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| State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION | | | PUBLIC MATTER |
| Counsel For The State Bar Desiree Fairly Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1091 Bar # 307991 | Case Number(s): 17-O-02523-CV 17-O-06410 18-O-12647 (inv) | For Court use only <div style="font-size: 1.5em; font-weight: bold;">FILED</div> <div style="font-size: 1.2em; font-weight: bold;">JUN 22 2018</div> <div style="font-size: 1.5em; font-weight: bold;">P.B.</div> STATE BAR COURT CLERK'S OFFICE LOS ANGELES | |
| In Pro Per Respondent Michael Ross Lewis Lewis & Ham, LLP 1425 W. Foothill Blvd., Ste 235 Upland, CA 91786 (909) 256-2920 Bar # 247934 | Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED | | |
| In the Matter of: MICHAEL ROSS LEWIS Bar # 247934 A Member of the State Bar of California (Respondent) | | | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 21, 2006**.
- (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 **15** 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."



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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: **two 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(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **15-O-14877**
- (b) ☒ Date prior discipline effective **July 31, 2017**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code section 6103**
- (d) ☒ Degree of prior discipline **One year suspension, stayed, one year probation, and 30 days actual suspension. See page 11 and Exhibit 1 (14 pgs.)**
- (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.

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- (7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See pg.11.
- (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.

- (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:

Pretrial Stipulation, see pg. 11.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **two years**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: .
- (b) ☒ The above-referenced suspension is stayed.
- (2) ☒ **Probation:**
- Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) ☒ **Actual Suspension:**
- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **one 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: **pay the remaining \$4,828 pursuant to the sanctions order in Sanchez v. Giffin, Riverside County Superior Court case number RID150058 and provides proof of payment to the Office of Probation.**

E. Additional Conditions of Probation:

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

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

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

- ☒ No Ethics School recommended. Reason: **Respondent was ordered to attend Ethics School and provide proof of passage of the test given at the end of the session within one year of August 30, 2017 in State Bar Court case number 15-O-14877.**

- (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:
- | | |
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| <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: **Respondent was ordered to take and pass the MPRE within one year of August 30, 2017 in State Bar Court case number 15-O-14877.**
- (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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MICHAEL ROSS LEWIS

CASE NUMBERS: 17-O-02523; 17-O-06410; 18-O-12647 (inv)

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. 17-O-02523 (Complainant: Priscilla Sanchez)

FACTS:

1. Priscilla Sanchez was the petitioner in *Sanchez v. Giffin*, Riverside County Superior Court case number RID150058.
2. Respondent represented the respondent, M.G., in the same matter.
3. On September 6, 2016, opposing counsel, A.N. ("A.N."), made an oral request for attorney fees and sanctions against respondent.
4. Respondent was present in court on September 6, 2016 when A.N. made her oral request for attorney fees and sanctions.
5. On September 15, 2016, A.N. filed a declaration in support of her request for sanctions. A.N. declared that she incurred \$1,729.50 in attorney's fees for preparation and attendance at an April 25, 2016 hearing; \$1,489 for preparation and attendance at a July 5, 2016 hearing; \$929.50 for preparing the motion to compel and terminating sanctions; and estimated \$1,180 for attending the September 20, 2016 hearing on the motion to compel and terminating sanctions.
6. The Declaration of A.N. regarding Request for Attorney Fees and Sanctions was served on respondent on September 15, 2016.
7. On September 20, 2016, the court found sanctions were appropriate against respondent for his failure to comply with local rules.
8. Respondent was present at the September 20, 2016 hearing.
9. The court sanctioned respondent in the amount of \$5,328.00 and ordered respondent to pay \$5,328 directly to A.N.'s office by December 20, 2016. The court entered the order to pay sanctions in the minutes dated September 20, 2016.
10. Respondent did not pay any part of the sanction between September 20, 2016 and December 20, 2016.

11. On February 17, 2017, respondent paid \$500 of the \$5,328 sanction to A. N.'s office. Respondent paid in cash.

12. Respondent has not made any subsequent payments.

13. Respondent was present at the September 20, 2016 hearing and personally ordered to pay sanctions.

14. Respondent did not file an appeal of the September 20, 2016 order.

15. Thereafter, the September 20, 2016 order to pay sanctions became final and binding.

16. On April 6, 2017, Priscilla Sanchez filed a complaint with the State Bar.

17. On June 22, 2017, a State Bar investigator sent a letter to respondent requesting a response by July 6, 2017, to Priscilla Sanchez's allegations in the complaint.

18. Respondent received the State Bar investigator's June 22, 2017 letter.

19. Respondent did not provide a response to the State Bar investigator's June 22, 2017 letter by July 6, 2017.

20. On August 9, 2017, the State Bar investigator sent a follow-up letter, by certified mail, to respondent requesting a response by August 18, 2017.

21. Respondent received the State Bar investigator's August 9, 2017 letter.

22. On August 9, 2017, the State Bar investigator left a voice mail message for respondent, at his membership records telephone number, requesting a return call.

23. On August 9, 2017, the State Bar investigator sent an email to respondent with a copy of the August 9, 2017 letter attached.

24. Respondent received the State Bar investigator's August 9, 2017 email.

25. Respondent did not provide a response to the State Bar investigator's August 9, 2017 letter by August 18, 2017.

26. On August 29, 2017, the State Bar investigator contacted respondent by telephone and informed respondent that his response was past due and requested respondent provide a response as soon as possible.

27. On September 11, 2017, respondent sent an email to the State Bar investigator stating, "My apologies for the late response. I know that I sent a letter to the bar regarding the sanctions in question but I cannot find a copy as of yet. As soon as I do I will scan and email it to you. As far as the sanctions, I have paid \$500 toward them to date. I will speak to you tomorrow toward the end of the day if you have any other questions. Thanks."

28. On September 12, 2017, the State Bar investigator sent an email to respondent informing respondent that his email from September 11, 2017 does not satisfy the requirement to provide a substantive response.

29. Respondent did not provide a substantive response to the State Bar.

30. To date, respondent has not paid the sanctions in full.

CONCLUSIONS OF LAW:

31. By failing to pay sanctions in the amount of \$5,328 by December 20, 2016 imposed on respondent by the Riverside County Superior Court on September 20, 2017 in case number RID150058, respondent failed to obey a court order in willful violation of Business and Professions Code section 6103.

32. By failing to provide a substantive response to the State Bar investigator's letters of June 22, 2017 and August 9, 2017, that requested respondent's response to the allegations of misconduct being investigated in case number 17-O-02523, respondent failed to cooperate in a State Bar investigation in willful violation of Business and Professions Code section 6068(i).

Case No. 17-O-06410 (State Bar Investigation)

FACTS:

33. On July 31, 2017, the California Supreme Court filed and served Order number S241770 (State Bar Court case number 15-O-14877), which ordered that respondent be suspended from the practice of law for one (1) year, that execution of suspension be stayed, and that respondent be placed on probation for one (1) year, subject to the conditions of probation including that he schedule a meeting with his probation deputy within 30 days, meet with his probation deputy, and file written quarterly reports with the first due October 10, 2017.

34. California Supreme Court Order Number S241770 became effective on August 30, 2017.

35. On August 8, 2017, respondent's assigned State Bar probation deputy sent an email to respondent at his official membership records email address and his personal email address maintained by the State Bar, which informed respondent that a reminder letter had been prepared for him. The reminder letter informed respondent of the effective date of Supreme Court Order number S241770, the due date to contact his probation deputy to schedule the required meeting, the due date of his first quarterly report, the due date to attend Ethics School, the due date to take and pass the MPRE, and the due date of his final report.

36. The August 8, 2017 emails informed respondent that the reminder letter would not be mailed to him and instructed respondent to log onto his attorney profile on the State Bar's website. The State Bar web address was provided in the email. The reminder letter was attached to the email. An email delivery confirmation was received for both email addresses.

37. Respondent received the August 8, 2017 emails with the attached reminder letters.

38. On October 12, 2017, respondent's assigned State Bar probation deputy sent a non-compliance letter to respondent via email at respondent's office membership records email address.

39. The October 12, 2017 letter advised respondent that respondent had not scheduled his required meeting by September 29, 2017, he did not hold his required meeting, and he did not file his October 10, 2017 quarterly report. An email delivery confirmation was received.

40. Respondent received the October 12, 2017 email.

41. To date, respondent has not scheduled a meeting with his probation deputy.

42. To date, respondent has not met with his probation deputy.

43. To date, respondent has not filed his first quarterly report due October 10, 2017.

CONCLUSIONS OF LAW:

44. By failing to contact the Office of Probation to schedule a meeting by September 29, 2017; by failing to hold the required meeting with the assigned probation deputy; and by failing to file the quarterly report due by October 10, 2017, respondent failed to comply with conditions attached to respondent's probation in willful violation of Business and Professions Code section 6068(k).

Case No. 18-O-12647 (State Bar Investigation)

45. On February 28, 2018, respondent and the State Bar discussed a proposed settlement to resolve case numbers 17-O-02523 and 17-O-06410. As part of the proposed settlement, the parties agreed that if respondent submitted letters from individuals attesting to his good character by March 9, 2018, then the State Bar would agree to a lower level of discipline.

46. On March 9, 2018, respondent came to the State Bar and provided Senior Trial Counsel (STC) Shataka Shores-Brooks with seven character letters.

47. Respondent represented to STC Shores-Brooks that all seven of the character letters were genuine when he knew that at least two were fraudulent.

48. On March 12, 2018, STC Shores-Brooks instructed a State Bar paralegal to verify respondent's character letters.

49. On March 19, 2018, one of respondent's character witnesses, attorney P.S. denied that he authored the letter respondent provided to the State Bar on March 9, 2018. P.S. confirmed that he wrote a letter on behalf of respondent in November 2016, but that letter was not the one that respondent provided to the State Bar on March 9, 2018.

50. On March 20, 2018, STC Shores-Brooks instructed the State Bar paralegal to again contact all of respondent's character witnesses and provide them with a copy of the letter they purportedly drafted on behalf of respondent.

51. On March 22, 2018, another one of respondent's character witnesses, attorney F.B. faxed the State Bar a letter denying that he drafted the character letter that respondent submitted on March 9,

2018. F.B. confirmed that he had written a character letter on behalf of respondent in the past, but it was not the letter respondent submitted to the State Bar on March 9, 2018.

52. Respondent presented the fraudulent letters purportedly from P.S. and F.B. to the State Bar in an attempt to receive a reduced level of discipline.

CONCLUSIONS OF LAW:

53. By submitting two altered character letters to the State Bar on March 9, 2018 in an attempt to gain an advantage in a pending disciplinary proceeding, and representing to the State Bar that the letters were genuine when he knew that the letters were fraudulent, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline. In case no. 15-O-14877, effective August 30, 2017, the California Supreme Court ordered that respondent be suspended from the practice of law in California for one (1) year, with execution of that period of suspension stayed, and that he be placed on probation for one (1) year subject to certain conditions, including thirty (30) days actual suspension. Respondent's misconduct consisted of six violations of Business and Professions Code section 6103 (failure to comply with a court order). Respondent received moderate mitigation for his nine years of practice with no prior discipline, candor/cooperation to victims/State Bar, and significant mitigation for good character. The court found multiple acts of misconduct in aggravation.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's failure to obey a court order, failure to cooperate in a State Bar investigation, multiple probation violations, and submission of fraudulent letters to the State Bar evidences multiple acts of wrongdoing. (*In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr.160, 168.)

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See Std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

If a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed. (Standard 1.7(a).)

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).)

Pursuant to Standard 2.11, disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator, the impact on the administration of justice, if any; and the extent to which the misconduct related to the member’s practice of law.

Pursuant to Standard 2.12, disbarment or actual suspension is the presumed sanction for disobedience or violation of a court order related to the member’s practice of law, the attorney’s oath, or the duties required of an attorney under Business and Professions Code section 6068(a)(b)(d)(e)(f) or (h).

Both Standards 2.11 and 2.12 prescribe disbarment or actual suspension as the presumed sanction.

Initially, respondent failed to obey a court order related to his practice of law. On September 20, 2016, respondent was ordered to pay sanctions to opposing counsel in the amount of \$5,328 by December 20, 2016. Respondent failed to pay the full sanction amount by the due date. Respondent has willfully violated Business and Professions Code section 6103 by disobeying the court’s September 20, 2016 order to pay sanctions. Having full knowledge of the court’s order, respondent had an affirmative duty to comply with the court’s order or seek appropriate relief from the court to delay or stay his compliance. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 47 [attorney had an affirmative duty to comply with the court’s orders and he could not simply disregard them and sit back and await contempt proceedings before complying with or explaining why he cannot obey a court order].)

Thereafter, respondent failed to cooperate with the State Bar investigation by not providing a substantive response to the failure to obey a court order complaint. Further, respondent is not in compliance with the conditions of his probation in case no. 15-O-14877.

During the resolution of respondent's cases for failure to obey a court order and probation violations, respondent committed an act of moral turpitude when he submitted two fraudulent character letters to the State Bar in an attempt to obtain a reduced period of actual suspension. In *Worth v. State Bar* (1978) 22 Cal.3d 707, at 711, the Supreme Court stated, "fraudulent and contrived misrepresentations to the State Bar 'may constitute perhaps a greater offense' than misappropriation."

Respondent's misconduct is aggravated because he recently received prior discipline for similar misconduct related to failure to obey six court orders. (See *In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 443-444 [similarities between prior and current misconduct render previous discipline more serious as they indicate prior discipline did not rehabilitate].) Aggravation also includes multiple acts of misconduct. Respondent may be entitled to mitigation if he enters into a pre-trial stipulation. However, the aggravating factors outweigh the mitigating factor because an attempt to perpetrate a fraud on the State Bar is a serious offense. Not only did respondent disobey a court order, disregard the State Bar's investigation, and neglect his probation requirements, he then continued his misconduct by submitting fraudulent letters in an attempt to receive leniency in his disciplinary matter.

As the Supreme Court noted in *Barnum v. State Bar* (1990) 52 Cal.3d 104, 112, willful violation of court orders is of great concern, and "[o]ther than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbefitting an attorney." Applicable to respondent's attempted fraud on the State Bar, the Supreme Court in *Chang v. State Bar* (1989) 49 Cal.3d 114, 128 affirmed that "fraudulent and contrived misrepresentations to the State Bar may perhaps constitute a greater offense than [the original misconduct]." Respondent's misconduct manifests an "abiding disregard of the fundamental rule of ethics—that of common honesty—without which the profession is worse than valueless in the place it holds in the administration of justice." (*Levin v. State Bar* (1989) 47 Cal.3d 1140, 1147 [internal quotations and citations omitted].) Consequently, actual suspension is appropriate in the instant case in order to fulfill the purposes of attorney discipline. The State Bar therefore recommends that respondent be suspended for two years, stayed, that he be placed on probation for two-years with conditions, including the requirement that he actually be suspended from the practice of law during the first year of probation, and until the sanction is paid in full.

The Standards and case law support this result. In *In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, the attorney was found culpable of failure to perform, failure to communicate, improper withdrawal, and lying to opposing counsel in violation of Business and Professions Code section 6106. During the State Bar investigation of the underlying misconduct, the attorney provided the State Bar investigator with a fraudulent settlement agreement in an attempt to cover up the underlying misconduct. During the State Bar Court trial, the attorney submitted fraudulent telephone logs into evidence to cover up the failure to communicate allegation. In aggravation, the court found a prior record of discipline for mishandling of trust funds in two cases, lack of candor, multiple acts of misconduct, harm to the client, and misrepresentations to the State Bar. The Review Department recommended a one-year actual suspension.

In *Phillips v. State Bar* (1975) 14 Cal.3d 492, the attorney was found culpable of failing to communicate to his client receipt of an arbitration award, and signing the arbitration award on behalf of his client his client without his client's knowledge or consent. During the investigation, the attorney provided the State Bar with a fraudulent letter informing his client of the receipt of the arbitration award in an attempt to cover up his failure to communicate. In aggravation, the Supreme Court found misrepresentation to the State Bar in aggravation and recent prior discipline. The Supreme Court imposed a one-year actual suspension. Although *Phillips* pre-dates adoption of the Standards, the case confirms that deceit towards

the State Bar is “reprehensible, necessarily involves moral turpitude, and warrants discipline” and provides guidance as to the appropriate level of discipline. (*Id.* at p. 500.)

Here, respondent’s misconduct is similar to the misconduct in *Dahlz* and *Phillips* because respondent misled the State Bar by providing fraudulent character letters to the State Bar to obtain a reduced level of discipline. Respondent has very little mitigation and the aggravating factors of a prior record of discipline for similar misconduct and multiple acts of misconduct outweighs the mitigating factor of respondent entering into a pretrial stipulation. Respondent received 30 days actual suspension for violating six court orders in his prior record of discipline in 2017. Considering the serious misconduct in each case and comparable case law, a one-year actual suspension is appropriate to achieve the purposes of discipline and protect the public.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 6, 2018, the discipline costs in this matter are \$9,845. 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.

(Do not write above this line.)

In the Matter of
MICHAEL ROSS LEWIS

Case number(s):
17-O-02523-CV
17-O-06410
18-O-12647 (inv)

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.

6/11/18
Date

[Signature]
Respondent's Signature

Michael Ross Lewis
Print Name

Date

N/A.
Respondent's Counsel Signature

Print Name

June 11, 2018
Date

[Signature]
Deputy Trial Counsel's Signature

Desiree Fairly
Print Name

(Do not write above this line.)

| | |
|---|--|
| In the Matter of: MICHAEL ROSS LEWIS | Case Number(s): 17-O-02523-CV 17-O-06410 18-O-12647 (inv) |
|---|--|

ACTUAL SUSPENSION ORDER

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

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☒ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

6/22/18



DONALD F. MILES
Judge of the State Bar Court

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
MELANIE J. LAWRENCE, No. 230102
INTERIM CHIEF TRIAL COUNSEL
RIZAMARI C. SITTON, No. 138319
ASSISTANT CHIEF TRIAL COUNSEL
DREW D. MASSEY, No. 244350
SUPERVISING ATTORNEY
DESIREE FAIRLY, No. 307991
DEPUTY TRIAL COUNSEL
845 South Figueroa Street
Los Angeles, California 90017-2515
Telephone: (213) 765-1038

FILED
MA
JUN 20 2018
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

| | | |
|----------------------------|---|---|
| In the Matter of: |) | Case No. 17-O-02523-CV; 17-O-06410; 18- |
| |) | O-12647 |
| MICHAEL ROSS LEWIS, |) | |
| No. 247934, |) | Prior Record of Discipline Supplement to |
| |) | Stipulation Re Facts, Conclusions of Law, and |
| |) | Disposition |
| A Member of the State Bar. |) | |

On June 12, 2018, the State Bar of California, Office of Chief Trial Counsel ("State Bar"), by and through Deputy Trial Counsel Desiree Fairly, and respondent, Michael R. Lewis, lodged with the court a Stipulation to Facts, Conclusions of Law and Disposition ("Stipulation"). The Stipulation was submitted to the assigned settlement judge in the matter, Judge Donald F. Miles. Per the court's request, the State Bar submits the present supplement containing an authenticated copy of respondent's prior record of discipline.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: June 20, 2018

By: Desiree Fairly
Desiree Fairly
Deputy Trial Counsel

S241770

IN THE SUPREME COURT OF CALIFORNIA
SUPREME COURT
FILED

En Banc

JUL 31 2017

In re MICHAEL ROSS LEWIS on Discipline

Jorge Navarrete Clerk

Deputy


The court orders that Michael Ross Lewis, State Bar Number 247934, 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. Michael Ross Lewis is suspended from the practice of law for the first 30 days of probation;
2. Michael Ross Lewis must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on March 17, 2017; and
3. At the expiration of the period of probation, if Michael Ross Lewis has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Michael Ross Lewis 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.

I, Jorge Navarrete, 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

____ day of JUL 31 2017 ____
Month
By: 
Deputy

CANTIL-SAKAUYE
Chief Justice

FILED

MAR 17 2017

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of

MICHAEL ROSS LEWIS,

A Member of the State Bar, No. 247934.

) Case No. 15-O-14877-YDR

) DECISION

Introduction¹

Respondent Michael Ross Lewis (Respondent) is charged with six counts of failing to obey a court order in a single matter. The Office of Chief Trial Counsel of the State Bar of California (OCTC) has the burden of proving these charges by clear and convincing evidence.² Respondent has stipulated to all of the misconduct alleged. Based on the stipulated facts and the evidence admitted at trial, this court finds by clear and convincing evidence, that Respondent is culpable of the misconduct alleged in all six counts and recommends that Respondent be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that he be placed on probation for a period of one year subject to a 30-day actual suspension.

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

² Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

Significant Procedural History

On August 30, 2016, OCTC initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) in case number 15-O-14877. Respondent filed a response to the NDC on October 12, 2016. The parties filed a Stipulation as to Facts and Admission of Documents on December 20, 2016.

A one-day trial was held on December 20, 2016. OCTC was represented by Deputy Trial Counsel Shataka Shores-Brooks. Respondent represented himself. The case was submitted for decision on December 20, 2016. OCTC filed its closing brief on January 11, 2017. Respondent filed his closing brief on January 13, 2017.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 21, 2006, and has been a member of the State Bar of California at all times since that date.

The following findings of fact and conclusions of law are based on the December 20, 2016 stipulation and the evidence admitted at trial.

Case No. 15-O-14877 – Crocker Matter

Facts

Respondent represented the defendant, Greg Crocker, in Solano County Superior Court case number FCM143289. A Case Management Conference (CMC) was set for April 24, 2015. Respondent received notice of the CMC. Respondent did not file a case management conference statement and did not appear at the April 24, 2015 CMC.

On April 24, 2015, Respondent was ordered to appear on June 12, 2015, to show cause why the superior court should not impose monetary sanctions for his failure to appear at the April 24, 2015 CMC and to file a case management conference statement. The court also set the matter for a CMC on June 12, 2015. The June 12, 2015 Order to Show Cause (OSC) and Notice

of Hearing was filed and served on Respondent at his membership records address on April 24, 2015. Respondent received notice of the OSC, but he did not file a response to it or file a case management conference statement. Respondent did not appear at the June 12, 2015 OSC and CMC.

On June 12, 2015, the court imposed \$300 in sanctions against Respondent for failing to appear at the June 12, 2015 OSC and CMC, and for failing to file a case management conference statement. Respondent was ordered to pay the sanctions by June 27, 2015. The court also ordered Respondent to appear on July 31, 2015, to show cause why additional monetary sanctions should not be imposed for Respondent's failure to appear at the CMC and to file the case management conference statement. The court also set a CMC for July 31, 2015. Respondent received the June 12, 2015 sanctions order and notice of OSC and CMC.

Respondent did not pay the June 12, 2015 sanctions by June 27, 2015, and did not file a response to the OSC or a case management conference statement. He did not appear for the July 31, 2015 OSC and CMC hearing.

On July 31, 2015, the court imposed an additional \$300 in sanctions against Respondent for failing to appear at the June 12, 2015 OSC and CMC, and failing to file a case management conference statement. Respondent was ordered to pay a total of \$600 in sanctions by August 9, 2015. The court also ordered Respondent to appear on September 14, 2015, to show cause why the court should not impose an additional \$500 in sanctions against Respondent for failing to: 1) appear at the July 31, 2015 CMC hearing; 2) respond to the July 31, 2015 OSC; 3) file a case management conference statement; and 4) defend the civil matter on behalf of his client.

The September 14, 2015 OSC and Notice of Hearing was filed and served on Respondent at his membership records address on August 3, 2015. Respondent received the sanctions order

and notice of OSC mailed August 3, 2015. Respondent did not pay the \$600 in sanctions by August 9, 2015.

Thereafter, Respondent did not file a response to the OSC and did not appear at the September 14, 2015 OSC hearing. On September 14, 2015, the court imposed an additional \$500 in sanctions against Respondent for failing to: 1) appear at the July 31, 2015 OSC; 2) respond to the July 31, 2015 OSC; 3) file a case management conference statement; and 4) defend the civil matter on behalf of his client. Respondent was ordered to pay a total of \$1,100 by September 29, 2015. The September 14, 2015 sanctions order was filed and served on Respondent at his membership records address on September 14, 2015. Respondent received the court's order.

Respondent did not pay the sanctions by September 29, 2015. He paid all three sanctions orders totaling \$1,100 on March 28, 2016.

Conclusions

Count One - (§ 6103 [Failure to Obey a Court Order])³

OCTC charged Respondent with willfully violating section 6103 by failing to comply with the superior court's April 24, 2015 OSC. Respondent admitted that he is culpable of violating section 6103.

To establish a violation of section 6103, OCTC must prove by clear and convincing evidence that the attorney willfully disobeyed a court order and that the order required the attorney to do or forbear an act in the course of his profession "which he ought in good faith to have done or not done." (*In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, 603.) In addition, the attorney must have knowledge of the court order. (See *In*

³ Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

the Matter of Hindin (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 657, 666 [Review Department adopted hearing judge's finding that attorney's failure to obey court order did not violate section 6103 because attorney did not receive notice of the order in time to comply with it]; *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 867-868 [Review Department agreed with hearing judge that, because attorney clearly knew of the relevant court order, the only issue regarding the charged violation of section 6103 was whether attorney had a reasonable time to comply with the order].)

Respondent received notice of the superior court's April 24, 2015 order directing him to appear at a June 24, 2015 OSC hearing, but Respondent did not attend. Thus, Respondent is culpable of willfully violating section 6103.

Count Two - (§ 6103 [Failure to Obey a Court Order])

Count Three - (§ 6103 [Failure to Obey a Court Order])

In Count Two, OCTC charged Respondent with willfully violating section 6103 by failing to comply with the superior court's June 12, 2015 order to pay \$300 in sanctions. In Count Three, OCTC charged Respondent with willfully violating section 6103 by failing to comply with the court's June 12, 2015 OSC when Respondent failed to appear at the July 31, 2015 OSC hearing. Respondent admitted that he is culpable of willfully violating section 6103 as alleged in both counts.⁴

Respondent received notice of the superior court's June 12, 2015 order to pay \$300 in sanctions and to appear at a July 31, 2015 OSC hearing. Respondent failed to pay the sanctions

⁴ The superior court's June 12, 2015 order directed Respondent to pay a total of \$300 in sanctions and to appear at a July 31 OSC hearing. The court's rulings were issued in a single order, not two separate orders. Thus, although Respondent is culpable of Counts One and Two, this court considers that Respondent violated a single court order for the discipline determination.

by the June 27, 2015 deadline, and he did not appear at the OSC as ordered. As such, Respondent is culpable of willfully violating section 6103.

Count Four - (§ 6103 [Failure to Obey a Court Order])

Count Five - (§ 6103 [Failure to Obey a Court Order])

In Count Four, Respondent is charged with willfully violating section 6103 by failing to comply with the superior court's July 31, 2015 order to pay \$600 in sanctions. In Count Two, Respondent is charged with willfully violating section 6103 by disobeying the court's August 3, 2015 order to appear at a September 14, 2015 OSC hearing.⁵ Respondent admitted that he is culpable of both ethical violations.

Respondent received the court's order directing him to pay a total of \$600 in sanctions by August 9, 2015, and to appear at an OSC scheduled for September 14, 2015. Respondent failed to pay the sanctions by August 9 and failed to attend the September 14 OSC hearing. Thus, Respondent is culpable of willfully violating section 6103.⁶

Count Six - (§ 6103 [Failure to Obey a Court Order])

Respondent is charged with willfully violating section 6103 by failing to comply with the superior court's September 14, 2015 order to pay \$1,100 sanctions. Respondent admitted that he is culpable of violating section 6103. The superior court ordered Respondent to pay \$1,100 in sanctions by September 29, 2015. Respondent did not pay the sanctions until March 28, 2016. As such, Respondent is culpable of willfully violating section 6103.

⁵ The court held a hearing on July 31, 2015, where Respondent was ordered to pay a total of \$600 in sanctions and to appear at a September 14 OSC hearing. The court's order was filed and served on Respondent on August 3, 2015.

⁶ The order filed on August 3, 2015, directed Respondent to pay \$600 in sanctions and to appear at a September 14, 2015 OSC hearing. The court's rulings were issued in a single order, not two separate orders. Thus, although Respondent is culpable of Counts Four and Five, this court considers that Respondent violated a single court order for the discipline determination.

Aggravation⁷

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following with regard to aggravating circumstances.

Multiple Acts (Std. 1.5(b).)

Respondent did not comply with four court orders that arose from one matter. He did not appear at three hearings and failed to timely pay the sanctions that were imposed for repeatedly failing to appear as ordered. Because this misconduct was repeated, but limited in scope, this factor is afforded moderate aggravating weight.

Mitigation

It is Respondent's burden to prove mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating circumstances.

No Prior Record (Std. 1.6(a).)

Respondent practiced law almost nine years before he committed the misconduct in this matter. When an attorney has practiced for many years without misconduct, the absence of a prior disciplinary record is a mitigating circumstance. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.) Respondent's lack of a prior record is afforded moderate mitigating weight.

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

Respondent demonstrated cooperation with the State Bar by entering into a stipulation as to facts and admission of documents. The stipulated facts established Respondent's culpability. Moreover, in his response to the NDC, Respondent admitted he was culpable of all six counts as alleged. Respondent's cooperation is a significant mitigating factor. (*Silva-Vidor v. State Bar*

⁷ All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

(1989) 49 Cal.3d 1071, 1079 [mitigation credit given for entering into stipulation as to facts and culpability].)

Good Character (Std. 1.6(f).)

Respondent is entitled to mitigation for good character. Respondent presented eight letters from individuals who wrote about his good character. The individuals included three attorneys, a board certified ophthalmologist and anaplastologist, office clerk, and three friends. Respondent was described as "a man of integrity" with "high ethical and moral standards" who has a "good heart." One individual expressed that Respondent's character is beyond reproach and that he is dedicated to his clients. Those who wrote letters who were not attorneys have known Respondent over 30 years, and all but one person knew about the charges against Respondent.

All three attorneys have known Respondent 15 years, and each of them indicated that Respondent is a "competent" lawyer who has made special appearances for them in the past. They stated that they would not hesitate to ask him to make appearances for them in the future. Serious consideration is given to the testimony of attorneys because they have a "strong interest in maintaining the honest administration of justice." (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319.) Respondent's good character is a significant mitigating factor.

Overall, while not compelling, Respondent's mitigating circumstances outweigh the aggravating factors.

Discussion

OCTC contends that Respondent's misconduct warrants a 30-day actual suspension. Respondent requests that the court impose a period of stayed suspension for his wrongdoing.

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) In determining the level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) While they are guidelines for discipline and are not mandatory, they are given great weight to promote consistency. (*In re Silverton* (2005) 36 Cal.4th 81, 91-92.) Moreover, the Supreme Court has instructed that the standards should be followed "whenever possible." (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.)

Respondent disobeyed four superior court orders; thus, standard 2.12(a) is applicable to Respondent's misconduct. The standard provides that the presumed sanction for "disobedience or violation of a court order related to the . . . practice of law" is disbarment or actual suspension. (Std. 2.12(a).)

In addition to the standards, the court considers decisional law relevant to Respondent's misconduct to determine the appropriate level of discipline. The court is guided by *In the Matter of Respondent X, supra*, 3 Cal. State Bar Ct. Rptr. 592; and *In the Matter of Respondent Y, supra*, 3 Cal. State Bar Ct. Rptr. 862. In *In the Matter of Respondent X, supra*, 3 Cal. State Bar Ct. Rptr. 592, the attorney received a private reproof for violating section 6103. Respondent X deliberately violated the confidentiality provision of a court order enforcing a settlement agreement. (*Id.* at pp. 595, 603.) The attorney had practiced law for 18 years without discipline, held a sincere and principled belief that he acted in support of sound public policy by revealing the confidential information, and was under great pressure from his client and co-counsel who disagreed with his approach to the settlement and confidential terms. (*Id.* at p. 605.) The court found that actual suspension or disbarment was "not mandated." (*Ibid.*)

In *In the Matter of Respondent Y*, *supra*, 3 Cal. State Bar Ct. Rptr. 862, the attorney received a private reproof with conditions for violating section 6103 because he did not obey a court order to pay sanctions imposed as a result of his bad faith tactics and actions while defending a civil action. In addition, the attorney violated section 6068, subdivision (o)(3), by failing to timely report the sanctions to the State Bar. The attorney had no prior disciplinary record and there was no evidence in aggravation. In determining the degree of discipline to impose, the Review Department did not apply former standard 2.6(a), but instead focused on "the narrow violation before [it]." (*Id.* at p. 869.)

Respondent's misconduct warrants greater discipline than in *In the Matter of Respondent X* and *In the Matter of Respondent Y*. Far from considering the present misconduct as a "narrow violation," this case involves disobedience of four court orders. "Other than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbecoming an attorney." (*Barnum v. State Bar* (1990) 52 Cal.3d 104, 112.) Unlike the attorneys in *In the Matter of Respondent X* and *In the Matter of Respondent Y* who violated a single court order, Respondent did not appear at three court-ordered hearings and failed to timely pay three sanctions orders imposed for his nonappearances. Moreover, there were no aggravating factors present in *In the Matter of Respondent Y*. Although Respondent's mitigating circumstances outweigh the aggravating factors, they are not significant enough to depart from the presumed sanction outlined in standard 2.12(a). Therefore, guided by the standards, case law, and the facts and circumstances of this case, this court concludes that Respondent should be actually suspended for 30 days.

Recommendations

It is recommended that Respondent Michael Ross Lewis, State Bar Number 247934, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that Respondent be placed on probation⁸ for a period of one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of Respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including Respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, Respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Within 30 days after the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss 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 of the conditions of Respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
6. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to Respondent personally or in writing, relating to whether Respondent is complying or has complied with Respondent's probation conditions.

⁸ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

7. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

At the expiration of the probation period, if Respondent has complied with all conditions of probation, Respondent will be relieved of the stayed suspension.

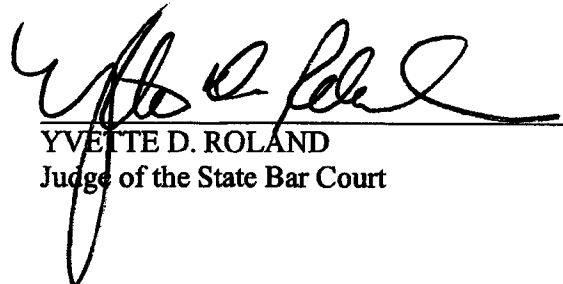
Multistate Professional Responsibility Examination

We further recommend that Michael Ross Lewis be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year of the effective date of the Supreme Court order in this matter and to provide satisfactory proof of such passage to the Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs

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

Dated: March 17, 2017


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 March 17, 2017, I deposited a true copy of the following document(s):

DECISION

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

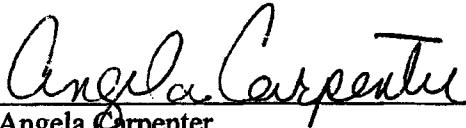
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL R. LEWIS
LEWIS & HAM, LLP
1425 W FOOTHILL BLVD STE 235
UPLAND, CA 91786

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

Shataka A. Shores-Brooks, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 17, 2017.



Angela Carpenter
Case Administrator
State Bar Court

1 Michael R. Lewis SBN 247934
2 1425 W. Foothill Blvd., Suite 235
3 Upland, CA 91786
4 Telephone: (909) 256-2920
5 Facsimile: (909) 256-2927

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STATE BAR COURT
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LOS ANGELES

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11 **STATE BAR COURT**
12 **HEARING DEPARTMENT – LOS ANGELES**

13 In the matter of:) Case No.: 15-O-14877
14)
15 MICHAEL ROSS LEWIS,) **RESPONSE TO DISCIPLINARY**
16 No.: 247934) **CHARGES**
17)
18)
19)
20)
21 A Member of the State Bar)
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29 MICHAEL ROSS LEWIS (hereinafter "Respondent") hereby responds to the
30 Disciplinary Charges alleged against him by the State Bar as follows:

31 Respondent admits to all counts alleged against him in the Notice of Disciplinary
32 Charges. Further, Respondent is willing to stipulate to findings of fact regarding the Disciplinary
33 Charges.

34 Dated: 10/12/16

35 By: 
36 Michael R. Lewis

PUBLIC MATTER

FILED

AUG 30 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 GREGORY P. DRESSER, 136532
INTERIM CHIEF TRIAL COUNSEL
3 RENE LOUIS LUCARIC, No. 180005
ASSISTANT CHIEF TRIAL COUNSEL
4 MIA ELLIS, No. 228235
SUPERVISING SENIOR TRIAL COUNSEL
5 SHATAKA SHORES-BROOKS, No. 240392
DEPUTY TRIAL COUNSEL
6 845 South Figueroa Street
Los Angeles, California 90017-2515
7 Telephone: (213) 765-1091

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:

) Case Nos. 15-O-14877

13 MICHAEL ROSS LEWIS,
14 No. 247934,

) NOTICE OF DISCIPLINARY CHARGES
)
)
)

15 A Member of the State Bar.

NOTICE - FAILURE TO RESPOND!

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

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

25 ///

26 ///

27 ///

28 ///

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Michael Ross Lewis ("Respondent") was admitted to the practice of law in the State
4 of California on December 21, 2006, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-14877
8 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

9 2. Respondent disobeyed or violated an order of the court requiring Respondent to do or
10 forbear an act connected with or in the course of Respondent's profession which Respondent
11 ought in good faith to do or forbear by failing to comply with the April 24, 2015 Order to Show
12 Cause in Solano County Superior Court case number FCM143289, by failing to appear at the
13 June 12, 2015 hearing, in willful violation of Business and Professions Code, section 6103.

14 COUNT TWO

15 Case No. 15-O-14877
16 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

17 3. Respondent disobeyed or violated an order of the court requiring Respondent to do or
18 forbear an act connected with or in the course of Respondent's profession which Respondent
19 ought in good faith to do or forbear by failing to comply with the June 12, 2015 Order to pay
20 sanctions in the amount of \$300.00 in Solano County Superior Court case number FCM143289,
21 in willful violation of Business and Professions Code, section 6103.

22 COUNT THREE

23 Case No. 15-O-14877
24 Business and Professions Code, section 6103
25 [Failure to Obey a Court Order]

26 4. Respondent disobeyed or violated an order of the court requiring Respondent to do or
27 forbear an act connected with or in the course of Respondent's profession which Respondent
28 ought in good faith to do or forbear by failing to comply with the June 12, 2015 Order to Show

1 Cause in Solano County Superior Court case number FCM143289 by failing to appear at the July
2 31, 2015 hearing, in willful violation of Business and Professions Code, section 6103.

3
4 COUNT FOUR

5 Case No. 15-O-14877
6 Business and Professions Code, section 6103
7 [Failure to Obey a Court Order]

8 5. Respondent disobeyed or violated an order of the court requiring Respondent to do or
9 forbear an act connected with or in the course of Respondent's profession which Respondent
10 ought in good faith to do or forbear by failing to comply with the July 31, 2015 Order to pay
11 sanctions in the amount of \$600.00 in Solano County Superior Court case number FCM143289,
12 in willful violation of Business and Professions Code, section 6103.

13 COUNT FIVE

14 Case No. 15-O-14877
15 Business and Professions Code, section 6103
16 [Failure to Obey a Court Order]

17 6. Respondent disobeyed or violated an order of the court requiring Respondent to do or
18 forbear an act connected with or in the course of Respondent's profession which Respondent
19 ought in good faith to do or forbear by failing to comply with the August 3, 2015 Order to Show
20 Cause in Solano County Superior Court case number FCM143289 by failing to appear at the
21 September 14, 2015 hearing, in willful violation of Business and Professions Code, section 6103.

22 COUNT SIX

23 Case No. 15-O-14877
24 Business and Professions Code, section 6103
25 [Failure to Obey a Court Order]

26 7. Respondent disobeyed or violated an order of the court requiring Respondent to do or
27 forbear an act connected with or in the course of Respondent's profession which Respondent
28 ought in good faith to do or forbear by failing to comply with the September 14, 2015 Order to
pay sanctions in the amount of \$1,100 in Solano County Superior Court case number
FCM143289, in willful violation of Business and Professions Code, section 6103.

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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.

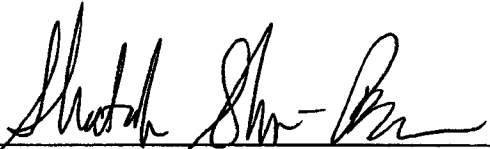
NOTICE - COST ASSESSMENT!

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: August 26, 2016

By: 
Shataka Shores-Brooks
Deputy Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 **CASE NUMBER: 15-O-14877**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California
5 90017, declare that I am not a party to the within action; that I am readily familiar with the State
6 Bar of California's practice for collection and processing of correspondence for mailing with the
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,
8 correspondence collected and processed by the State Bar of California would be deposited with
9 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

10 **NOTICE OF DISCIPLINARY CHARGES**

11 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
12 Article No.: 9414 7266 9904 2010 0851 64, at Los Angeles, on the date shown below, addressed
to:

13 **Michael R. Lewis**
14 **Lewis & Ham, LLP**
15 **1425 W Foothill Blvd Ste 235**
16 **Upland, CA 91786**

17 **via regular US mail to:**

18 **Michael R. Lewis**
19 **Lewis & Ham, LLP**
20 **1425 W Foothill Blvd Ste 235**
21 **Upland, CA 91786**

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

23 **N/A**

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

26 **DATED: August 26, 2016**

27 Signed: _____

28 **Max Carranza**
 Declarant



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 June 20, 2018

State Bar Court, State Bar of California,
Los Angeles

By

Clerk

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **17-O-02523, et al.**

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, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

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

PRIOR RECORD OF DISCIPLINE SUPPLEMENT TO STIPULATION RE FACTS, CONCLUSIONS OF LAW, AND DISCIPLINE



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- 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.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

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



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.



By Electronic Service: (CCP § 1010.6)

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.



(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.: _____ 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)

| Person Served | Business-Residential Address | Fax Number | Courtesy Copy to: |
|------------------|--|--------------------|-------------------|
| Michael R. Lewis | Michael R. Lewis Lewis & Ham, LLP 1425 W Foothill Blvd Ste 235 Upland, CA 91786 | Electronic Address | |

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

N/A

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: June 20, 2018

SIGNED:

Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant

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 June 22, 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:

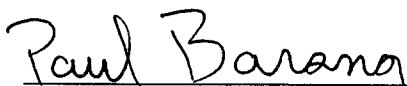
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL R. LEWIS
LEWIS & HAM, LLP
1425 W FOOTHILL BLVD STE 235
UPLAND, CA 91786

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

SHATAKA A. SHORES-BROOKS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 22, 2018.



Paul Barona
Court Specialist
State Bar Court