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**State Bar Court of California
Hearing Department
San Francisco
ACTUAL SUSPENSION**

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<p>In Pro Per Respondent</p> <p>William L. Reiland 1262 North College Avenue Fresno, CA 93728 (559) 349-2572</p> <p>Bar # 258707</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: WILLIAM L. REILAND</p> <p>Bar # 258707</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 3, 2008**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

B

- (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: **2019, 2020 and 2021**. (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.

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- (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 page 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. **See page 11.**
- (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:

Pretrial stipulation (See page 11).

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 **three (3) 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 **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: .
- (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:
 - Substance Abuse Conditions
 - Law Office Management Conditions

Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

(1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

No MPRE recommended. Reason: .

(2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: .

(5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: WILLIAM L. REILAND

CASE NUMBERS: 17-O-07149 and 17-O-07669

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 Nos. 17-O-07149 (Fresno County) and 17-O-07669 (Tulare County)

FACTS:

1. On December 3, 2008, respondent was admitted to practice in California.
2. On July 1, 2015, respondent was first suspended from practice for failure to pay membership fees pursuant to Supreme Court Order S226542. He was reinstated on July 15, 2015.
3. On January 17, 2017, respondent updated his State Bar membership record mailing address to 1262 N. College Ave., Fresno, CA 93728.
4. By January 31, 2017, respondent failed to meet the deadline for reporting his MCLE compliance to the State Bar.
5. On February 15, 2017, the State Bar sent a courtesy email to respondent at his membership record email address, billreiland@ymail.com, reminding him of his failure to report his MCLE compliance. Respondent received the email.
6. On February 24, 2017, the State Bar sent a second courtesy email to respondent at his membership record email address, billreiland@ymail.com, reminding him of his failure to report his MCLE compliance. Respondent received the email.
7. By March 1, 2017, respondent, for the second time in nine years of practice, failed to pay his State Bar membership fees.
8. On April 20, 2017, the State Bar sent a letter to respondent at his then and current membership record mailing address of 1262 N. College Ave., Fresno, CA 93728, notifying him that he had failed to pay his membership fees. Respondent received the letter.
9. On May 12, 2017, the State Bar sent a letter to respondent marked FINAL DELINQUENT NOTICE to his membership record mailing address of 1262 N. College Ave., Fresno, CA 93728. The letter provided, "Our records show that, as of May 5, 2017, you have not paid your State Bar

membership fees, penalties or costs...Failure to pay the balance due will result in your suspension from the practice of law. This formal notice of delinquency is given in compliance with California Business and Professions Code, section 6143, which reads in relevant part: 'Any member, active or inactive, failing to pay fees, penalties, or costs after they become due, and after two months written notice of his or her delinquency, shall be suspended from membership in the State Bar.' If your payment is not received during the coming two-month period, the State Bar Board of Trustees will recommend to the California Supreme Court that you be suspended from the practice of law effective September 1, 2017." Respondent received the letter.

10. On June 30, 2017, the State Bar sent a letter to respondent marked MCLE NONCOMPLIANCE 60-DAY NOTICE to his membership record mailing address of 1262 N. College Ave., Fresno, CA 93728. The letter provided, "The State Bar of California records show that, as of June 28, 2017, you are noncompliant with the MCLE education requirements (State Bar Rules, rule 2.90)...If you fail to bring yourself into compliance with all MCLE education, reporting, and payment requirements by August 31, 2017, the State Bar will enroll you on administrative inactive status ("Not Eligible to Practice") effective September 1, 2017, and you will not be permitted to practice law until the State Bar receives adequate proof of compliance and payment of any outstanding MCLE fees (State Bar Rules, rule 2.71, 2.90-2.93). To bring yourself into compliance, you must ensure that your report of compliance and payment of the \$75 late fee...have been submitted to this office by August 31, 2017...To avoid placement on "Not Eligible to Practice" status on September 1, 2017, you must report compliance and submit any outstanding payment by August 31, 2017." Respondent received the letter.
11. On July 24, 2017, the Supreme Court issued Order S243236, suspending respondent for failure to pay membership fees, effective September 1, 2017.
12. On July 24, 2017, the State Bar sent a third courtesy email to respondent at his membership record email address, billreiland@ymail.com, reminding him of his MCLE noncompliance and his failure to pay membership fees. Respondent received the email.
13. On August 1, 2017, the State Bar sent respondent a NOTICE OF ENTRY OF ORDER OF SUSPENSION FOR NONPAYMENT OF FEES (Case No. S243236) to his membership record mailing address of 1262 N. College Ave., Fresno, CA 93728. The notice stated, "Your name appears on a list of attorneys delinquent in their payment of State Bar membership fees, penalties, or cost, which has been transmitted to the California Supreme Court. The California Supreme Court entered an order of suspension for those attorneys appearing on the delinquent list. The suspension order will become effective, September 1, 2017. A true and correct copy of the Court's order is included herein. This notice is provided to you so that you have the opportunity to make appropriate payment prior to the effective date of this order. To avoid suspension, certified payment of all current and accrued membership fees, penalties, or costs must be received or be USPS postmarked on or before August 31, 2017." Respondent received the letter and a copy of the Supreme Court suspension order (S243236).
14. On August 4, 2017, the State Bar sent a certified letter, return receipt requested, to respondent marked MCLE NONCOMPLIANCE FINAL NOTICE at his membership record mailing address of 1262 N. College Ave., Fresno, CA 93728. The letter provided, "The State Bar of California records, as of July 31, 2017, show that you are subject to and not in compliance with the MCLE

Rules for the reasons stated in the box above [\$75 Non-compliance fee unpaid/Compliance not reported]. You are noncompliant with the MCLE education requirements (State Bar Rules, rule 2.90)...If you fail to bring yourself into compliance with all MCLE education, reporting, and payment requirements by August 31, 2017, the State Bar will enroll you on administrative inactive status (“Not Eligible to Practice”) effective September 1, 2017, and you will not be permitted to practice law until the State Bar receives adequate proof of compliance and payment of any outstanding MCLE fees (State Bar Rules, rule 2.71, 2.90-2.93). To bring yourself into compliance, you must ensure that your report of compliance and payment of the \$75 late fee...have been submitted to this office by August 31, 2017... To avoid placement on “Not Eligible to Practice” status on September 1, 2017, you must report compliance and submit any outstanding payment by August 31, 2017.” Respondent received the certified letter, and signed the receipt confirming delivery.

15. On August 24, 2017, the State Bar sent a fourth courtesy email to respondent at this membership record email address, billreiland@yamil.com, notifying him of his MCLE noncompliance and his failure to pay membership fees. Respondent received the email.
16. On August 29, 2017, the State Bar sent a fifth courtesy email to respondent at his membership record email address, billreiland@ymail.com, notifying him of his failure to pay membership fees. Respondent received the email.
17. On September 1, 2017, respondent was suspended from the practice of law in California for failure to pay his membership fees and failure to comply with his MCLE requirements.
18. On September 12, 2017, the State Bar sent a letter marked MCLE NONCOMPLIANCE NOTICE OF ENROLLMENT ON NOT ELIGIBLE STATUS to respondent at his membership record mailing address of 1262 N. College Ave., Fresno, CA 93728, notifying him that he had been suspended from the practice of law. The letter stated, “YOU HAVE BEEN ENROLLED ON NOT ELIGIBLE STATUS, EFFECTIVE SEPTEMBER 1, 2017. YOU ARE NOT ELIGIBLE TO PRACTICE LAW AS OF THAT DATE AND YOU WILL NOT BE ELIGIBLE TO PRACTICE LAW UNTIL YOU HAVE BEEN REINSTATED TO ACTIVE STATUS. If you practice law during the period when you are on Not Eligible Status, you will be subject to disciplinary action by the State Bar. Respondent received the letter.
19. Between September 5, 2017 and October 4, 2017, respondent appeared in court, on behalf of clients on 23 separate occasions, while suspended from the practice of law as follows:

Date	Case Name	County	Department	Case No.
9/6/17	Drake Cucabangbang	Fresno	32	F17904949
9/7/17	Drake Cucabangbang	Fresno Juvenile	99C	16CEJ600587
9/12/17	Travis Joshi	Fresno	2	M17915857
9/12/17	Kyle Boehle	Fresno	2	M16926656
9/12/17	Ruben Maya	Fresno	10	M17920534

9/19/17	Drake Cucabangbang	Fresno Juvenile	99C	16CEJ600587
9/19/17	Ciro Giammona	Fresno	13	M17924587
9/20/17	Erik Martinez Urbina	Fresno	12	M17920963
9/20/17	Sage Novak	Fresno	13	M17920963
9/20/17	Jobani Arambula	Fresno	13	M17922156
9/20/17	Rachel Schwan	Fresno	1	M17913338
9/25/17	Charles Ford	Fresno	202	17CEFL04793
9/27/17	Carlos A. Rivera Lopez	Fresno	11	M15930071
9/28/17	Joshua Zamora	Fresno	1	M17918512
10/4/17	Miguel Benitez Santiago	Fresno	12	M12919632 and M15923034
10/4/17	Juan Rosales	Fresno	2	M17923182 and M15918360
10/4/17	Francisco Carrasco	Fresno	1	M15932413 and M15923034
9/5/17	Fermin Rosales	Tulare (Visalia)	3	VNC058075
9/18/17	Joseph Ochoa	Tulare (Visalia)	3	
9/25/17	Isaiah Sambrano	Tulare (Visalia)	4	VCF354437
9/26/17	Joann Del Real Sandoval	Tulare (Visalia)	5	VCF274086
10/2/17	Joseph Ochoa	Tulare (Visalia)	3	
10/3/17	Jose Manuel Rivera	Tulare (Porterville)	15	VCM303617/PCF352321

20. On November 1, 2017, respondent changed his member record email address from billreiland@ymail.com to ReilandLaw@gmail.com.

21. On January 28, 2018, respondent sent a letter to the State Bar in response to two letters he had received from a State Bar Investigator. Respondent's letterhead on that response was: "Law Office of William Reiland, 1262 North College Avenue, Fresno, CA 93728, (559) 349-2572, ReilandLaw@gmail.com." In his response, respondent stated, "I did not realize until October 5, 2017, that my license had been placed on inactive status" and "[b]etween September 1, 2017 and October 5, 2017, I did not know that my license status was suspended/inactive, and I appeared on a number of matters." Additionally, in that same response, respondent submitted a chart to the State Bar listing all the court appearances he made after September 1, 2017. At the end of the chart, respondent listed three appearances that were scheduled for October 5, 2017, but noted "Appearances not completed (inactive status discovered)."

CONCLUSIONS OF LAW:

17-O-07149 (Fresno County):

22. By holding himself out as entitled to practice law to his clients, opposing counsel, and the court in the above-referenced cases, and actually practicing law, by representing those clients before

the court in Fresno County, when respondent knew he was not an active member of the State Bar, respondent willfully violated Business and Professions Code, section 6068(a) [Failure to Comply with Laws – Unauthorized Practice of Law].

23. By holding himself out as entitled to practice law to his clients, opposing counsel, and the court in the above-referenced cases, and actually practicing law, by representing those clients before the court in Fresno County, when respondent knew he was not an active member of the State Bar, he thereby committed acts of moral turpitude in willful violation of Business and Professions Code, section 6106 [Moral Turpitude – Unauthorized Practice of Law].

17-O-07669 (Tulare County)

24. By holding himself out as entitled to practice law to his clients, opposing counsel, and the court in the above-referenced cases, and actually practicing law by representing those clients before the court in Tulare County, when respondent knew he was not an active member of the State Bar, respondent willfully violated Business and Professions Code, section 6068(a) [Failure to Comply with Laws – Unauthorized Practice of Law].
25. By holding himself out as entitled to practice law to his clients, opposing counsel, and the court in the above-referenced cases, and actually practicing law, by representing those clients before the court in Tulare County, when respondent knew he was not an active member of the State Bar, he thereby committed acts of moral turpitude in violation of Business and Professions Code, section 6106 [Moral Turpitude – Unauthorized Practice of Law].

17-O-07149 and 17-O-07669

26. By stating three times in a letter to an investigator for the State Bar that he did not realize until October 5, 2017 that his license had been suspended, when respondent knew that these statements were false and misleading, in that he knew he had received communications from the State Bar notifying him of his effective suspension date of September 1, 2017, he thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std 1.5(b)): Respondent held himself out as entitled to practice law and actually practiced law on 23 occasions after he had been suspended from practice on September 1, 2017. He also made false and misleading statements to the State Bar. See *In the Matter of Bach* (Review Department 1991) 1 Cal. State Bar Ct. Rptr. 1163,1644 (two acts of misconduct may or may not constitute multiple acts of misconduct); *In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. at 279 (multiple acts can be found even if attorney found culpable of only one count of misconduct.)

MITIGATING CIRCUMSTANCES.

No Prior Discipline (Std. 1.6(a)): At the time respondent held himself out as entitled to practice law and actually practiced law after he had been suspended, he had been a member of the bar for just under nine years with no prior record of discipline. See *Kelly v. State Bar* (1988) 45 Cal. 3d 679 (seven and one-half years of

practice not especially commendable); *Hawes v. State Bar* (1990) 51 Cal. 3d 587 (more than 10 years of practice entitled to significant weight).

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to the filing of charges in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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

Standard 2.10(b) applies to the unauthorized practice of law after an administrative suspension and provides: “Suspension or reproof is the presumed sanction when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on inactive status or actual suspension for non-disciplinary reasons, such as non-payment of fees or MCLE non-compliance. The degree of the sanction depends on whether the member knowingly engaged in the unauthorized practice of law.”

Standard 2.11 applies to moral turpitude and dishonesty and provides: “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.”

In this matter, respondent committed multiple acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed.” The most severe sanction applicable to respondent’s misconduct is found in Standard 2.11 applicable to acts of moral turpitude and dishonesty.

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In aggravation, respondent committed multiple acts of misconduct by engaging in the unauthorized practice of law on 23 occasions between September 5, 2017 and October 4, 2017, and committed corresponding acts of moral turpitude by holding himself out to his clients, the courts, and other attorneys as entitled to practice law when he knew he was suspended. Respondent also made false and misleading statements to the State Bar by claiming, despite notices of his pending and effective suspension sent to respondent by the State Bar, that he did not know of his suspension until October 5, 2017. Respondent would be entitled to mitigation for no prior record of discipline and for entering into a pretrial settlement.

Case law is instructive. In *In the Matter of Mason* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, the Court recommended a three year stayed suspension and a three-year probation, conditioned on a 90 day actual suspension. There, the attorney engaged in the unauthorized practice of law and committed acts of moral turpitude by appearing in court and submitting a trial brief when he knew he was in the midst of a 75 day actual suspension. That suspension was a result of prior serious acts of misconduct involving commingling, failing to promptly pay out client funds, failing to promptly provide an accounting, and failing to cooperate with the State Bar investigation. In aggravation, the attorney committed multiple acts of misconduct while suspended, and had a prior record of discipline. In mitigation, the court considered the attorney’s pro bono legal work.

Here, like the attorney in *Mason*, respondent engaged in the unauthorized practice of law and committed moral turpitude by knowingly practicing law after he was suspended. While the respondent also made misleading statements to the State Bar about when he learned he was suspended, unlike the attorney in *Mason*, the respondent was suspended for administrative not disciplinary reasons. Additionally, unlike the attorney in *Mason*, the respondent has no prior disciplinary record and is entitled to mitigative credit for entering into a stipulation before charges are filed. Accordingly, respondent’s level of discipline should be somewhat less than that in *Mason*.

On balance, a 60 day actual suspension, one year stayed suspension, three years of probation with successful completion of State Bar Ethics School and passage of the MPRE as conditions of probation will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 1, 2017, the discipline costs in this matter are \$3,215. 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 and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

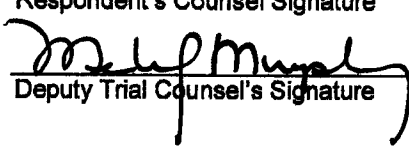
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In the Matter of: WILLIAM L. REILAND	Case number(s): 17-O-07149 and 17-O-07669
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SIGNATURE OF THE PARTIES

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

April 30, 2018  William L. Reiland
Date Respondent's Signature Print Name

5/3/18  Melissa G. Murphy
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of:
WILLIAM L. REILAND

Case Number(s):
17-O-07149 and 17-O-07669

ACTUAL SUSPENSION ORDER

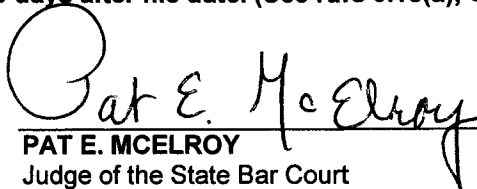
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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

June 1, 2018


PAT E. MCELROY
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 San Francisco on June 1, 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 San Francisco, California, addressed as follows:

WILLIAM L. REILAND
1262 N COLLEGE AVE
FRESNO, CA 93728 - 1904

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

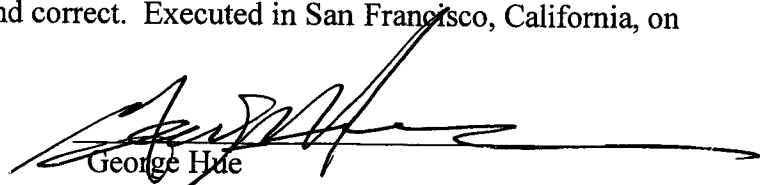
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Melissa G. Murphy, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 1, 2018.


George Hie
Court Specialist
State Bar Court