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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

PUBLIC MATTER

<p>Counsel for the State Bar</p> <p>Eli D. Morgenstern Senior Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number(s): 18-O-11200 - RR; 18-O-12582; 18-O-15494</p> <p>kwiktag® 241 071 780</p> 	<p>For Court use only</p> <p>FILED <i>WCS</i></p> <p>JAN 17 2019</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Victor L. Block 1100 S. Coast Highway, Ste. 314 Laguna Beach, CA 92651-2971 (949) 715-3448</p> <p>Bar # 205096</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: VICTOR LAMONT BLOCK</p> <p>Bar # 205096</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 9, 1999**.
- (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 **22** 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."

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- (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. It is recommended that (check one option only):
- 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. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - 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. One-half of the costs must be paid with Respondent's membership fees for each of the following years: 2020 and 2021.
- If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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.

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- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's 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 18.**
- (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 [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 Respondent's 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 Respondent's 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 Respondent.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (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 Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline, see page 18.
Prefiling Stipulation, see page 18.

D. Recommended Discipline:

- (1) **Actual Suspension:**
- Respondent is suspended from the practice of law for **one year**, the execution of that suspension is stayed, and Respondent is placed on probation for **two years** with the following conditions.
- Respondent must be suspended from the practice of law for the first **90 days** of the period of Respondent's probation.
- (2) **Actual Suspension "And Until" Rehabilitation:**
- Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.
- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
- (3) **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**
- Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.
- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:

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- a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4) **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5) **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

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b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent is suspended from the practice of law for the first _____ of probation (with credit given for the period of interim suspension which commenced on _____).

E. Additional Conditions of Probation:

- (1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

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- (2) **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3) **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4) **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).
- d. **Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation

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or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7) **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar 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 Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8) **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because
- (9) **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting 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 Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10) **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete _____ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11) **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE _____ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the

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date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

- (13) **Other:** Respondent must also comply with the following additional conditions of probation:
- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15) **The following conditions are attached hereto and incorporated:**
- Financial Conditions Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1) **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2) **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Atheam v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20

is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4) **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of “clients being represented in pending matters” and others to be notified is the filing date of the Supreme Court order, not any later “effective” date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney’s failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5) **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because

- (6) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: VICTOR LAMONT BLOCK

CASE NUMBERS: 18-O-11200, 18-O-12582, 18-O-15494

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. 18-O-11200 (Complainant: Tasha Donahue)

FACTS:

1. Between 2004 and January 2, 2017, respondent was an associate attorney at a law firm (the “firm”). The firm had represented Ford Motor Company (“Ford”) since 2012.
2. During his tenure at the firm, respondent represented Ford on a number of Song-Beverly Consumer Warranty lawsuits, *i.e.*, “Lemon Law lawsuits,” billing more than 3,184 hours to defend Ford in approximately 300 separate matters. In one instance, respondent represented Ford in connection with a case involving a 2013 Ford CMAX. In that case, the complaint alleged that the 2013 CMAX had, among other things, “electrical and engine defects.”
3. On October 30, 2016, while he was still employed with the firm, Tasha Donahue employed respondent to represent her with regards to her claims under the Song-Beverly Warranty Act regarding her 2016 Ford CMAX. At the time that she employed respondent, Ms. Donahue asserted that her CMAX had developed various electrical defects.
4. By virtue of his direct attorney-client relationship with Ford with respect to a Song-Beverly action involving a Ford CMAX with alleged electrical and engine defects, respondent is conclusively presumed to have gathered confidential information from Ford relative to his employment of Ms. Donahue.
5. At no time did respondent provide written disclosure to Ms. Donahue that he previously had a direct attorney-client relationship with Ford, and that the previous relationship would substantially affect his representation of Ms. Donahue, in that, because of his previous representation, Ford was likely to file a motion to disqualify him as Ms. Donahue’s counsel.
6. On March 22, 2017, respondent filed a Song-Beverly action against Ford in Los Angeles County Superior Court on behalf of Ms. Donahue (the “*Donahue* matter”), case no. BC654944. The complaint alleged, among other things, that Ms. Donahue’s 2016 Ford CMAX “was delivered to [Ms. Donahue] with serious defects and nonconformities to the warranty and developed other serious defects and nonconformities to warranty including, but not limited to engine, transmission, engine (sic) and electrical defects.”

7. At no time did respondent obtain the informed written consent of Ford to represent Ms. Donahue in the *Donahue* matter.

8. On August 25, 2017, Ford filed and served on respondent a motion to disqualify him from representing Ms. Donahue in the *Donahue* matter on the grounds that he provided direct representation to Ford while an associate at the firm.

9. On September 26, 2017, respondent filed an opposition to Ford's motion to disqualify. In the opposition, respondent admitted his former, direct attorney-client relationship with Ford. But, respondent denied that his representation of Ms. Donahue bore a "substantial relationship" to his representation of Ford. Respondent did not inform Ms. Donahue that he filed an opposition to Ford's motion to disqualify him as her counsel in the *Donahue* matter.

10. On October 10, 2017, the Court in the *Donahue* matter denied Ford's motion to disqualify respondent. The Court found that Ford did not present sufficient evidence that respondent's former representation of Ford bore a substantial relationship to his representation of Ms. Donahue in the *Donahue* matter.

11. On October 20, 2017, Ford filed and served on respondent a renewed motion to disqualify him from representing Ms. Donahue in the *Donahue* matter. Respondent did not inform Ms. Donahue that Ford filed a renewed motion to disqualify him as her counsel in the *Donahue* matter.

12. In the renewed motion to disqualify, Ford introduced additional evidence that showed that respondent had previously represented Ford in a Song-Beverly action involving a 2013 Ford CMAX. Ford also introduced evidence that the previous case's complaint alleged that the 2013 CMAX had electrical and engine defects. Respondent did not inform Donahue that Ford filed a renewed motion to disqualify him as her counsel in the *Donahue* matter.

13. On November 7, 2017, respondent filed an opposition to Ford's renewed motion to disqualify him as Ms. Donahue's counsel in the *Donahue* matter; and on November 13, 2017, respondent filed an amended opposition to Ford's renewed motion to disqualify. Respondent did not inform Ms. Donahue that he filed an opposition and an amended opposition to Ford's renewed motion to disqualify.

14. On November 7, 2017, Ford served Ms. Donahue through respondent with the following written discovery requests: (i) Requests for Admissions (Set One); (ii) Form Interrogatories (Set One) and Special Interrogatories (Set One); and (iii) Requests for Admissions (Set One) (collectively, "discovery requests"). Respondent did not inform Ms. Donahue of his receipt of Ford's discovery requests.

15. On November 21, 2017, the Court in the *Donahue* matter filed an Order granting Ford's renewed motion to disqualify respondent from representing Ms. Donahue. In its Order, the Court noted that respondent did not contradict the evidence presented by Ford that respondent had previously represented Ford in a Song-Beverly action involving a 2013 Ford CMAX with alleged electrical and engine defects. The Court found that respondent's prior representation of Ford in that matter bore a substantial relationship to his representation of Ms. Donahue in the *Donahue* matter, and therefore respondent had presumptively obtained confidential information during his representation of Ford which was material to his representation of Ms. Donahue. Respondent received the Court's Order. On

November 23, 2017, respondent mailed Ms. Donahue a letter informing her that the Court in the *Donahue* matter filed an order granting Ford's renewed motion to disqualify respondent from representing her. Ms. Donahue did not receive the letter.

16. As a result of the Order, respondent was no longer authorized to continue performing legal services on Ms. Donahue's behalf in the *Donahue* matter.

17. On January 2, 2018, Ford's counsel sent respondent three meet and confer letters requesting responses to the written discovery. Respondent received the letters; however, respondent did not inform Ms. Donahue of his receipt of them.

18. On February 7, 2018, Ford filed and served on respondent the following discovery motions: (i) Motion For Order Establishing Admissions and Request for Sanctions; (ii) Motion to Compel Responses to Form Interrogatories and Special Interrogatories and Request for Sanctions; and (iii) Request for Production of Documents and Request for Sanctions. Respondent received all of the discovery motions; however, respondent did not inform Ms. Donahue of his receipt of them.

19. On March 12, 2018, the Court in the *Donahue* matter granted Ford's Motion for Order Establishing Admissions, Motion to Compel Responses to Form Interrogatories and Special Interrogatories, and Motion to Compel Responses to Request for Production of Documents, and awarded sanctions in the amount of \$1,380 against Ms. Donahue. Respondent received the Court's Order granting Ford's discovery motions and sanctioning Ms. Donahue in the amount of \$1,280; however, respondent did not inform Ms. Donahue of the Court's Order or the sanction.

20. In March 2018, respondent spoke with Ms. Donahue on the telephone and stated to her that he would refer her to an attorney who would be able to represent her in the *Donahue* matter.

21. On March 28, 2018, Ms. Donahue, acting in *pro per*, reached a settlement of the *Donahue* matter with Ford.

CONCLUSIONS OF LAW:

22. By failing to provide Ms. Donahue with written disclosure that he previously had a direct attorney-client relationship with Ford in connection with numerous Song-Beverly actions, including a case involving alleged electrical and engine defects with a 2013 Ford CMAX, and that the previous relationship would substantially affect his representation of Ms. Donahue with respect to the *Donahue* matter, respondent accepted representation of a client without providing written disclosure to the client where respondent knew or reasonably should have known that he previously had a legal relationship with a party in the same matter and the previous relationship would substantially affect his representation of the client, in willful violation of former rule 3-310(B)(2) of the Rules of Professional Conduct.

23. By failing to obtain the informed written consent of Ford to represent Ms. Donahue in the *Donahue* matter, respondent accepted employment adverse to a former client where, by reason of the representation, respondent obtained confidential information material to the employment, without the informed written consent of the former client, in willful violation of former rule 3-310(E) of the Rules of Professional Conduct.

24. By failing to inform Ms. Donahue that: (i) he filed an opposition to Ford's motion to disqualify him as her counsel in the Donahue matter; (ii) Ford filed a renewed motion to disqualify him as her counsel in the Donahue matter; (iii) he filed an opposition and an amended opposition to Ford's renewed motion to disqualify him as her counsel in the Donahue matter; (iv) Ford served her with discovery requests; (v) Ford sent him three meet and confer letters requesting responses to the written discovery; (vi) Ford served her with discovery motions; and (vii) the Court in the Donahue matter granted Ford's motions for orders compelling her responses to the discovery requests and sanctioned her \$1,380, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

Case No. 18-O-12582 (Complainant: Theresa Stuart)

FACTS:

25. Between 2004 and January 2, 2017, respondent was an associate attorney at a law firm (the "firm"). The firm had represented Ford Motor Company ("Ford") since 2012.

26. During his tenure at the firm, respondent represented Ford on a number of Song-Beverly Consumer Warranty lawsuits, *i.e.*, "Lemon Law lawsuits," billing more than 3,184 hours to defend Ford in approximately 300 separate matters. Respondent's representation of Ford included work on lawsuits alleging defects and nonconformities in the performance of Ford's Powershift 6-speed automatic transmission in various models, including the 2013 Focus. These matters included numerous cases alleging breach of warranty, fraud, and misrepresentation. In the last two months of his employment at the firm, respondent worked on at least seven cases involving allegations relating to the Powershift 6-speed transmission, four of which included claims for fraud and misrepresentation. Respondent's work on these cases included pleading and arguing discovery motions, and defending depositions of Ford's Person Most Knowledgeable.

27. On November 16, 2016, while he was still employed with the firm, Theresa Stuart employed respondent to represent her with regards to her claims under the Song-Beverly Warranty Act regarding her 2013 Ford Focus. At the time that she employed respondent, Ms. Stuart asserted that her Focus had developed various transmission and electrical issues.

28. By virtue of his direct attorney-client relationship with Ford with respect to Song-Beverly actions involving alleged defects in the 2013 Ford Focus, including alleged defects with the Powershift 6-speed automatic transmission, respondent is conclusively presumed to have gathered confidential information from Ford relative to his representation of Ms. Stuart.

29. At no time did respondent provide written disclosure to Ms. Stuart that he previously had a direct attorney-client relationship with Ford, and that the previous relationship would substantially affect his representation of Ms. Stuart, in that, because of his previous representation, Ford was likely to file a motion to disqualify him as Ms. Stuart's counsel.

30. On March 23, 2017, respondent filed a Song-Beverly action against Ford in Los Angeles County Superior Court case number BC655030 on behalf of Ms. Stuart (the "*Stuart* matter"). The complaint alleged, among other things, defects and nonconformities regarding the Powershift 6-speed automatic transmission in Ms. Stuart's 2013 Ford Focus. Respondent also asserted claims for fraudulent

concealment and fraudulent misrepresentation and negligent misrepresentation, and alleged that Ford knew of and concealed the alleged transmission defects.

31. At no time did respondent obtain the informed written consent of Ford to represent Ms. Stuart in the *Stuart* matter.

32. On August 11, 2017, Ford filed and served on respondent a motion to disqualify him from representing Ms. Stuart in the *Stuart* matter on the grounds that he provided direct representation to Ford while an associate at the firm, and in the process obtained confidential information which was material to his representation of Ms. Stuart.

33. On October 24, 2017, respondent filed an opposition to Ford's motion to disqualify him from representing Ms. Stuart in the *Stuart* matter. Respondent did not inform Ms. Stuart that he filed an opposition to Ford's motion to disqualify him as her counsel in the *Stuart* matter.

34. On November 6, 2017, the Court in the *Stuart* matter filed an Order granting Ford's motion to disqualify respondent from representing Ms. Stuart. In the Order, the Court noted that respondent did not contradict the evidence presented by Ford that respondent had previously represented Ford in Song-Beverly actions involving the same claims, same alleged transmission defects, and the same vehicle at issue in the *Stuart* matter. The Court found that respondent's prior representation of Ford in those matters bore a substantial relationship to his representation of Ms. Stuart in the *Stuart* matter, and therefore respondent had presumptively obtained confidential information during his representation of Ford which was material to his representation of Ms. Stuart. Respondent received the Court's Order. In November 2017, respondent mailed a letter to Ms. Stuart informing her that the Court in the *Stuart* matter filed an order granting Ford's renewed motion to disqualify respondent from representing her. Respondent addressed the letter to an incorrect address. Consequently, Ms. Stuart did not receive the letter.

35. As a result of the Order, respondent was no longer authorized to continue performing legal services on Ms. Stuart's behalf in the *Stuart* matter.

36. On November 6, 2017, Ford's counsel served respondent with notice of a Case Management Conference ("CMC") for January 5, 2018, at 8:30 a.m. in connection with the *Stuart* matter. Respondent received notice of the January 5, 2018, CMC; however, respondent did not inform Ms. Stuart of the January 5, 2018 CMC.

37. On January 5, 2018, the Court did not conduct the CMC in the *Stuart* matter because neither respondent nor Ms. Stuart appeared for it. The Court continued the CMC in the *Stuart* matter to March 1, 2018.

38. Respondent received notice of the March 1, 2018 CMC; however, respondent did not inform Ms. Stuart of the March 1, 2018 CMC.

39. On March 1, 2018, the court in the *Stuart* matter continued the CMC to April 3, 2018, because neither respondent nor Ms. Stuart appeared and ordered that if Ms. Stuart did not appear on April 3, 2018, the court would dismiss the *Stuart* matter without prejudice.

40. Respondent received notice of the April 3, 2018 CMC; however, respondent did not inform Ms. Stuart of the April 3, 2018 CMC. The April 3, 2018 CMC was subsequently vacated.

41. Between March 3, 2018, and March 25, 2018, respondent and Ms. Stuart exchanged emails concerning, among other things: (i) Ms. Stuart's dissatisfaction with the quality of respondent's communication with her; (ii) arrangements with respect to the return of Ms. Stuart's client file; and (iii) the status of the *Stuart* matter.

42. On July 31, 2018, a new attorney substituted into the *Stuart* matter as Ms. Stuart's counsel of record in the *Stuart* matter.

CONCLUSIONS OF LAW:

43. By failing to provide Ms. Stuart with written disclosure that he previously had a direct attorney-client relationship with Ford in connection with prior Song-Beverly actions involving alleged defects in the 2013 Ford Focus, and that the previous relationship would substantially affect his representation of Ms. Stuart with respect to the *Stuart* matter, respondent accepted representation of a client without providing written disclosure to the client where respondent knew or reasonably should have known that he previously had a legal relationship with a party in the same matter and the previous relationship would substantially affect his representation of the client, in willful violation of former rule 3-310(B)(2) of the Rules of Professional Conduct.

44. By failing to obtain the informed written consent of Ford to represent Ms. Stuart in the *Stuart* matter, respondent accepted employment adverse to a former client where, by reason of the representation, respondent obtained confidential information material to the employment, without the informed written consent of the former client, in willful violation of former rule 3-310(E) of the Rules of Professional Conduct.

45. By failing to inform Ms. Stuart that: (i) he filed an opposition to Ford's motion to disqualify him as her counsel in the *Stuart* matter; (ii) the Court in the *Stuart* matter set a CMC for January 5, 2018; (iii) the Court in the *Stuart* matter set a continued CMC for March 1, 2018; and (iv) the Court in the *Stuart* matter set a continued CMC for April 3, 2018, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

Case No. 18-O-15494 (Complainant: State Bar Investigation)

FACTS:

46. Between 2004 and January 2, 2017, respondent was an associate attorney at a law firm (the "firm"). The firm had represented Ford Motor Company ("Ford") since 2012.

47. During his tenure at the firm, respondent represented Ford on a number of Song-Beverly Consumer Warranty lawsuits, *i.e.*, "Lemon Law lawsuits," billing more than 3,184 hours to defend Ford in approximately 300 separate matters.

48. In the spring of 2017, respondent filed Song-Beverly Consumer Warranty lawsuits on behalf of 11 different clients (collectively, "respondent's 11 clients"), in addition to those that he filed on

behalf of Tasha Donahue, the complainant in State Bar case number 18-O-11200; and Theresa Stuart, the complainant in State Bar case number 18-O-12582, against Ford in the Los Angeles County Superior Court case numbers:

- (i) BC653085;
- (ii) BC653088;
- (iii) BC655028;
- (iv) BC655031;
- (v) BC655036;
- (vi) BC655239;
- (vii) BC655518;
- (viii) BC655572;
- (ix) BC655721;
- (x) BC657128; and
- (xi) BC659639.

49. By virtue of his direct attorney-client relationship with Ford with respect to Song-Beverly actions, involving the same defects at issue in the respective Song-Beverly actions respondent was prosecuting on behalf of respondent's 11 clients against Ford, respondent is conclusively presumed to have gathered confidential information from Ford relative to representation of respondent's 11 clients in their respective Song-Beverly actions.

50. In August 2017, Ford's counsel filed a motion to disqualify respondent from representing each of respondent's 11 clients in all 11 of their respective lawsuits. The grounds for each motion to disqualify were that: (i) respondent provided direct representation to Ford in numerous motor vehicle cases alleging the same type of Song-Beverly Consumer Warranty claims made by respondent's 11 clients' in their respective cases which respondent was now prosecuting against Ford; and (ii) as a result of his prior representation of Ford, respondent had obtained confidential information which was material to his representation of each of the 11 clients with respect to their respective Song-Beverly actions against Ford.

51. Between October 3, 2017 and January 28, 2018, the Los Angeles County Superior Court granted all 11 of Ford's motions to disqualify respondent from representing respondent's 11 clients' in their respective Song-Beverly actions.

52. At no time did respondent provide written disclosure to any of respondent's 11 clients that he previously had a direct attorney-client relationship with Ford, and that the previous relationship would substantially affect his representation of their respective Song-Beverly actions against Ford, in that, because of his previous representation, Ford was likely to file a motion to disqualify him as their counsel in their respective actions against Ford.

53. At no time did respondent obtain the informed written consent of Ford to represent any of respondent's 11 clients with respect to their respective Song-Beverly actions against Ford.

54. In the Spring of 2017, respondent also filed Song-Beverly Consumer Warranty lawsuits on behalf of seven (7) different clients against Ford in Los Angeles County Superior Court. In August 2017, Ford's counsel filed motions to disqualify respondent from representing each of the plaintiffs in the seven cases. Respondent filed oppositions to each of Ford's motions to disqualify. Between October

13, 2017, and March 2, 2018, the Los Angeles County Superior Court denied Ford's motions to disqualify respondent from representing each of the plaintiffs in the seven cases.

CONCLUSIONS OF LAW:

55. By failing to provide respondent's 11 clients with written disclosure that he previously had a direct attorney-client relationship with Ford in connection with numerous Song-Beverly actions, and that the previous relationship would substantially affect his representation of them with respect to their respective Song Beverly actions against Ford, respondent accepted representation of a client without providing written disclosure to the client where respondent knew or reasonably should have known that he previously had a legal relationship with a party in the same matter and the previous relationship would substantially affect his representation of the client, in willful violation of former rule 3-310(B)(2) of the Rules of Professional Conduct.

56. By failing to obtain the informed written consent of Ford to represent respondent's 11 clients in their respective Song-Beverly actions against Ford, respondent accepted employment adverse to a former client where, by reason of the representation, respondent obtained confidential information material to the employment, without the informed written consent of the former client, in willful violation of former rule 3-310(E) of the Rules of Professional Conduct.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent failed to adequately communicate with two of his clients, and failed to comply with the conflict rules with respect to 13 of his clients. Respondent's multiple acts of misconduct involving multiple clients are a significant aggravating factor.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to the State Bar on December 9, 1999. Respondent's misconduct first occurred in October 2016, approximately 17 years after respondent was admitted to practice law in California. Respondent's 17 years of discipline-free is a significant mitigating factor. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49 [17 years with no prior record of discipline a significant mitigating factor].)

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar Court 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].) In addition, respondent responded promptly to all State Bar inquiries and willingly provided any and all documentation requested. (See *Brown v. State Bar* (1995) 12 Cal.4th 205, 223 [Supreme Court afforded some mitigating weight for evidence that attorney was candid and cooperative during the disciplinary proceeding].)

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).)

In this matter, respondent admits to failing to communicate adequately with two clients and violating the conflict rules with respect to multiple clients. 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.”

Two equally severe sanctions are applicable to respondent’s misconduct: standard 2.5(b), which applies to respondent’s violation of former rule 3-310; and standard 2.7(b), which applies to respondent’s violation of Business and Professions Code section 6068(m) in multiple matters.

Standard 2.5(b) provides that actual suspension is the presumed sanction when an attorney accepts employment that is actually adverse to a former client, where the attorney: (i) fails to obtain informed written consent; (2) breaches the duty to maintain confidential information material to the employment, and (3) causes significant harm to the former client.

Standard 2.7(b) provides that actual suspension is the presumed sanction for communication violations in multiple client matters not demonstrating habitual disregard of client interests.

With regard to respondent’s prior representation of Ford in the Song-Beverly actions, “[a]ctual possession of confidential information need not be demonstrated; it is enough to show a substantial relationship between representations to establish a conclusive presumption that the attorney possesses confidential information adverse to a client.” (*In the Matter of Lane* (Review Dept. 1994) 2 Cal. State

Bar. Ct. Rptr. 735, 747.) As a result, respondent had a duty to obtain the written consent of Ford before he began representing 13 clients against Ford in the same type of Song-Beverly Consumer Warranty claims he recently defended Ford against and failed to do so. In addition, respondent failed to make written disclosure to his clients that he once had a direct attorney-client relationship with Ford, and that the previous relationship would substantially affect his representation of them with respect to their respective Song-Beverly Consumer Warranty claims against Ford. Further, with respect to Mss. Donahue and Stuart, respondent failed to adequately communicate with them.

Respondent's multiple violations of the conflict and communication rules involving multiple clients is serious misconduct. By neglecting to obtain Ford's written consent, respondent failed to appreciate that his representation of Mss. Donahue and Stuart and the 11 other clients against Ford implicated the duty of confidentiality that he owed to Ford, a basic tenet of ethics. Similarly, respondent's failure to adequately communicate with Mss. Donahue and Stuart also violated a basic, yet very important, tenet of ethics.

However, all of the misconduct occurred during a relatively limited period of time immediately after respondent left the firm. Additionally, the denial of Ford's motions to disqualify respondent in the other seven Song-Beverly actions brought by respondent as stated in paragraph 54, supported respondent's subjective but erroneously held belief that he could continue his representation of the 13 clients at issue. In mitigation, respondent was cooperative with the State Bar throughout the disciplinary process, and by stipulating to the instant misconduct at an early stage in the proceedings, respondent saved the State Bar significant resources and time in prosecution. These mitigating factors, in conjunction with respondent's nearly 17 years of discipline-free practice prior to the misconduct herein, indicate that respondent's misconduct is unlikely to recur and that he is willing and able to conform his conduct to the ethical requirements of the legal profession.

In consideration of the applicable standards, the aggravating and mitigating circumstances, the type of misconduct at issue, the harm caused by the misconduct, and respondent's willingness and ability to conform to his ethical responsibilities in the future, a discipline consisting of a one year suspension, stayed, and two years' probation, with conditions including a 90-day actual suspension is appropriate and warranted.

The case law also supports the recommended discipline. In *In the Matter of Lane, supra*, 2 Cal. State Bar Ct. Rptr. 735, the attorney loaned his client \$100,000 without complying with the former rules governing business transactions with a client. The attorney also committed repeated violations of the former rules governing conflicts of interest, as well as other former rule violations. For instance, after representing his client in bankruptcy proceedings, the attorney in *Lane* represented a landlord in an unlawful detainer action against the former client. The Review Department, taking into consideration the attorney's 25 year discipline-free legal career before his misconduct, the many years since his misconduct, the devastating impact of his profound misjudgment on his life, and the low risk of similar, future misconduct, recommended a 60-day actual suspension.

Although the discipline imposed against the attorney in *Lane* is instructive as to the appropriate level of discipline to be imposed against respondent, it must be noted that at the time that the Review Department issued its opinion in *Lane*, the standard that applied to an attorney's violation of the former rules governing conflicts of interest called for a discipline consisting of a reproof or suspension depending upon the harm caused by the misconduct. Whereas the presumed level of discipline under standard 2.7(b), the current applicable standard for a violation of the former rules governing conflicts of

interest, is actual suspension. In addition, the scope of respondent's misconduct, even though it was committed during the substantially same time period, is greater than that committed by the attorney in *Lane*. Thus, respondent's misconduct warrants a slightly more severe discipline than was imposed against the attorney in *Lane*.

COSTS OF DISCIPLINARY PROCEEDINGS.


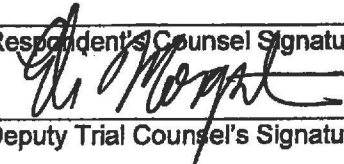
Respondent acknowledges that the Office of Chief Trial Counsel has informed him that as of December 20, 2018, the discipline costs in this matter are \$5,406. One-half of the costs must be paid with respondent's membership fees for the years 2020 and 2021. Respondent further acknowledges that should 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: VICTOR LAMONT BLOCK	Case Number(s): 18-O-11200; 18-O-12582; 18-O-15494
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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.

<u>12-21-18</u> Date	 Respondent's Signature	<u>Victor L. Block</u> Print Name
<u>12-27-18</u> Date	 Deputy Trial Counsel's Signature	<u>Eli D. Morgenstern</u> Print Name

(Do not write above this line.)

In the Matter of: VICTOR LAMONT BLOCK	Case Number(s): 18-O-11200; 18-O-12582; 18-O-15494
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ACTUAL SUSPENSION ORDER

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

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

On page 13 of the Stipulation, at numbered paragraph 19, line 5, "\$1,280" is deleted, and in its place is inserted "\$1,380".

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

January 16, 2019
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
State Bar Court

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 17, 2019, 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:

VICTOR L. BLOCK
BLOCK LAW GROUP
1100 S COAST HWY
STE 314
LAGUNA BEACH, CA 92651 - 2971

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

Eli D. Morgenstern, Enforcement Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 17, 2019.



Paul Songco
Court Specialist
State Bar Court