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**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 18-Q-16012
)	
STEVEN CRAIG WEINSTEIN,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 106895.)	
_____)	

On September 4, 2018, Steven Craig Weinstein filed a resignation with charges pending. On November 2, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a stipulation as to facts and conclusions of law (Stipulation). On November 9, 2018, OCTC filed an Amended Stipulation (Amended Stipulation) and a report and recommendation (Report) that Weinstein's resignation be accepted. On December 10, 2018, OCTC filed an Amended Stipulation (Second Amended Stipulation), and a further Declaration responding to questions raised by the Review Department. Based on OCTC's Report and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below, we recommend that the Supreme Court accept the resignation.

I. BACKGROUND

Weinstein was admitted to practice law in Arizona in 1980, and in California in 1982. He has been voluntarily enrolled inactive in California since January 1, 2005. He has no prior



¹ Further references to rule(s) are to this source unless otherwise noted.

record of discipline in California, except one pending proceeding based on misconduct in Arizona.

II. UNDERLYING MISCONDUCT IN ARIZONA

On September 27, 2016, the Arizona State Bar entered a probable cause order alleging violations of various Arizona rules of Professional Conduct involving his client trust account, including writing checks with insufficient funds, failing to reconcile or keep proper records on his account amounting to a shortage as high as \$24,226, and continuing to transact deposits and disbursements despite being informed that his account was unreconciled.

On December 19, 2017, Weinstein and the Arizona Bar entered into an Agreement for Discipline by Consent. On January 3, 2018, the Presiding Disciplinary Judge of the Supreme Court of Arizona entered a final judgment and order that Weinstein be reprimanded and placed on two years' probation, effective February 2, 2018. Weinstein was also ordered to submit to a Law Office Management Assistance Program trust account records audit, complete a Trust Account Ethics Enhancement Program class, furnish quarterly reports on his trust account, and close his trust account implicated in this matter and open a new one with known funds for current clients. The Arizona proceeding provided fundamental constitutional protection.

III. PENDING CHARGES IN CALIFORNIA

OCTC filed an Notice of Disciplinary Charges against Weinstein on August 31, 2018, based on his Arizona misconduct. In the present case, Weinstein stipulated that his Arizona misconduct violated California Business and Professions Code, section 6106² (moral turpitude for insufficiently-funded checks) and former Rules of Professional Conduct, rules 4-100(A) (commingling) and 4-100(B)(3) (failure to maintain trust account records).

² Further reference to section is to this source.

In aggravation, Weinstein committed multiple acts of misconduct. In mitigation, he has no prior record of discipline since his 1982 admission to the California Bar and his 2005 voluntary inactive enrollment. Similarly, his Arizona discipline was his first disciplinary case in that state since his admission in 1980.

IV. CLIENT SECURITY FUND CLAIMS FOR REIMBURSEMENT PENDING AT TIME OF RESIGNATION

There were no Client Security fund (“CSF”) claims pending at the time Weinstein filed his resignation, nor are there pending CSF claims. CSF has not paid any claims based on alleged misconduct by Weinstein.

V. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Weinstein’s resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground that was provided in OCTC’s pleadings:

1. Whether the preservation of testimony is complete.

OCTC reports that preservation of the evidence is not necessary in the pending matters.

2. Whether after transfer to inactive status, Weinstein has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that it has no evidence that Weinstein has practiced law in California or held himself out as entitled to practice law in California since he tendered his resignation on September 4, 2018.

3. Whether Weinstein performed the acts specified in rule 9.20(a)-(b).

OCTC reports that on August 29, 2018, Weinstein signed a rule 9.20 compliance declaration indicating he had no clients, had no papers or property to which clients were entitled, had earned all fees paid to him, and did not represent any clients in pending matters. Thus, it appears that Weinstein had no acts to perform pursuant to rule 9.20(a)-(b).

4. Whether Weinstein provided proof of compliance with rule 9.20(c).

Weinstein filed his rule 9.20(c) compliance declaration with the State Bar Court on September 4, 2018. OCTC reports that there were no acts that Weinstein was required to perform pursuant to rule 9.20, subdivisions (a) and (b), as he averred that he had no clients or client papers, had earned all fees paid to him, and did not represent any clients in pending matters.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision or opinion recommending Weinstein's disbarment.

7. Whether Weinstein previously resigned or has been disbarred and reinstated to the practice of law.

Weinstein has not previously resigned or been disbarred in California.

8. Whether Weinstein entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

Weinstein and OCTC entered into and filed a Stipulation, an Amended Stipulation, and a Second Amended Stipulation, filed November 2, November 9, and December 10, 2018, respectively.

9. Whether accepting Weinstein's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting Weinstein's resignation for the reasons OCTC presented. Weinstein: (1) has not practiced law in California since he transferred to inactive status in 2005; (2) filed a rule 9.20(c) compliance affidavit; (3) cooperated with the State Bar by entering into

multiple stipulations as to facts and conclusions of law regarding the disciplinary matter pending against him; (4) has only one disciplinary matter in his 38 years of practice in Arizona; and (5) has no prior record of discipline in California except the pending matter originating from the Arizona misconduct. OCTC also reports that since Weinstein is 63 years old and will be at least 68 years old before he is eligible to seek reinstatement in California, it seems unlikely that he would do so if the Supreme Court accepts his resignation.

Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting the resignation, and that acceptance would be consistent with the need to protect the public, the courts, and the legal profession.

VI. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Steven Craig Weinstein, State Bar number 106895. We further recommend that costs be awarded to the State Bar in accordance with section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

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 December 28, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED DECEMBER 28, 2018

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

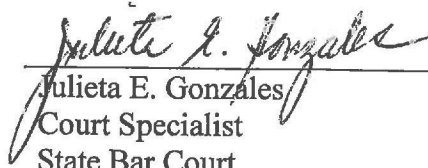
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEVEN CRAIG WEINSTEIN
107 W WASHINGTON ST
TUCSON, AZ 85701

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

Esther Fallas, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 28, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court