRIAL COUNSEL
5 R. KEVIN BUCHER, No. 132003
DEPUTY TRIAL COUNSEL
6 1149 South Hill Street
Los Angeles, California 90015-2299
7 Telephone: (213) 765-1630

FILED
OCT 04 2013
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

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HEARING DEPARTMENT - LOS ANGELES

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12 In the Matter of:

) Case No. 13-O-12363; 13-O-12538

13 VICTOR SALDANA,
14 No. 256119,

) NOTICE OF DISCIPLINARY CHARGES

15 A Member of the State Bar

16

NOTICE - FAILURE TO RESPOND!

17

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
18 THE STATE BAR COURT TRIAL:**

19

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
21 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
23 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
24 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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26 The State Bar of California alleges:

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JURISDICTION

1. VICTOR SALDANA ("Respondent") was admitted to the practice of law in the State of California on June 3, 2008, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-12363
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about August 17, 2012, Loretta Aparicio employed Respondent to perform legal services, namely, to represent her in a Chapter 13 bankruptcy action, during which representation Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

- A) Failing to appear on January 22, 2013 at a motion for relief from an automatic stay of proceedings filed by his client's mortgage lender, resulting in an order granting relief in the lender's favor;
- B) failing to take steps to object to the lodging of the court's order staying bankruptcy proceedings or to file a motion to quash that order.

COUNT TWO

Case No. 13-O-12363
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to numerous reasonable status inquiries made by Respondent's client, Loretta Aparicio, between October 2012 and June 12, 2013, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

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COUNT THREE

Case No. 13-O-12363
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

4. On or about August 17, 2012 Respondent received on behalf of Respondent's client Loretta Aparicio, advance legal fees in the sum of \$3,000.00. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following Aparicio's request for an accounting on June 12, 2013, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FOUR

Case No. 13-O-12363
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a written response to the State Bar's letter of June 11, 2013, and by failing to respond to an email attaching the same letter on June 12, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-12363, in willful violation of Business and Professions Code, section 6068(i).

COUNT FIVE

Case No. 13-O-12538
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

6. On or about August 6, 2012, Lumar Timbol employed Respondent to perform legal services, namely to pursue a debt collection matter against Capital One, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by performing no legal services of value on behalf of the client.

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COUNT SIX

Case No. 13-O-12538
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

7. Respondent failed to respond promptly to no less than three telephone calls and two letters regarding reasonable status inquiries made by Respondent's client, Lumar Timbol, between September 25, 2012 and March 9, 2013, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT SEVEN

Case No. 13-O-12538
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

8. On or about August 6, 2012, Respondent received advanced fees \$500.00 from a client, Lumar Timbol, for the purposes of pursuing a debt collection matter. Respondent performed no services of value on behalf of the client and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment on or about March 9, 2013, any part of the \$500.00 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT EIGHT

Case No. 13-O-12538
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a written response to the State Bar's letters of June 14, 2013 and July 3, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-12538, in willful violation of Business and Professions Code, section 6068(i).

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NOTICE - INACTIVE ENROLLMENT!

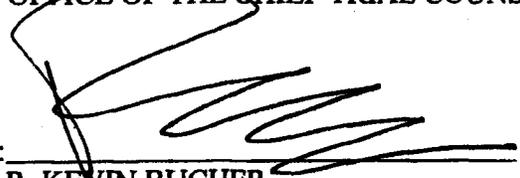
YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL



DATED: October 4 2013

By:

R. KEVIN BUCHER
Deputy Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 13-O-12363; 13-O-12538

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6) to:

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196-9008-9111-0442-8228 at Los Angeles, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy via US Mail to:
Victor Saldana, The Law Office of Victor Saldana, 1901 W Pacific Ave Ste 240, West Covina, CA 91790

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS).

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: October 4, 2013

SIGNED:

Ana Botosaru Nerjessian
Declarant

00029



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST July 7, 2016

State Bar Court, State Bar of California,
Los Angeles

By *[Signature]*
Clerk



THE STATE BAR
OF CALIFORNIA

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

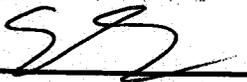
Eddie Esqueda: (213) 765-1482

Eddie.Esqueda@calbar.ca.gov

OFFICE OF PROBATION
ADDRESS VERIFIED

October 8, 2015

October 8, 2015

BY: 

Victor Saldana
The Law Office of Victor Saldana
16927 Taylor Ct
Torrance, CA 90504

In re: S226326 (13-O-12363)

In the Matter of Victor Saldana

Dear Victor Saldana:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit to the Office of Probation within **five** days so that future communications may be directed to your counsel.

As you know, on September 15, 2015, the Supreme Court of California filed an Order, effective October 15, 2015, suspending you from the practice of law for a period of one (1) year, staying execution and placing you on probation upon certain conditions for a period of one (1) year. Further, pursuant to the Order of the Court, you have been placed on actual suspension for the first sixty (60) days of your probation.¹

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

¹ Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

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You must schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline. Make sure you read this letter including all attachments before the required meeting.

By court order, you must take and pass the Multi-State Professional Responsibility Examination (MPRE) and provide satisfactory proof of such passage to the Office of Probation on or before **October 15, 2016**. Satisfactory proof requires that you (1) select California as the jurisdiction to receive your score report, and (2) send a copy of your score release to the Office of Probation. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. The Office of Probation will not provide you multiple copies of the courtesy Quarterly Report form. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that proof of compliance must be received in the Office of Probation by your due date. **Being even one day late** means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

Condition

Deadline(s)

- | | |
|---|-------------------|
| 1. Contact Probation Deputy & Schedule Required Meeting | November 14, 2015 |
| 2. Proof that Disputed Funds Are in Trust | November 14, 2015 |

- | | |
|---|---------------------------------------|
| 3. Copy of Conformed Filing of Fee Arbitration ² | November 29, 2015 |
| 4. Copy of Full Accounting Provided to the Aparicios | November 29, 2015 |
| 5. Quarterly Reports | Quarterly; beginning January 10, 2016 |
| 6. Disputed Funds Reports | Quarterly; beginning January 10, 2016 |
| 7. Restitution | January 13, 2016 |
| 8. State Bar Ethics School | October 15, 2016 |
| 9. MPRE | October 15, 2016 |
| 10. Final Report | October 15, 2016 |

You are reminded that all Quarterly Reports are due **on or before the 10th day** after the end of each quarter. Your Final Report is due on or before **October 15, 2016**.

Should you be in possession of any funds, property, or securities on behalf of a client at any time during the period covered by your quarterly probation report, you must file with each required report, a certificate from a Certified Public Accountant or other financial professional approved by the Office of Probation. If you plan to have a financial professional other than a Certified Public Accountant, that professional must be approved by the Office of Probation **prior** to any certificate being filed. Enclosed is a sample certificate. Please note that this is just a sample of what a certificate may look like. **You must make sure that your certificate meets the specific requirement.**

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar

² You must initiate fee arbitration with the State Bar of California's Fee Arbitration Program by November 14, 2015; provide to the Office of Probation a copy of the award, judgment or stipulated award within 15 days of issuance, make full payment within 30 days issuance, and provide the Office of Probation proof of payment within 30 days of compliance. **In the alternative, the fee arbitration condition can be satisfied by making full payment of \$3,000 plus 10% per annum from August 17, 2012, and provide proof of payment to the Office of Probation by November 29, 2015.**

Victor Saldana
October 8, 2015
Page 4

purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely** submit reports or any other proof of compliance **may result in a non-compliance referral** which may lead to the imposition of additional discipline and attendant costs.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed.

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



Eddie Esqueda
Probation Deputy

/ee
Enclosures

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(State Bar Court Nos. 13-O-12363 (13-O-12538); 13-O-14098)

SEP 15 2015

S226326

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re VICTOR SALDANA on Discipline

The court orders that Victor Saldana, State Bar Number 256119, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. Victor Saldana is suspended from the practice of law for the first 60 days of probation;
2. Victor Saldana must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 18, 2015.; and
3. At the expiration of the period of probation, if Victor Saldana has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Victor Saldana must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If Victor Saldana 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.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.
Witness my hand and the seal of the Court this

CANTIL-SAKAUYE

Chief Justice

day of SEP 15 2015 20
Clerk

Bv: 

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(Do not write above this line.)

- (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: .
- (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 checked="" 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**

(Do not write above this line.)

In the Matter of: VICTOR SALDANA	Case Number(s): 13-O-12363-YDR; 13-O-12538; 13-O-14098
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
FELIPE SANCHEZ	\$5,000	April 28, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **90 days of the effective date of discipline.**

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California; and that such account is designated as a "Trust Account" or "Clients' Funds Account";

FEE ARBITRATION CONDITIONS OF PROBATION:

A. Respondent's Duty to Initiate and Participate in Fee Arbitration

Respondent must initiate fee arbitration with the State Bar of California's Mandatory Fee Arbitration Program within thirty (30) days from the effective date of this matter, including making any payment(s) and filing fees required to start the process. The fee arbitration will be for the \$3,000 in fees and costs that Loretta and Kenneth Aparicio paid Respondent on August 17, 2012. Respondent must not request more fees than have already been paid by, or on behalf of, the Aparicios.

At the time respondent initiates fee arbitration, he must provide to the Aparicios a full accounting of all fees and costs paid to respondent by the Aparicios, including complete records of all funds of the Aparicios coming into respondent's possession, and how those funds were allegedly earned, if at all.

Respondent must provide the Office of Probation with a copy of the conformed filing within forty-five (45) days from the effective date of this matter. Respondent must immediately provide the Office of Probation with any information requested regarding the fee arbitration to verify respondent's compliance.

Respondent must fully and promptly participate in the fee arbitration as directed by the State Bar Mandatory Fee Arbitration Program. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration. Respondent understands and agrees that the Office of Probation may contact the Mandatory Fee Arbitration Program for information.

Respondent must accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, respondent must abide by the arbitration award and forego the right to file an action seeking a trial de novo in court to vacate the award.

B. Disputed Funds Must be Held in Trust by Respondent

Respondent must keep the disputed funds in a separate interest-bearing trust account (not an IOLTA). If Respondent has removed the disputed funds from trust, respondent must open a separate interest-bearing trust account and deposit the disputed funds into such account within fifteen (15) days from the effective date of discipline. Respondent must provide evidence, e.g. a copy of respondent's bank statement showing that the disputed funds have been placed in trust within thirty (30) days from the effective date of this matter, and a statement under penalty of perjury that the funds have remained in trust with each of respondent's quarterly and final reports.

C. Respondent's Duty to Comply with the Arbitration Award

Within fifteen (15) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, respondent must provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent must abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth

a deadline for any payment, respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award. respondent must provide proof thereof to the Office of Probation within thirty (30) days after payment.

To the extent that respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of this matter, respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been provided to the Office of Probation.

D. Fee Arbitration Conditions can be Satisfied by Respondent's Full Payment to Loretta and Kenneth Aparicio

The Fee Arbitration Conditions can also be satisfied by respondent's full payment of \$3,000 in fees and costs that the Aparicios paid respondent on August 17, 2012 plus interest of 10% per annum from August 17, 2012 within thirty (30) days from the effective date of this matter. Satisfactory proof of payment must be received by the Office of Probation within forty-five (45) days from the effective date of this matter.

If the Client Security Fund ("CSF") has reimbursed the Aparicios for all or any portion of the principal amount(s), respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs. To the extent the CSF has paid only principal amounts, respondent will still be liable for interest payments to the Aparicios. Any restitution to the CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent must pay all restitution to the Aparicios before making payment to CSF. Satisfactory proof of payment(s) to CSF must be received by the Office of Probation within thirty (30) days of any payment.

E. Effect of Respondent's Failure to Comply with Fee Arbitration Conditions

Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court imposing additional discipline (with attendant costs) and conditions upon respondent, including ordering respondent to pay back the full amount of \$3,000 paid to respondent by the Aparicios plus 10% interest from August 17, 2012.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2015 Examination Schedule and Information

This document was created as a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does **NOT** administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
 DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

National Conference of Bar Examiners ("NCBE")

Website: www.ncbex.org

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 28, 2015	February 5, 2015	February 12, 2015	May 2, 2015
Saturday, August 15, 2015	June 25, 2014	July 2, 2015	September 19, 2015
Saturday, November 7, 2015	September 17, 2015	September 24, 2015	December 12, 2015

**The 2016 MPRE test dates are March 19, August 13, and November 5.
 Registration opens on December 14, 2015*.**

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation *on or before your due date*. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

**Information may change, please check the NCBE's website for the most current information.*

Revised 07/20/15

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MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2016 Examination Schedule and Information

This document was created as a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does NOT administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

National Conference of Bar Examiners ("NCBE")

Website: www.ncbex.org

Registration opens on Monday, December 14, 2015

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 19, 2016	January 28, 2016	February 4, 2016	April 23, 2016
Saturday, August 13, 2016	June 23, 2016	June 30, 2016	September 17, 2016
Saturday, November 5, 2016	September 15, 2016	September 22, 2016	December 10, 2016

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation *on or before your due date*. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

**Information may change, please check the NCBE's website for the most current information.*

Revised 09/10/15

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<p>IN THE MATTER OF Victor Saldana</p> <p>CASE NO(s): S226326</p> <p>Probation</p>	<p><i>(For Office of Probation Use Only)</i></p>
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QUARTERLY REPORT

For each report, mark the box for the correct reporting period and write the correct year.

First Report Due: January 10, 2016
(for period October 15, 2015 through December 31, 2015)

Final Report Due: October 15, 2016
(for period October 1, 2016 through October 15, 2016)

Due: **January 10, 20__** **April 10, 20__** **July 10, 20__** **October 10, 20__**
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and transmit reports to the State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515, or Fax at (213) 765-1439, or e-mail at Eddie.Esqueda@calbar.ca.gov

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules

During the reporting period noted above, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation.

Or

During the reporting period above, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation **EXCEPT** (please list **specific violations**):

(attach declaration under penalty of perjury if more space is needed).

Report on SBC Proceedings

During the reporting period above, I had proceedings pending against me in the State Bar Court. The case number(s), and current status is as follows:

Current Address

- Within 10 days of any change, I reported to the Membership Records Office 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.

State Bar Ethics School

- I have registered for the State Bar Ethics School course given on _____.
- I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on _____.
- I have taken the MPRE given on _____ and am awaiting the results.
- I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution in Sanchez Matter

- I have completed restitution to Felipe Sanchez, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

Fee Arbitration in the Aparicios Matter

- I have initiated fee arbitration with the State Bar of California's Fee Arbitration Program, provided to the Office of Probation a copy of the award, judgment or stipulated award, and have made full payment. A copy of the fee arbitration filing and/or the award, and/or proof of full payment is attached if not previously submitted.

- In lieu of initiating fee arbitration, I have paid \$3,000 to the Aparicios plus interest. Attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

Copy of Accounting

- During the reporting period noted above, I provided to the Aparicios a full accounting of all fees and costs paid by them, including complete records of all funds of the Aparicios coming into my possession and how those funds were allegedly earned, if at all. A copy of the full accounting is attached if not previously submitted.

Disputed Funds

- I have kept the disputed funds in a separate trust account (not an IOLTA). If I removed the disputed funds from trust, I opened a separate interest-bearing trust account and deposited the disputed funds into such account. Under a separate cover, I provided evidence showing that the disputed funds have been placed in trust. The funds have remained in trust during the reporting period noted above or portion thereof.
- The funds have **not** remained in trust during the reporting period noted above or portion thereof.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: _____
(Actual date of signature)

Signature: _____
Victor Saldana

Office of Probation
QUARTERLY REPORT INSTRUCTIONS

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions**. The report form is provided as a courtesy only, and you are not required to use it.
2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS**. In the future, one additional copy **may** be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.
3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.
4. Your report is not compliant if it does not cover the entire reporting period.
5. Your signed and dated report must be **received in the Office of Probation on or before the 10th of January, April, July, and October**. For all conditions, being **even one day late** means that you are **not** in compliance.

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10 th
April 1 - June 30	July 10 th
July 1 - September 30	October 10 th
October 1 - December 31	January 10 th

6. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.
7. Because it is your responsibility to have a compliant report in to the Office of Probation by the 10th, and because the **Office of Probation does NOT confirm receipt of compliance documents**, you may choose to send your reports in a manner that provides you with proof of delivery, e.g. fax, e-mail, certified mail, etc.
8. You must keep all original reports, compliance documents, and proof of delivery and provide such to the Office of Probation if requested.
9. The Office of Probation files your report and compliance document as of the date it is received, and **NOT** the date you send it.
10. The Office of Probation will **NOT** contact you before and/or after each Quarterly Report is due. **You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.**
11. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.
12. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244.

If you have any questions regarding this information, please contact Eddie Esqueda in the Office of Probation at Eddie.Esqueda@calbar.ca.gov or (213)765-1482.

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Office of Probation
PROOF OF PAYMENT INFORMATION

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

A. Copy of the negotiated check (front and back); or

B. A declaration signed by the payee, which must specify the amount received, the date it was received, and which should include current contact information for the payee, including a valid telephone number.

2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even one day late, you are not in compliance.

3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.

4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.

6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.

7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.

8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.

9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).

10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition), *Id.*

**OFFICE OF PROBATION
NOTICE OF COUNSEL REPRESENTATION**

Respondent: Victor Saldana

State Bar Case #: S226326 (13-O-12363)

Member Number: 256119

Counsel Name: _____

Firm Name: _____

Address: _____

Bar Number: _____

Phone Number: _____

Respondent Signature: _____

Date: _____

Counsel Signature: _____

Date: _____

Please complete, sign and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California

2015 Ethics/Client Trust Accounting ("CTA") School Schedules

LOS ANGELES			
845 S. Figueroa Street			
Class	Day	Date	Time
Ethics	Thurs	02/19	9a - 4p
CTA	Fri	02/20	9a - 12p
Ethics	Thurs	05/07	9a - 4p
CTA	Fri	05/08	9a - 12p
Ethics	Thurs	06/04	9a - 4p
CTA	Fri	06/05	9a - 12p
Ethics	Thurs	08/20	9a - 4p
CTA	Fri	08/21	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	10/22	9a - 4p
CTA	Fri	10/23	9a - 12p
Ethics	Thurs	12/10	9a - 4p
CTA	Fri	12/11	9a - 12p

SAN FRANCISCO			
180 Howard Street			
Class	Day	Date	Time
Ethics	Thurs	03/12	9a - 4p
CTA	Fri	03/13	9a - 12p
Ethics	Thurs	06/18	9a - 4p
CTA	Fri	06/19	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	12/03	9a - 4p
CTA	Fri	12/04	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Information may change at any time, please check the State Bar website for current information.

Revised 10/28/14



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California

2016 Ethics/Client Trust Accounting ("CTA") School Schedules

LOS ANGELES			
845 S. Figueroa Street			
Class	Day	Date	Time
Ethics	Thurs	02/11	9a - 4p
CTA	Fri	02/12	9a - 12p
Ethics	Thurs	04/07	9a - 4p
CTA	Fri	04/08	9a - 12p
Ethics	Thurs	06/09	9a - 4p
CTA	Fri	06/10	9a - 12p
Ethics	Thurs	08/04	9a - 4p
CTA	Fri	08/05	9a - 12p
Ethics	Thurs	10/06	9a - 4p
CTA	Fri	10/07	9a - 12p
Ethics	Thurs	12/15	9a - 4p
CTA	Fri	12/16	9a - 12p

SAN FRANCISCO			
180 Howard Street			
Class	Day	Date	Time
Ethics	Thurs	02/18	9a - 4p
CTA	Fri	02/19	9a - 12p
Ethics	Thurs	04/21	9a - 4p
CTA	Fri	04/22	9a - 12p
Ethics	Thurs	06/23	9a - 4p
CTA	Fri	06/24	9a - 12p
Ethics	Thurs	08/18	9a - 4p
CTA	Fri	08/19	9a - 12p
Ethics	Thurs	10/20	9a - 4p
CTA	Fri	10/21	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. *You are NOT registered until your payment is received.* If you have any questions, please contact Letty Ramos at (213) 765-1309.

Information may change at any time, please check the State Bar website for current information.

Revised 09/21/15

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THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309

FAX: (213) 765-1029

TDD: (213) 765-1566

<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

LOS ANGELES
845 S. Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is **\$150.00**. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is **\$100.00**.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos
Administrative Secretary

Enc.

Revised 10/28/14

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THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Enrollment Form

DATE: _____
APPLICANT'S NAME: _____ SBN: _____
APPLICANT'S ADDRESS: _____
CITY, STATE, ZIP: _____
PHONE: _____ FAX: _____
E-MAIL ADDRESS: _____

LOS ANGELES
845 South Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: _____ LOCATION (LA OR SF): _____
CTA (\$100) DATE OF CLASS: _____ LOCATION (LA OR SF): _____

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515, attention: Letty Ramos, Office of the Chief Trial Counsel. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are NOT registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Revised 10/28/14

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Esqueda, Eddie

From: Esqueda, Eddie
Sent: Wednesday, January 13, 2016 10:15 AM
To: 'vicsaldanalaw@gmail.com'
Subject: Victor Saldana, S226326 (13-O-12363, et al.)
Attachments: Slacopier1716011310050.pdf

Importance: High

Mr. Saldana,

As discussed, attached is a copy of the Office of Probation's letter to you dated October 8, 2015. Advise of your availability to conduct the required meeting. This will be an in-person meeting, so plan on coming to the State Bar of California.

--
Eddie Esqueda | Probation Deputy
Office of Probation
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017
213.765.1482 | eddie.esqueda@calbar.ca.gov

This message may contain confidential information that may also be privileged. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose the message in whole or in part. If you have received this message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you.



**THE STATE BAR
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

Eddie Esqueda: (213) 765-1482
Eddie.Esqueda@calbar.ca.gov

**OFFICE OF PROBATION
ADDRESS VERIFIED
October 8, 2015**

October 8, 2015

BY: 

Victor Saldana
The Law Office of Victor Saldana
16927 Taylor Ct
Torrance, CA 90504

In re: **S226326 (13-O-12363)**

In the Matter of **Victor Saldana**

Dear Victor Saldana:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit to the Office of Probation within **five days** so that future communications may be directed to your counsel.

As you know, on September 15, 2015, the Supreme Court of California filed an Order, effective October 15, 2015, suspending you from the practice of law for a period of one (1) year, staying execution and placing you on probation upon certain conditions for a period of one (1) year. Further, pursuant to the Order of the Court, you have been placed on actual suspension for the first sixty (60) days of your probation.¹

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

¹ Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

You must schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline. Make sure you read this letter including all attachments before the required meeting.

By court order, you must take and pass the Multi-State Professional Responsibility Examination (MPRE) and provide satisfactory proof of such passage to the Office of Probation on or before **October 15, 2016**. Satisfactory proof requires that you (1) select California as the jurisdiction to receive your score report, and (2) send a copy of your score release to the Office of Probation. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. The Office of Probation will not provide you multiple copies of the courtesy Quarterly Report form. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that proof of compliance must be received in the Office of Probation by your due date. **Being even one day late** means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

Condition

Deadline(s)

- | | |
|---|-------------------|
| 1. Contact Probation Deputy & Schedule Required Meeting | November 14, 2015 |
| 2. Proof that Disputed Funds Are in Trust | November 14, 2015 |

- | | |
|---|---------------------------------------|
| 3. Copy of Conformed Filing of Fee Arbitration ² | November 29, 2015 |
| 4. Copy of Full Accounting Provided to the Aparicios | November 29, 2015 |
| 5. Quarterly Reports | Quarterly; beginning January 10, 2016 |
| 6. Disputed Funds Reports | Quarterly; beginning January 10, 2016 |
| 7. Restitution | January 13, 2016 |
| 8. State Bar Ethics School | October 15, 2016 |
| 9. MPRE | October 15, 2016 |
| 10. Final Report | October 15, 2016 |

You are reminded that all Quarterly Reports are due **on or before the 10th day** after the end of each quarter. Your Final Report is due on or before **October 15, 2016**.

Should you be in possession of any funds, property, or securities on behalf of a client at any time during the period covered by your quarterly probation report, you must file with each required report, a certificate from a Certified Public Accountant or other financial professional approved by the Office of Probation. If you plan to have a financial professional other than a Certified Public Accountant, that professional must be approved by the Office of Probation **prior** to any certificate being filed. Enclosed is a sample certificate. Please note that this is just a sample of what a certificate may look like. **You must make sure that your certificate meets the specific requirement.**

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar

² You must initiate fee arbitration with the State Bar of California's Fee Arbitration Program by November 14, 2015; provide to the Office of Probation a copy of the award, judgment or stipulated award within 15 days of issuance, make full payment within 30 days issuance, and provide the Office of Probation proof of payment within 30 days of compliance. **In the alternative, the fee arbitration condition can be satisfied by making full payment of \$3,000 plus 10% per annum from August 17, 2012, and provide proof of payment to the Office of Probation by November 29, 2015.**

Victor Saldana
October 8, 2015
Page 4

purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely submit reports or any other proof of compliance may result in a non-compliance referral** which may lead to the imposition of additional discipline and attendant costs.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed.

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



Eddie Esqueda
Probation Deputy

/ee
Enclosures

00027

(State Bar Court Nos. 13-O-12363 (13-O-12538); 13-O-14098)

SEP 15 2015

S226326

Frank A. McGuire C

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re VICTOR SALDANA on Discipline

The court orders that Victor Saldana, State Bar Number 256119, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. Victor Saldana is suspended from the practice of law for the first 60 days of probation;
2. Victor Saldana must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 18, 2015.; and
3. At the expiration of the period of probation, if Victor Saldana has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Victor Saldana must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If Victor Saldana 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.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.
Witness my hand and the seal of the Court this

CANTIL-SAKAUYE

Chief Justice

day of SEP 15 2015 20
Clerk

By: 

00028

(Do not write above this line.)

- (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: .
- (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 checked="" 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

(Do not write above this line.)

In the Matter of: VICTOR SALDANA	Case Number(s): 13-O-12363-YDR; 13-O-12538; 13-O-14098
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
FELIPE SANCHEZ	\$5,000	April 28, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **90 days of the effective date of discipline.**

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California; and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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FEE ARBITRATION CONDITIONS OF PROBATION:

A. Respondent's Duty to Initiate and Participate in Fee Arbitration

Respondent must initiate fee arbitration with the State Bar of California's Mandatory Fee Arbitration Program within thirty (30) days from the effective date of this matter, including making any payment(s) and filing fees required to start the process. The fee arbitration will be for the \$3,000 in fees and costs that Loretta and Kenneth Aparicio paid Respondent on August 17, 2012. Respondent must not request more fees than have already been paid by, or on behalf of, the Aparicios.

At the time respondent initiates fee arbitration, he must provide to the Aparicios a full accounting of all fees and costs paid to respondent by the Aparicios, including complete records of all funds of the Aparicios coming into respondent's possession, and how those funds were allegedly earned, if at all.

Respondent must provide the Office of Probation with a copy of the conformed filing within forty-five (45) days from the effective date of this matter. Respondent must immediately provide the Office of Probation with any information requested regarding the fee arbitration to verify respondent's compliance.

Respondent must fully and promptly participate in the fee arbitration as directed by the State Bar Mandatory Fee Arbitration Program. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration. Respondent understands and agrees that the Office of Probation may contact the Mandatory Fee Arbitration Program for information.

Respondent must accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, respondent must abide by the arbitration award and forego the right to file an action seeking a trial de novo in court to vacate the award.

B. Disputed Funds Must be Held in Trust by Respondent

Respondent must keep the disputed funds in a separate interest-bearing trust account (not an IOLTA). If Respondent has removed the disputed funds from trust, respondent must open a separate interest-bearing trust account and deposit the disputed funds into such account within fifteen (15) days from the effective date of discipline. Respondent must provide evidence, e.g. a copy of respondent's bank statement showing that the disputed funds have been placed in trust within thirty (30) days from the effective date of this matter, and a statement under penalty of perjury that the funds have remained in trust with each of respondent's quarterly and final reports.

C. Respondent's Duty to Comply with the Arbitration Award

Within fifteen (15) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, respondent must provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent must abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth

a deadline for any payment, respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award. respondent must provide proof thereof to the Office of Probation within thirty (30) days after payment.

To the extent that respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of this matter, respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been provided to the Office of Probation.

D. Fee Arbitration Conditions can be Satisfied by Respondent's Full Payment to Loretta and Kenneth Aparicio

The Fee Arbitration Conditions can also be satisfied by respondent's full payment of \$3,000 in fees and costs that the Aparicios paid respondent on August 17, 2012 plus interest of 10% per annum from August 17, 2012 within thirty (30) days from the effective date of this matter. Satisfactory proof of payment must be received by the Office of Probation within forty-five (45) days from the effective date of this matter.

If the Client Security Fund ("CSF") has reimbursed the Aparicios for all or any portion of the principal amount(s), respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs. To the extent the CSF has paid only principal amounts, respondent will still be liable for interest payments to the Aparicios. Any restitution to the CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent must pay all restitution to the Aparicios before making payment to CSF. Satisfactory proof of payment(s) to CSF must be received by the Office of Probation within thirty (30) days of any payment.

E. Effect of Respondent's Failure to Comply with Fee Arbitration Conditions

Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court imposing additional discipline (with attendant costs) and conditions upon respondent, including ordering respondent to pay back the full amount of \$3,000 paid to respondent by the Aparicios plus 10% interest from August 17, 2012.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2015 Examination Schedule and Information

This document was created as a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does NOT administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

National Conference of Bar Examiners ("NCBE")
Website: www.ncbex.org

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 28, 2015	February 5, 2015	February 12, 2015	May 2, 2015
Saturday, August 15, 2015	June 25, 2014	July 2, 2015	September 19, 2015
Saturday, November 7, 2015	September 17, 2015	September 24, 2015	December 12, 2015

**The 2016 MPRE test dates are March 19, August 13, and November 5.
Registration opens on December 14, 2015*.**

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation *on or before your due date*. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

**Information may change, please check the NCBE's website for the most current information.*

Revised 07/20/15

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MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION (“MPRE”) 2016 Examination Schedule and Information

This document was created as a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does NOT administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

**National Conference of Bar Examiners (“NCBE”)
Website: www.ncbex.org**

Registration opens on Monday, December 14, 2015

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 19, 2016	January 28, 2016	February 4, 2016	April 23, 2016
Saturday, August 13, 2016	June 23, 2016	June 30, 2016	September 17, 2016
Saturday, November 5, 2016	September 15, 2016	September 22, 2016	December 10, 2016

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST:** a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

**Information may change, please check the NCBE's website for the most current information.*

Revised 09/10/15

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Current Address

- Within 10 days of any change, I reported to the Membership Records Office 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.

State Bar Ethics School

- I have registered for the State Bar Ethics School course given on _____.
- I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on _____.
- I have taken the MPRE given on _____ and am awaiting the results.
- I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution in Sanchez Matter

- I have completed restitution to Felipe Sanchez, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

Fee Arbitration in the Aparicios Matter

- I have initiated fee arbitration with the State Bar of California's Fee Arbitration Program, provided to the Office of Probation a copy of the award, judgment or stipulated award, and have made full payment. A copy of the fee arbitration filing and/or the award, and/or proof of full payment is attached if not previously submitted.

- In lieu of initiating fee arbitration, I have paid \$3,000 to the Aparicios plus interest. Attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

Copy of Accounting

- During the reporting period noted above, I provided to the Aparicios a full accounting of all fees and costs paid by them, including complete records of all funds of the Aparicios coming into my possession and how those funds were allegedly earned, if at all. A copy of the full accounting is attached if not previously submitted.

Disputed Funds

- I have kept the disputed funds in a separate trust account (not an IOLTA). If I removed the disputed funds from trust, I opened a separate interest-bearing trust account and deposited the disputed funds into such account. Under a separate cover, I provided evidence showing that the disputed funds have been placed in trust. The funds have remained in trust during the reporting period noted above or portion thereof.
- The funds have **not** remained in trust during the reporting period noted above or portion thereof.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: _____
(Actual date of signature)

Signature: _____
Victor Saldana

Office of Probation
QUARTERLY REPORT INSTRUCTIONS

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions.** The report form is provided as a courtesy only, and you are not required to use it.
2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS.** In the future, one additional copy **may** be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.
3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.
4. Your report is not compliant if it does not cover the entire reporting period.
5. Your signed and dated report must be **received in the Office of Probation** on or before the 10th of January, April, July, and October. For all conditions, being **even one day late** means that you are **not** in compliance.

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1- March 31	April 10 th
April 1 - June 30	July 10 th
July 1 - September 30	October 10 th
October 1 - December 31	January 10 th

6. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.
7. Because it is your responsibility to have a compliant report in to the Office of Probation by the 10th, and because **the Office of Probation does NOT confirm receipt of compliance documents,** you may choose to send your reports in a manner that provides you with proof of delivery, e.g. fax, e-mail, certified mail, etc.
8. You must keep all original reports, compliance documents, and proof of delivery and provide such to the Office of Probation if requested.
9. The Office of Probation files your report and compliance document as of the date it is received, and **NOT** the date you send it.
10. The Office of Probation will **NOT** contact you before and/or after each Quarterly Report is due. You must calendar all of **your** deadlines to ensure timely receipt by the Office of Probation.
11. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.
12. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244.

If you have any questions regarding this information, please contact Eddie Esqueda in the Office of Probation at Eddie.Esqueda@calbar.ca.gov or (213)765-1482.

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Office of Probation

PROOF OF PAYMENT INFORMATION

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

- A. Copy of the negotiated check (front and back); or
 - B. A declaration signed by the payee, which must specify the amount received, the date it was received, and which should include current contact information for the payee, including a valid telephone number.
2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even one day late, you are not in compliance.
3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.
4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.
6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.
7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.
8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.
9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).
10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

**OFFICE OF PROBATION
NOTICE OF COUNSEL REPRESENTATION**

Respondent: Victor Saldana

State Bar Case #: S226326 (13-O-12363)

Member Number: 256119

Counsel Name: _____

Firm Name: _____

Address: _____

Bar Number: _____

Phone Number: _____

Respondent Signature: _____

Date: _____

Counsel Signature: _____

Date: _____

Please complete, sign and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California

2015 Ethics/Client Trust Accounting ("CTA") School Schedules

LOS ANGELES			
845 S. Figueroa Street			
Class	Day	Date	Time
Ethics	Thurs	02/19	9a - 4p
CTA	Fri	02/20	9a - 12p
Ethics	Thurs	05/07	9a - 4p
CTA	Fri	05/08	9a - 12p
Ethics	Thurs	06/04	9a - 4p
CTA	Fri	06/05	9a - 12p
Ethics	Thurs	08/20	9a - 4p
CTA	Fri	08/21	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	10/22	9a - 4p
CTA	Fri	10/23	9a - 12p
Ethics	Thurs	12/10	9a - 4p
CTA	Fri	12/11	9a - 12p

SAN FRANCISCO			
180 Howard Street			
Class	Day	Date	Time
Ethics	Thurs	03/12	9a - 4p
CTA	Fri	03/13	9a - 12p
Ethics	Thurs	06/18	9a - 4p
CTA	Fri	06/19	9a - 12p
Ethics	Thurs	09/17	9a - 4p
CTA	Fri	09/18	9a - 12p
Ethics	Thurs	12/03	9a - 4p
CTA	Fri	12/04	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Information may change at any time, please check the State Bar website for current information.

Revised 10/28/14



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309

FAX: (213) 765-1029

TDD: (213) 765-1566

<http://www.calbar.ca.gov>

State Bar of California 2016 Ethics/Client Trust Accounting ("CTA") School Schedules

LOS ANGELES 845 S. Figueroa Street			
Class	Day	Date	Time
Ethics	Thurs	02/11	9a - 4p
CTA	Fri	02/12	9a - 12p
Ethics	Thurs	04/07	9a - 4p
CTA	Fri	04/08	9a - 12p
Ethics	Thurs	06/09	9a - 4p
CTA	Fri	06/10	9a - 12p
Ethics	Thurs	08/04	9a - 4p
CTA	Fri	08/05	9a - 12p
Ethics	Thurs	10/06	9a - 4p
CTA	Fri	10/07	9a - 12p
Ethics	Thurs	12/15	9a - 4p
CTA	Fri	12/16	9a - 12p

SAN FRANCISCO 180 Howard Street			
Class	Day	Date	Time
Ethics	Thurs	02/18	9a - 4p
CTA	Fri	02/19	9a - 12p
Ethics	Thurs	04/21	9a - 4p
CTA	Fri	04/22	9a - 12p
Ethics	Thurs	06/23	9a - 4p
CTA	Fri	06/24	9a - 12p
Ethics	Thurs	08/18	9a - 4p
CTA	Fri	08/19	9a - 12p
Ethics	Thurs	10/20	9a - 4p
CTA	Fri	10/21	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Information may change at any time, please check the State Bar website for current information.

Revised 09/21/15

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THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

LOS ANGELES
845 S. Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is **\$150.00**. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is **\$100.00**.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is **NOT** required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos
Administrative Secretary

Enc.

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Revised 10/28/14



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

TELEPHONE: (213) 765-1309

FAX: (213) 765-1029

TDD: (213) 765-1566

<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Enrollment Form

DATE: _____

APPLICANT'S NAME: _____ SBN: _____

APPLICANT'S ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

LOS ANGELES
845 South Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: _____ LOCATION (LA OR SF): _____
CTA (\$100) DATE OF CLASS: _____ LOCATION (LA OR SF): _____

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515, attention: Letty Ramos, Office of the Chief Trial Counsel. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: **Home > Attorneys > Lawyer Regulation > Ethics Schools**, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Revised 10/28/14

00044

Esqueda, Eddie

From: Microsoft Outlook
To: 'vicsaldanalaw@gmail.com'
Sent: Wednesday, January 13, 2016 10:15 AM
Subject: Relayed: Victor Saldana, S226326 (13-O-12363, et al.)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'vicsaldanalaw@gmail.com' (vicsaldanalaw@gmail.com) <<mailto:vicsaldanalaw@gmail.com>>

Subject: Victor Saldana, S226326 (13-O-12363, et al.)

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 13-O-12363; 13-O-14098
)	
VICTOR SALDANA)	PETITION FOR RELIEF
)	OR MODIFICATION OF
Member No. 256119)	RESTITUTION
)	
A Member of the State Bar)	
)	
)	
)	

Respondent moves for relief or modification of condition of Respondent's probation to wit restitution payment to Philipe Sanchez.

I, Victor Saldana, am an attorney licensed to practice law in the state of California. I offer the following facts in support of my request. I am currently working at the Law Office of Tony M. Lu, and I am making twelve dollars an hour. I currently am finding it very difficult to pay for the necessities of life. I have three minor children that do not live with me that I am obligated to support. Before working at my current job, I was receiving General Relief because I was homeless for a period of around one year. Based on my current income and expenses, I am unable to afford the \$5,000.00 in restitution owed to Mr. Sanchez. I do believe that Mr. Sanchez does deserve that his money be returned to him, and I am hoping to return his money as quickly as possible.

I therefore respectfully request that I be given additional time to pay restitution owed to Mr. Sanchez. In the alternative, that I would be allowed to make monthly payments.

Dated: January 13, 2016

Respectfully Submitted,


Victor Saldana

DECLARATION OF SERVICE

I, the undersigned, over the age of eighteen, declare that I am / am not a party to the within action, in the City and County of Los Angeles, on 1/13/16, served the following document(s):

*Petition for Relief
or Modification of
Restitution*

by personal delivery: *Eddie Esquivela
The State Bar of California - Probation
845 Figueroa St
Los Angeles, CA 90017*

other:

I declare under penalty of perjury at Los Angeles, California, on the date shown below, that the foregoing is true and correct.

Dated: 1/13/16 *Victor Saldaña*

RECEIVED

**JAN 13 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

State Bar of California

JAN 13 2016

RECEIVED
Floor Receptionist

00049

Esqueda, Eddie

From: Esqueda, Eddie
Sent: Thursday, January 14, 2016 10:56 AM
To: 'Victor Saldana'
Subject: RE: Victor Saldana, S226326 (13-O-12363, et al.)

Mr. Saldana,

I am available next Wednesday, January 20, 2016, at 4:00 p.m. Please advise if this does not work for you. Make sure to bring any compliance documentation for filing, including your quarterly report that was due by January 10, 2016.

--
Eddie Esqueda | Probation Deputy
Office of Probation
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017
213.765.1482 | eddie.esqueda@calbar.ca.gov

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From: Victor Saldana [mailto:vicsaldanalaw@gmail.com]
Sent: Thursday, January 14, 2016 10:06 AM
To: Esqueda, Eddie
Subject: Re: Victor Saldana, S226326 (13-O-12363, et al.)

Mr. Esqueda,

I can meet with you anytime next week in the late afternoon around 4:00 p.m. Just let me know the date, and I will be there.

Thank you,

Victor Saldana

On Wed, Jan 13, 2016 at 3:27 PM, Esqueda, Eddie <Eddie.Esqueda@calbar.ca.gov> wrote:

Mr. Saldana,

When will you be available to meet other than this Friday and upcoming Monday?

--

Eddie Esqueda | Probation Deputy
Office of Probation

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From: Victor Saldana [<mailto:vicsaldanalaw@gmail.com>]
Sent: Wednesday, January 13, 2016 12:54 PM
To: Esqueda, Eddie
Subject: Re: Victor Saldana, S226326 (13-O-12363, et al.)

Mr. Esqueda,

Thank you for the attached copy of the Probation Letter. I have had an opportunity to review it, and I am now ready to discuss this matter with you.

Victor Saldana

On Wed, Jan 13, 2016 at 10:15 AM, Esqueda, Eddie <Eddie.Esqueda@calbar.ca.gov> wrote:

Mr. Saldana,

As discussed, attached is a copy of the Office of Probation's letter to you dated October 8, 2015. Advise of your availability to conduct the required meeting. This will be an in-person meeting, so plan on coming to the State Bar of California.

--

Eddie Esqueda | Probation Deputy

Office of Probation

The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017

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--

Victor Saldana, Esq.

Law Offices of Tony M. Lu

3333 S. Brea Canyon Rd. Suite #213

Diamond Bar, CA 91765

Tel: 909-468-4650

Fax: 909-468-5020

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--

Victor Saldana, Esq.

Law Offices of Tony M. Lu

3333 S. Brea Canyon Rd. Suite #213

Diamond Bar, CA 91765

Tel: 909-468-4650
Fax: 909-468-5020

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Esqueda, Eddie

From: Microsoft Outlook
To: 'Victor Saldana'
Sent: Thursday, January 14, 2016 10:56 AM
Subject: Relayed: RE: Victor Saldana, S226326 (13-O-12363, et al.)

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'Victor Saldana' (vicsaldanalaw@gmail.com) <<mailto:vicsaldanalaw@gmail.com>>

Subject: RE: Victor Saldana, S226326 (13-O-12363, et al.)

<p>IN THE MATTER OF Victor Saldana</p> <p>CASE NO(s): S226326</p> <p>Probation</p>	<p><i>(For Office of Probation Use Only)</i></p> <p>NOT COMPLIANT</p> <p>JAN 20 2016 <i>[Signature]</i></p> <p><input checked="" type="checkbox"/> Not timely <input type="checkbox"/> Reporting Period Unclear <input type="checkbox"/> Compliance Unclear <input type="checkbox"/> Incorrectly dated <input type="checkbox"/> Other _____</p> <p>Office of Probation</p>
---	---

QUARTERLY REPORT

For each report, mark the box for the correct reporting period and write the correct year.

First Report Due: January 10, 2016 (for period October 15, 2015 through December 31, 2015) **Final Report Due: October 15, 2016** (for period October 1, 2016 through October 15, 2016)

Due: January 10, 20__ April 10, 20__ July 10, 20__ October 10, 20__
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and transmit reports to the State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515, or Fax at (213) 765-1439, or e-mail at Eddie.Esqueda@calbar.ca.gov

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules

During the reporting period noted above, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation.

Or

During the reporting period above, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation **EXCEPT (please list specific violations):**

1) Ethics School; 2) MPRR; 3) Restitution; 4) Arbitration; 5) Accounting; 6) Trust Account

(attach declaration under penalty of perjury if more space is needed).

Report on SBC Proceedings

During the reporting period above, I had proceedings pending against me in the State Bar Court. The case number(s), and current status is as follows:

Current Address

- Within 10 days of any change, I reported to the Membership Records Office 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.

State Bar Ethics School

- I have ^{not} registered for the State Bar Ethics School course given on _____.
- I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on _____.
- I have taken the MPRE given on _____ and am awaiting the results.
- I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution in Sanchez Matter

- I have completed restitution to Felipe Sanchez, and attached are front/back copies of the cancelled checks or a declaration (must include amount and date paid) from the payee acknowledging receipt of the payment.
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (must include amount and date paid) from the payee acknowledging receipt of the payment.

~~Fee Arbitration in the Sanchez Matter~~
Fee Arbitration in the Aparicios Matter

- I have initiated fee arbitration with the State Bar of California's Fee Arbitration Program, provided to the Office of Probation a copy of the award, judgment or stipulated award, and have made full payment. A copy of the fee arbitration filing and/or the award, and/or proof of full payment is attached if not previously submitted.

- In lieu of initiating fee arbitration, I have paid \$3,000 to the Aparicios plus interest. Attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

Copy of Accounting

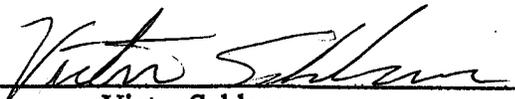
- During the reporting period noted above, I provided to the Aparicios a full accounting of all fees and costs paid by them, including complete records of all funds of the Aparicios coming into my possession and how those funds were allegedly earned, if at all. A copy of the full accounting is attached if not previously submitted.

Disputed Funds

- I have kept the disputed funds in a separate trust account (not an IOLTA). If I removed the disputed funds from trust, I opened a separate interest-bearing trust account and deposited the disputed funds into such account. Under a separate cover, I provided evidence showing that the disputed funds have been placed in trust. The funds have remained in trust during the reporting period noted above or portion thereof.
- The funds have **not** remained in trust during the reporting period noted above or portion thereof.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 1/20/16
(Actual date of signature)

Signature: 
Victor Saldana

State Bar of California

JAN 20 2016

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Floor Receptionist

00060

Esqueda, Eddie

From: Esqueda, Eddie
Sent: Thursday, January 21, 2016 10:39 AM
To: 'vicsaldanalaw@gmail.com'
Subject: Victor Saldana, S226326 (13-O-12363)
Attachments: SLACOPIER3216012110420.pdf

Importance: High

Mr. Saldana,

As a courtesy to you, attached for your file is a copy of the Required Meeting Record summarizing our meeting held in person late yesterday afternoon. If you believe there is an error, or if you have any questions, please contact me immediately.

--

Eddie Esqueda | Probation Deputy
Office of Probation
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017
213.765.1482 | eddie.esqueda@calbar.ca.gov

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REQUIRED PROBATION MEETING RECORD

Case Name: Victor Saldana Req Mtg Request Due Date: November 14, 2015
Case Number: S226326 (13-O-12363) Req Mtg Requested On: January 14, 2016
Bar Number: 256119 Meeting Date: January 20, 2016

- [X] In Person Meeting (State Bar Offices - LA) [] Telephonic Meeting
[X] Verified Respondent received reminder letter & supporting documents
[X] Discussed conditions of probation/reproval / ALD / ADP agreement (please circle one)
[X] Discussed reporting schedule & requirements
[X] Notified Respondent that compliance documents must be received by the Office of Probation on or before the due date. NOT just signed or postmarked on the due date.
[X] Reminded Respondent that the MPRE is offered three times each year, but not all Respondents will have three chances to take the MPRE by their particular deadline; that they must have the results reported to the California jurisdiction; AND provide copy of test results to the Office of Probation on or before the due date; and that (in Probation matters) Respondent will be automatically suspended if MPRE is not passed by the due date until proof of passage is provided.
[X] Verified Respondent's current mailing address & telephone number
[X] Same as SB Membership Records address & telephone number
[X] New / Alternate (please circle one) address or telephone number:

Cell (626)343-7331; Former address with Mem Recs is his sister's so he can still receive docs.

- [X] If condition involves a third party, e.g. restitution owed, ask Respondent to include with first Quarterly Report any identifying/contact info (e.g., full name, CDL, SSN, age, last known work/home tel./address, etc.): R advised that he will check with his counsel for any records and relay contact info to PD.
[n/a] If condition involves drug lab testing, remind Respondent that he will be contacted for random lab testing even if represented by counsel. (The condition is non-delegatable)
[X] Advised Respondent that filing a motion with the State Bar Court prior to the due date should be considered if unable to meet any conditions by the deadline. A copy of the motion should be served on the Office of Probation.
[X] Notified Respondent that a non-compliance referral will be made if conditions are not met by deadlines, which can result in additional discipline and attendant costs.
[X] Instructed Respondent to contact the Office of Probation if any questions or concerns arise regarding Respondent's disciplinary orders and compliance thereof.

Comments: R advised that he was unable to comply with initial conditions because of financial hardship.

Told R that he will be referred if his pending restitution motion is denied.

BY: Eddie Esqueda
Probation Deputy

Esqueda, Eddie

From: Microsoft Outlook
To: 'vicsaldanalaw@gmail.com'
Sent: Thursday, January 21, 2016 10:40 AM
Subject: Relayed: Victor Saldana, S226326 (13-O-12363)

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'vicsaldanalaw@gmail.com' (vicsaldanalaw@gmail.com) <<mailto:vicsaldanalaw@gmail.com>>

Subject: Victor Saldana, S226326 (13-O-12363)

1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF PROBATION
3 TERRIE GOLDADE, No. 155348
4 SUPERVISING ATTORNEY
5 845 South Figueroa Street
6 Los Angeles, California 90017-2515
7 Telephone: (213) 765-1000

FILED

JAN 21 2016

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

8 STATE BAR COURT
9 HEARING DEPARTMENT—LOS ANGELES

10 In the Matter of:) Case Nos. 13-O-12363, 13-O-12538, 13-O-
11) 14098 (S226326)
12 Victor Saldana,)
13) OPPOSITION TO PETITION FOR RELIEF OR
14) MODIFICATION OF RESTITUTION;
15) DECLARATION OF TERRIE GOLDADE
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
A Member of the State Bar

16 The Office of Probation opposes Respondent's motion in its entirety.

17 On February 17, 2015, Respondent and his counsel signed a stipulation admitting that he
18 had committed misconduct in three client matters. In regards to Felipe Sanchez, Respondent
19 admitted that he had failed to perform competently, communicate, and refund the advanced and
20 unearned fee of \$5,000. Among other conditions, Respondent agreed to contact the Office of
21 Probation to schedule and then hold a meeting to review the terms and conditions of his
22 discipline; initiate fee arbitration in relation to \$3,000 paid to him by Loretta and Kenneth
23 Aparicio; place the \$3,000 into a separate interest-bearing trust account and provide proof of
24 such with each quarterly report; file quarterly reports setting forth his compliance with the State
25 Bar Act and Rules of Professional Conduct; and make restitution to Felipe Sanchez.

26 On March 18, 2015, this Court filed and served its order approving the stipulation. On
27 September 15, 2015, the Supreme Court filed its order imposing discipline upon Respondent.

1 The order stated that Respondent was to comply with the probation conditions recommended by
2 this Court.

3 On October 8, 2015, the Office of Probation mailed Respondent a letter to his
4 membership records address reminding him of all of his conditions and deadlines; that letter was
5 not returned to the Office of Probation as undeliverable by the United States Postal Service, or
6 returned for any other reason.

7 On January 13, 2016, the Office of Probation spoke with Respondent telephonically who
8 stated that he had not received anything from the Office of Probation. He was told that a letter
9 had been mailed to him on October 8, 2015 and had not been returned by the United States
10 Postal Service. He said that he was in the process of moving so that it was possible that he
11 received it. Respondent was told that a copy would be emailed to him and was asked to contact
12 the Office of Probation to schedule his required meeting. A copy of the October 8, 2015 letter,
13 with attachments, was emailed to Respondent on January 13, 2016; the Office of Probation
14 received electronic confirmation of delivery to Respondent.

15 On January 20, 2016, the Office of Probation conducted the ordered meeting with
16 Respondent to review the terms and conditions of his probation. During that meeting all of the
17 conditions and deadlines were reviewed with Respondent. He was reminded that he is not in
18 compliance with his conditions, as follows:

Condition	Due Date	Completed	Comments
Schedule Required Meeting	11/14/15	1/14/16	Late; meeting held 1/20/16 ¹
Provide proof \$3000 deposited in separate interest bearing trust account (within 30 days of discipline, quarterly thereafter)	11/14/15 1/10/16		Never provided Not reported in quarterly report filed late on 1/20/16
Initiate fee arbitration with Loretta & Kenneth Aparicio (or pay them full \$3000)	11/29/15		Never provided
Quarterly Reports	1/10/16	1/20/16	Late
Proof of \$5,000 Restitution to Felipe Sanchez	1/13/16		Never provided

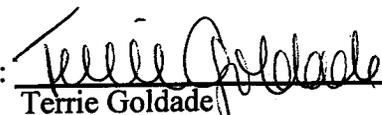
27 ¹ During the meeting, Respondent stated that he had not deposited \$3000 into a separate interest
28 bearing trust account; initiated fee arbitration with the Aparicios; and had not made any
restitution to Sanchez.

1 Respondent's motion should be denied. Pursuant to rule 5.300 of the Rules of Procedure
2 of the State Bar of California, subsection (D), Respondent's motion must clearly state the
3 specific relief requested and be accompanied by one or more declarations. Respondent's motion
4 is unaccompanied by any declaration regarding any facts, including financial information.
5 Although Respondent contends that he was homeless for a period of around one year, it seems he
6 would have known that when he signed his stipulation agreeing to provide proof of restitution to
7 Felipe Sanchez within 90 days of the effective date of his discipline. Respondent has not set
8 forth anything that may have changed between his signing the stipulation and his filing of his
9 motion. Respondent has not set forth a specific amount he could pay monthly or why; if he is
10 able to pay a monthly amount, he has not done so to date. Respondent has not provided proof of
11 any restitution payments in any amount. Respondent has not set forth any plan for how he will
12 be able to make restitution in the future when he claims he is unable to afford making restitution
13 now.

14 Pursuant to subsection (B) of Rule 5.300, a motion for modification of probation shall set
15 forth facts that show the request is consistent with the protection of the public; the successful
16 rehabilitation of the respondent; and the maintenance of the integrity of the legal profession.
17 Respondent has failed to do so. The public is not protected because Respondent has not made
18 restitution. Respondent has not demonstrated his successful rehabilitation in that he has failed to
19 comply with numerous conditions. By these failures, the integrity of the legal profession is
20 diminished. This Opposition is based upon Respondent's motion; the declarations of Terrie
21 Goldade; and all documents in the Court's files in these matters.

22
23 Respectfully submitted,
24 THE STATE BAR OF CALIFORNIA
25 OFFICE OF PROBATION

26
27 Dated: January 21, 2016

28 BY: 
Terrie Goldade
Supervising Attorney

1 schedule and then hold a meeting to review the terms and conditions of his discipline; initiate fee
2 arbitration in relation to \$3,000 paid to him by Loretta and Kenneth Aparicio; place the \$3,000
3 into a separate interest-bearing trust account and provide proof of such with each quarterly
4 report; file quarterly reports setting forth his compliance with the State Bar Act and Rules of
5 Professional Conduct; and make restitution to Felipe Sanchez.

6 7) On March 18, 2015, this Court filed and served its order approving the stipulation.

7 8) On September 15, 2015, the Supreme Court filed its order imposing discipline upon
8 Respondent. The order stated that Respondent was to comply with the probation conditions
9 recommended by this Court.

10 9) On October 8, 2015, the Office of Probation mailed Respondent a letter to his
11 membership records address reminding him of all of his conditions and deadlines; that letter was
12 not returned to the Office of Probation as undeliverable by the United States Postal Service, or
13 returned for any other reason.

14 10) On January 13, 2016, the Office of Probation spoke with Respondent telephonically
15 who stated that he had not received anything from the Office of Probation. He was told that a
16 letter had been mailed to him on October 8, 2015 and had not been returned by the United States
17 Postal Service. He said that he was in the process of moving so that it was possible that he
18 received it. Respondent was told that a copy would be emailed to him and was asked to contact
19 the Office of Probation to schedule his required meeting. A copy of the October 8, 2015 letter,
20 with attachments, was emailed to Respondent on January 13, 2016; the Office of Probation
21 received electronic confirmation of delivery to Respondent.

22 11) On January 20, 2016, the Office of Probation conducted the ordered meeting with
23 Respondent to review the terms and conditions of his probation. During that meeting all of the
24 conditions and deadlines were reviewed with Respondent. He was reminded that he is not in
25 compliance with his conditions, as follows:

26 ///

27 ///

28 00070

Condition	Due Date	Completed	Comments
Schedule Required Meeting	11/14/15	1/14/16	Late; meeting held 1/20/16 ²
Provide proof \$3000 deposited in separate interest bearing trust account (within 30 days of discipline, quarterly thereafter)	11/14/15 1/10/16		Never provided Not reported in quarterly report filed late on 1/20/16
Initiate fee arbitration with Loretta & Kenneth Aparicio (or pay them full \$3000)	11/29/15		Never provided
Quarterly Reports	1/10/16	1/20/16	Late
Proof of \$5,000 Restitution to Felipe Sanchez	1/13/16		Never provided

12) Respondent's motion should be denied. Pursuant to rule 5.300 of the Rules of Procedure of the State Bar of California, subsection (D), Respondent's motion must clearly state the specific relief requested and be accompanied by one or more declarations. Respondent's motion is unaccompanied by any declaration regarding any facts, including financial information. Although Respondent contends that he was homeless for a period of around one year, it seems he would have known that when he signed his stipulation agreeing to provide proof of restitution to Felipe Sanchez within 90 days of the effective date of his discipline. Respondent has not set forth anything that may have changed between his signing the stipulation and his filing of his motion. Respondent has not set forth a specific amount he could pay monthly or why; if he is able to pay a monthly amount, he has not done so to date. Respondent has not provided proof of any restitution payments in any amount. Respondent has not set forth any plan for how he will be able to make restitution in the future when he claims he is unable to afford making restitution now.

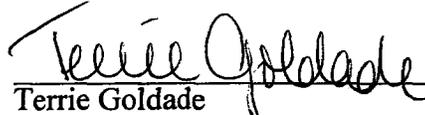
13) Pursuant to subsection (B) of Rule 5.300, a motion for modification of probation shall set forth facts that show the request is consistent with the protection of the public; the successful rehabilitation of the respondent; and the maintenance of the integrity of the legal

² During the meeting, Respondent stated that he had not deposited \$3000 into a separate interest bearing trust account; initiated fee arbitration with the Aparicios; and had not made any restitution to Sanchez.

1 profession. Respondent has failed to do so. The public is not protected because Respondent has
2 not made restitution. Respondent has not demonstrated his successful rehabilitation in that he
3 has failed to comply with numerous conditions. By these failures, the integrity of the legal
4 profession is diminished. This Opposition is based upon Respondent's motion; the declarations
5 of Terrie Goldade; and all documents in the Court's files in these matters.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed January 21, 2016 at Los Angeles, California.

9
10 
11 Terrie Goldade
12 Declarant
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

00072

DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER(s): 13-O-12363 et al(S226326) ROLAND

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

OPPOSITION TO PETITION FOR RELIEF OR MODIFICATION OF RESTITUTION; DECLARATION OF TERRIE GOLDADE

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

By United States Mail

Victor Saldana
The Law office of Tony M. Lu
3333 S Brea Canyon Rd
Diamond Bar, CA 91765

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California on the date shown below.

DATED: January 21, 2016

SIGNED:

Mia Hibler
Declarant

00073

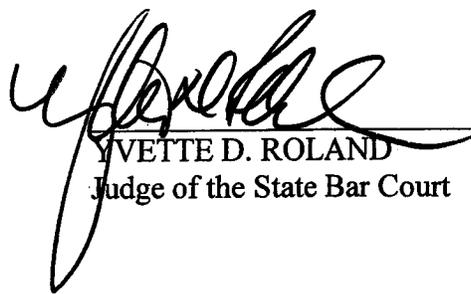
STATE BAR COURT OF CALIFORNIA HEARING DEPARTMENT - LOS ANGELES	FOR CLERK'S USE ONLY: JAN 28 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES 
In the Matter of: VICTOR SALDANA, Member No. 256119 A Member of the State Bar.	Case No(s): 13-O-12363; 13-O-14098 (S226326) ORDER DENYNG RESPONDENT'S PETITION FOR RELIEF OR MODIFICATION OF RESTITUTION

On January 13, 2016, Victor Saldana ("Respondent"), filed a Petition For Relief or Modification of Restitution, which sought to modify his probation terms by affording him additional time to pay the \$5,000 in restitution Respondent owes to Mr. Sanchez or in the alternative, that Respondent would be allowed to pay monthly payments in an unspecified amount for an unspecified period of time. Respondent seeks this modification based on financial hardship. The Office of Probation for the State Bar of California, by Supervising Attorney, Terrie Goldade, Esq., filed an Opposition To Petition For Relief on January 21, 2016.

Upon consideration of the pleadings and for LACK OF GOOD CAUSE SHOWN, this court **DENIES** Respondent's petition for relief without prejudice.

IT IS SO ORDERED.

Dated: January 28, 2016


 YVETTE D. ROLAND
 Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 29, 2016, I deposited a true copy of the following document(s):

ORDER DENYING RESPONDENT'S PETITION FOR RELIEF OR MODIFICATION OF RESTITUTION

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

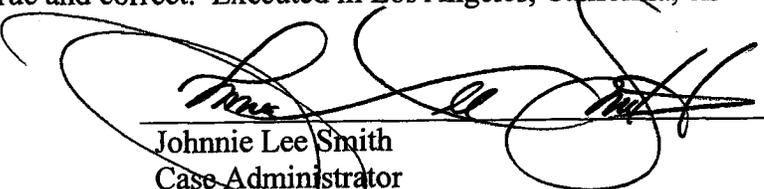
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**VICTOR SALDANA
THE LAW OFFICE OF TONY M. LU
3333 S BREA CANYON RD
DIAMOND BAR, CA 91765**

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

TERRIE GOLDADE, PROBATION DEPT, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 29, 2016.



Johnnie Lee Smith
Case Administrator
State Bar Court



**THE STATE BAR
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

Eddie Esqueda: (213) 765-1482

Eddie.Esqueda@calbar.ca.gov

OFFICE OF PROBATION

ADDRESS VERIFIED

May 18, 2016

May 18, 2016

BY: _____

Victor Saldana
The Law Office of Tony M. Lu
3333 S Brea Canyon Rd
Diamond Bar, CA 91765

In re: S226326 (13-O-12363)

In the Matter of Victor Saldana

Dear Victor Saldana:

As you are aware, you were ordered to comply with specific terms and conditions of your probation imposed by the Supreme Court which became effective October 15, 2015.

The following chart summarizes your non-compliance with the conditions of your probation to date:

Condition	Due Date	Completion Date	Comments
Schedule Req'd. Mtg.	November 14, 2015	January 14, 2016	<i>Late</i>
Hold Required Mtg.	As Scheduled	January 20, 2016	
Disputed Funds in Trust Proof	November 14, 2015		<i>Did not file</i>
Fee Arbitration Filing	November 29, 2015		<i>Did not file</i>
Copy of Accounting	November 29, 2015		<i>Did not file</i>
Restitution	January 13, 2016		<i>Did not file</i>
Quarterly Reports	January 10, 2016 April 10, 2016	January 20, 2016	<i>Late</i> <i>Did not file</i>
Disputed Funds Reports	January 10, 2016 April 10, 2016	January 20, 2016	<i>Late</i> <i>Did not file</i>

You are not in compliance with the terms and conditions of your probation, and you face a non-compliance referral which may result in the imposition of additional discipline and attendant costs (see attached). Even if you contact the Office of Probation, a referral may still be prepared. The Office of Probation will not send any further reminder letters regarding the aforementioned non-compliance or any future compliance due dates or lack of receipt of compliance documentation.

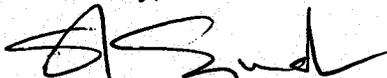
Victor Saldana
May 18, 2016
Page 2

Please be reminded that LATE completion, submission, or filing of proof/documents, does not mean you are in compliance. You will never be in compliance because being even one day late means that you are not in compliance with the terms and conditions of your probation.

If for any reason, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at Eddie.Esqueda@calbar.ca.gov.

Sincerely,



Eddie Esqueda
Probation Deputy

/ee

Enclosure(s)

00077

Discipline Costs – 2016

Effective January 1, 2016.

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index¹ with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations². For 2016, the adjustment is an increase of 2.39%.

For matters filed on or after January 1, 2016, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,557
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$3,139
Matters that Settle during first 120 days of proceeding	\$3,669
Matters that Settle before Pretrial Statement is filed	\$5,816
Matters that Settle before trial but after Pretrial Statement is filed	\$7,609
Matters that proceed to a One-day trial	\$7,609
Matters that proceed to a Multi-day trial	\$17,159
Matters that proceed to the Review Department	\$20,989

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$3,075
Matters that Settle during the first 120 days of proceeding	\$2,567
Matters that Settle before Pretrial Statement is filed	\$5,507
Matters that Settle before trial but after Pretrial Statement is filed	\$7,228
Matters that proceed to a One-day trial	\$7,228
Matters that proceed into a Multi-day trial	\$13,162
Matters that proceed to the Review Department	\$18,814

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,459
Rule 9.20 Proceedings	\$2,610

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$1,001
Each resignation	\$140
Consolidation cost equal to the minimum cost for the consolidated case type	
Transcript costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(1))	
Taxable costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(2))	

¹ Specifically, the December-to-December change in U.S. Bureau of Labor Statistics series CUURA422SA0.

² Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU2010000100000I.

Esqueda, Eddie

From: Esqueda, Eddie
Sent: Wednesday, May 18, 2016 3:48 PM
To: 'vicsaldanalaw@gmail.com'
Subject: Victor Saldana, S226326 (13-O-12363)
Attachments: SLACOPIER3116051815450.pdf

Importance: High

Mr. Saldana,

Please refer to the attachment for important information regarding the above captioned matter.

--
Eddie Esqueda | Probation Deputy
Office of Probation
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017
213.765.1482 | eddie.esqueda@calbar.ca.gov

This message may contain confidential information that may also be privileged. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose the message in whole or in part. If you have received this message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you.



**THE STATE BAR
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

Eddie Esqueda: (213) 765-1482

Eddie.Esqueda@calbar.ca.gov

**OFFICE OF PROBATION
ADDRESS VERIFIED**

May 18, 2016

May 18, 2016

BY: _____

Victor Saldana
The Law Office of Tony M. Lu
3333 S Brea Canyon Rd
Diamond Bar, CA 91765

In re: **S226326 (13-O-12363)**

In the Matter of **Victor Saldana**

Dear Victor Saldana:

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Victor Saldana
May 18, 2016
Page 2

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Sincerely,


Eddie Esqueda
Probation Deputy

/ee

Enclosure(s)

00082

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² Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU20100001000001.

Esqueda, Eddie

From: Microsoft Outlook
To: 'vicsaldanalaw@gmail.com'
Sent: Wednesday, May 18, 2016 3:48 PM
Subject: Relayed: Victor Saldana, S226326 (13-O-12363)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'vicsaldanalaw@gmail.com' (vicsaldanalaw@gmail.com) <<mailto:vicsaldanalaw@gmail.com>>

Subject: Victor Saldana, S226326 (13-O-12363)