

ORIGINAL

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<p align="center">State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION PUBLIC MATTER</p>		
<p>Counsel For The State Bar</p> <p>Jaime M. Vogel Deputy Trial Counsel 845 S. Figueroa St Los Angeles, CA 90017 (213-765-1373)</p> <p>Bar # 289669</p>	<p>Case Number(s): 17-C-04489-CV</p>	<p>For Court use only</p> <p align="center">FILED <i>L.P.S.</i> JUL 16 2018 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Art Barseygan 1010 Sycamore Ave Suite 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 279064</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: LAWRENCE JACOB SONG</p> <p>Bar # 127483</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **May 11, 1987**.
- (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 **12** 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."



(Effective July 1, 2015)

Actual Suspension

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

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

- (1) ☐ **Prior record of discipline**
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☐ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

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- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline, See page 9.
Good Character, See page 9.
Candor and Cooperation, See page 9.
Pretrial Stipulation, See page 9.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year..**
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **one (1) 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 **sixty (60) days..**
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☒ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason: .

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- (9) ☒ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☒ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: **January 08, 2018.**
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LAWRENCE JACOB SONG

CASE NUMBER: 17-C-04489-CV

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved other misconduct warranting discipline.

Case No. 17-C-04489 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On July 24, 2017, the Los Angeles County District Attorney's Office, in Case No. YA096556, filed a felony complaint and charged respondent with a one count violation of Penal Code Section 245(a)(1) (assault with a deadly weapon); a felony, and a one count violation of Penal Code Section 245(a)(4) (assault by means of force likely to produce great bodily injury); a felony.

3. On October 20, 2017, during the plea hearing, the court granted the Los Angeles County District Attorney's Office's request to amend the complaint to include Penal Code Section 1170(h)(3) (any state prison sentence imposed would be served in an actual state prison facility). At the hearing, respondent agreed to waive a statement of his rights and to shorten the time frame for arraignment and entering a plea.

4. On October 20, 2017, respondent pled nolo contendere to violation of an interlineated Count Three, Penal Code Section 245(a)(4) (assault likely to produce great bodily injury); a felony. The remaining charges were dismissed.

5. On October 20, 2017, the court accepted respondent's plea and found him guilty. The court ordered probation and sentencing for October 22, 2018. The court also ordered that by the sentencing date, respondent must complete 45 days of community service with the non-profit legal organization, Asian Americans Advancing Justice, and 15 days of community labor with the South Bay Volunteer Center. If respondent complies with these terms and conditions, the conviction will be reduced to a misdemeanor. If respondent fails to complete these requirements, he will be sentenced up to four years in state prison.

6. On December 15, 2017, the Review Department of the State Bar Court issued an order placing respondent on interim suspension, effective January 08, 2018.

7. On March 08, 2018, in Case No. 17-C-04489, the Review Department referred respondent's conviction for violating Penal Code Section 245(a)(4) to the Hearing Department for hearing and

decision recommending discipline, in the event that the Hearing Department finds that the facts and circumstances surrounding the felony violation involved moral turpitude or other misconduct warranting discipline.

FACTS:

8. On May 30, 2017, at approximately 3:00 p.m., respondent drove a 1998 gold Town & Country Chrysler Minivan in the number one northbound lane on Sepulveda Blvd., near Marine Ave in Manhattan Beach, California. At this time, Mr. B drove a 2013 blue BMW coupe in the number two northbound lane on Sepulveda Blvd, near respondent's vehicle.

9. Mr. B made a lane change from the number two northbound lane to the number one northbound lane on Sepulveda Blvd directly in front of respondent's vehicle. Respondent then followed closely behind Mr. B's vehicle.

10. Mr. B and respondent stopped for the red light at the intersection of 30th Street and Sepulveda Blvd. At that point, Mr. B exited his vehicle and engaged in a verbal exchange with respondent. Respondent exited his vehicle with an extension cord in his hand. During the verbal exchange, respondent struck Mr. B in the head with the extension cord. Mr. B suffered a two inch laceration to the top left side of his head, as a result of being struck in the head with the extension cord. Mr. B then fell to the ground. Respondent then walked back to his car and drove to his residence.

11. Mr. B got back into his vehicle and continued to drive north on Sepulveda Blvd. He stopped at the corner of Rosecrans Ave and Sepulveda Blvd. He then contacted the police for assistance.

12. Officer Gibbons, of the Manhattan Beach Police Department, arrived at the scene of the incident. Mr. B had blood in his hair and on his face and neck. The paramedics were called and treated Mr. B at the scene of the incident. Mr. B was later treated at a local emergency room where he received six staples for the laceration to his head.

13. At approximately 3:15 p.m., Officer Pereira, of the Manhattan Beach Police Department, drove to respondent's home address. Upon arrival, respondent was already being questioned by Officer O'Conner of the El Segundo Police Department. Officer Pereira then interviewed the respondent. The respondent admitted to being involved in an altercation with Mr. B. Respondent admitted that he struck Mr. B with an extension cord. Respondent consented to a search of his vehicle. Officer Pereira recovered the extension cord from the vehicle.

14. Respondent was arrested for a violation of Penal Code 245(a)(1) (assault with a deadly weapon causing injury) and transported to the Manhattan Beach City Jail for booking.

CONCLUSIONS OF LAW:

15. The facts and circumstances surrounding the above-described violation(s) did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

None.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to the State Bar on May 11, 1987 and has no record of prior discipline. Respondent practiced law for over 30 years prior to the misconduct, which is entitled to significant weight in mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 598 [over 10 years without prior discipline entitled to significant weight in mitigation].)

Good Character: Respondent provided seven good character letters from the legal and general communities. The character letters were provided by four attorneys, one social worker, one construction worker, and one neighbor. All of the letters directly address respondent's misconduct and attest to his good character. Respondent is entitled to mitigation. (See *Porter v. State Bar* (1990) 52 Cal 3d 518, 529.)

Candor and Cooperation: Respondent is entitled to mitigation for displaying candor and cooperation to law enforcement. Once the police arrived at respondent's residence, respondent admitted that he struck Mr. B with the extension cord and respondent also allowed police to search his vehicle in order to recover the extension cord used in the altercation. (*In the Matter of Jones* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 411, 421 [attorney's cooperation with the criminal prosecution of a capper when the attorney is aware that his testimony would result in State Bar proceedings and report of the attorney's misconduct to the State Bar is entitled to mitigation].)

Pretrial Stipulation: Respondent has acknowledged his wrongdoing by entering into this stipulation prior to trial, which is entitled to mitigation for saving State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigation 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 Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

Respondent's culpability in this proceeding is conclusively established by the record of his conviction. (Bus. & Prof. Code section 6101(a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) Respondent is presumed to have committed all of the elements of the crime of which he was convicted. (*In re Duggan* (1976) 17 Cal.3d 416, 423; *In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct.Rptr. 581, 588.) Respondent was convicted of a felony violation of Penal Code section 245(a)(4), assault by means of force likely to produce great bodily injury.

Respondent's conviction for assault by means likely to produce great bodily injury does not constitute moral turpitude per se. (*In re Otto* (1989) 48 Cal.3d 970.) In attorney discipline cases, moral turpitude should be defined with the aim of protecting the public, promoting confidence in the legal system, and maintaining high professional standards. (*Lesansky*, at p. 16, 104 Cal.Rptr.2d 409, 17 P.3d 764.) "Criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney's conduct would be likely to undermine public confidence." (*Id.* at p. 16, 104 Cal.Rptr.2d 409, 17 P.3d 764.) Respondent's misconduct did not involve the practice of law and was not against a client. The facts and circumstances surrounding respondent's misconduct also do not involve moral turpitude as it does not fall into the category of particular crimes "that are extremely repugnant to accepted moral standards such as...serious sexual offenses." Also, once the police officers interviewed respondent, he was forthcoming and cooperative. Respondent immediately admitted to being involved in the altercation with the victim and allowed officers to search his vehicle for evidence. Although, respondent's conduct was not related to the practice of law and he was cooperative, it was nonetheless serious as it involved an assault that caused bodily injury. The victim required medical attention and received staples to his head as a result. Given the facts and circumstances, respondent's conduct warrants discipline.

The applicable Standard is 2.16(a), which states that actual suspension is the presumed sanction for final conviction of a felony not involving moral turpitude, but involving other misconduct warranting discipline. Respondent's misconduct is significantly mitigated by respondent's 30 years in practice without a prior record of discipline. The additional mitigating factors considered are the good character letters provided by respondent, respondent's candor and cooperation with the criminal investigation, and respondent's agreement to a pretrial stipulation which saves the State Bar time and resources. There are no aggravating circumstances. Given the facts and circumstances of this case, discipline consisting of a one year stayed suspension, one year probation with conditions, including a 60 days' actual suspension is the appropriate level of discipline to ensure protection of the public, courts, and legal profession; maintenance of the highest professional standards by attorneys; and preservation of public confidence in the legal profession.

Case law supports this level of discipline. In *In re Otto*, *supra*, the attorney received discipline consisting of two years stayed suspension, two years of probation with conditions, including a six

months actual suspension. In *Otto*, the attorney was convicted of violating Penal Code Section 245(a) (assault by means likely to produce great bodily injury); a felony, and Penal Code Section 273.5 (infliction of corporal punishment on a cohabitant of the opposite sex resulting in a traumatic condition); a felony. Both the attorney in *Otto* and the respondent in this case were convicted of violating Penal Code section 245(a). In addition, respondent was convicted of one felony versus the two felonies for the attorney in *Otto*. However, respondent's misconduct is also mitigated by not having a prior record of discipline for over 30 years, good character from seven individuals from the legal and general communities, respondent's candor and cooperation with the criminal investigation, and respondent's agreement to a pretrial stipulation which warrants a lower level of discipline.

Therefore, discipline consisting of one year stayed suspension, one year probation with conditions, including a 60 days' actual suspension is appropriate to ensure protection of the public, courts, and legal profession; maintenance of the highest professional standards by attorneys; and preservation of public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 21, 2018 the discipline costs in this matter are \$2699. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School to be ordered as a condition of reproof. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:
LAWRENCE JACOB SONG

Case number(s):
17-C-04489-CV

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

6/27/18

Date


Respondent's Signature

LAWRENCE JACOB SONG

Print Name

6-28-18

Date



Respondent's Counsel Signature

Art Barseguyan

Print Name

6-29-18

Date


Deputy Trial Counsel's Signature

Jaime Vogel

Print Name

(Do not write above this line.)

In the Matter of: LAWRENCE JACOB SONG	Case Number(s): 17-C-04489-CV
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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.


Page 2, paragraph A.(8): The language in the checked box is deleted and replaced with the following: "Costs must be paid with Respondent's membership fees for the year 2020. If Respondent fails to pay costs as described above, or as may be modified in writing by the State Bar or the State Bar Court, costs are due and payable immediately."

Page 5, paragraph E.(6): The check in the box requiring a probation monitor is deleted.

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

7/16/18


DONALD F. MILES
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 Court Specialist 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 July 16, 2018, 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:

ELLEN ANNE PANSKY
PANSKY MARKLE ATTORNEYS AT LAW
1010 SYCAMORE AVE UNIT 308
S PASADENA, CA 91030 - 6139

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

JAIME M. VOGEL, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 16, 2018.



Paul Songco
Court Specialist
State Bar Court