



ORIGINAL

State Bar Court of California			
Hearing Department		<input checked="" type="checkbox"/> Los Angeles	<input type="checkbox"/> San Francisco
Counsel for the State Bar ERIN M. JOYCE DEPUTY TRIAL COUNSEL ELI D. MORGENSTERN DEPUTY TRIAL COUNSEL 1149 SOUTH HILL STREET LOS ANGELES, CA 90015 TELEPHONE: (213) 765-1356  Bar # 149946 & 190560	Case number(s)  05-0-02271-RAH  Investigation Numbers: 05-0-01660 05-0-04827	(for Court's use)  <div style="text-align: center;"> <b>FILED</b>  <i>MDS</i>  <b>JUN - 1 2006</b>   <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>	
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent SERGIO ALBERT WHITE 101 EAST LINCOLN AVE., #260 ANAHEIM, CA 92805  Bar # 146830	<h1 style="margin: 0;">PUBLIC MATTER</h1>		
In the Matter of  SERGIO ALBERT WHITE  Bar # 146830  A Member of the State Bar of California (Respondent)	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND            DISPOSITION AND ORDER APPROVING            STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

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 June 11, 1990  
(date)
- (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 and order consist of 13 pages.
- (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."
- (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.

(Do not write above this line.)

---

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- (a)  costs added to membership fee for calendar year following effective date of discipline  
(b)  costs to be paid in equal amounts prior to February 1 for the following membership years:

\_\_\_\_\_ (hardship, special circumstances or other good cause per rule 282, Rules of Procedure)

- (c)  costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"  
(d)  costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

(1)  Prior record of discipline [see standard 1.2(f)]

(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 or a separate attachment entitled "Prior Discipline".

(2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3)  **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.

(4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(Do not write above this line.)

---

- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances are involved.**

Additional aggravating circumstances:

**C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (9)  **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.

(Do not write above this line.)

- (10)  **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.
- (11)  **Good Character:** Respondent's 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:

#### D. Discipline

1.  Stayed Suspension.

(a)  Respondent must be suspended from the practice of law for a period of two (2) years

- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), 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: \_\_\_\_\_

The above-referenced suspension is stayed.

2.  Probation.

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

(Do not write above this line.)

**E. Additional Conditions of Probation:**

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  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.
- (3)  Within 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.
- (4)  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 in each report 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.

- (5)  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.
- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
  - No Ethics School recommended. Reason: \_\_\_\_\_
- (8)  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.
- (9)  The following conditions are attached hereto and incorporated:
  - Substance Abuse Conditions       Law Office Management Conditions
  - Medical Conditions                       Financial Conditions

(Do not write above this line.)

---

**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 within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.

**No MPRE recommended. Reason:** \_\_\_\_\_

- (2)  **Other Conditions:**

See stipulation attachment page 11.

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       SERGIO ALBERT WHITE

CASE NUMBERS:         05-O-02271-RAH and Investigation Case Nos. 05-O-01660  
and 05-O-04827

**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. 05-O-02271 and 05-O-04827**

**Facts**

1.       On April 1, 2005, an advertisement for Respondent's law office appeared in the Spanish language free paper *Nuestra Gente*. The April 1, 2005 advertisement was in Spanish.

2.       The April 1, 2005 advertisement identified Respondent as an attorney for auto and work accidents. It also provided as follows (translated into English):

**AUTO AND WORK ACCIDENTS**

All types of work accidents. HONEST & PUNCTUAL . . .  
20 YEARS EXPERIENCE WINNING THESE TYPES OF  
CASES.

3.       Respondent authorized the publication of the April 1, 2005 advertisement.

4.       The April 1, 2005 advertisement was misleading. At the time the April 1, 2005 advertisement ran in *Nuestra Gente*, Respondent had been in practice less than 15 years.

**Legal Conclusion**

5.       By authorizing the publication of the April 1, 2005 advertisement for legal services, which contained information which was false, deceptive, or which tended to confuse, deceive or mislead the public, Respondent wilfully violated Rule of Professional Conduct 1-400(D)(2).

**Case No. 05-O-01660**

**Facts**

6. In or about August 2000, Mary Gonzales ("Gonzales") retained Respondent to represent her in a marital dissolution.
7. On August 17, 2000, Respondent filed a petition for dissolution of marriage on behalf of Gonzales in the dissolution matter entitled *Gonzales v. Gonzales*, Riverside County Superior Court No. RID 187407 (the "Gonzales dissolution matter").
8. On October 19, 2002, a Judgment for Reserved Issues ("Judgment") was filed in the Gonzales matter. The Judgment called for the Gonzales' residence to be sold with the proceeds to be held in trust, and also for the Court to reserve jurisdiction over the proceeds.
9. In December 2002, the Gonzales' residence was sold.
10. On December 19, 2002, Respondent and opposing counsel stipulated with the approval of the Court in the Gonzales matter, that the proceeds from the sale of the Gonzales' residence were to be held in an interest bearing trust account until written agreement of the parties or further order of the court.
11. On February 24, 2003, Respondent deposited the proceeds from the sale of the residence into his client trust account ("CTA"). By virtue of holding the funds in his CTA, Respondent owed Gonzales' former spouse a fiduciary duty to among other things, properly account for the funds.
12. During the time period of February 2003 through Summer 2005, opposing counsel in the Gonzales dissolution matter wrote Respondent three letters requesting that Respondent provide bank statements for the funds that he held in trust in his CTA. Respondent received the letters; however, he did not respond to the letters or otherwise communicate with opposing counsel.
13. On March 18, 2005, opposing counsel in the Gonzales dissolution matter filed a motion to compel the production of bank statements from Respondent.
14. On July 1, 2005, Respondent provided opposing counsel with copies of the bank statements from his CTA.
15. However, on July 6, 2005, Respondent failed to appear at the hearing on the motion to compel the production of bank statements. At the hearing, the Court ordered the funds held in Respondent's CTA to be transferred to opposing counsel, and further set an Order to Show Cause re: Sanctions ("OSC re: Sanctions") for August 30, 2005. Respondent received notice of the August 30, 2005 hearing for the OSC re: Sanctions.

16. On August 24, 2005, Respondent provided opposing counsel with a cashier's check in the sum of \$97,914.41, the proceeds from the sale of the Gonzales' residence, less approved disbursements.

17. On August 30, 2005, Respondent failed to appear at the hearing for the OSC re: Sanctions. The Court sanctioned Respondent \$1,200.00, and ordered Respondent to appear on October 26, 2005, to account for the proceeds of the sale of the Gonzales' residence.

18. On October 26, 2005, Respondent appeared in court and rendered an accounting. The Court accepted the accounting and reduced the previous sanction order to \$900.00.

### **Legal Conclusion**

19. By failing to appear at the August 30, 2005 hearing for the OSC re: Sanctions, Respondent violated an order of the court requiring him to do an act connected with or in the course of his profession, in wilful violation of Business and Professions Code section 6103.

20. By failing to provide the accounting and the bank statements to opposing counsel until October 2005, Respondent failed to render appropriate accounts to a third party for whom he was a fiduciary, in wilful violation of Rule of Professional Conduct 4-100(B)(3).

### **OTHER FACTS IN CONSIDERATION.**

At the time that this stipulation was executed, Respondent is no longer practicing law; instead, Respondent is a full-time high school teacher, and has been teaching for the past two years.

In connection with Case No. 05-O-01660, Respondent did not misappropriate any of the funds held in trust, and always maintained the proceeds of the sale of the Gonzales' residence in trust.

### **AUTHORITIES SUPPORTING DISCIPLINE**

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the protection of public confidence in the legal profession.

Pursuant to Standard 2.6 of the Standards for Sanctions for Attorney Misconduct:

Culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in

disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3:

...  
(b) Section 6103 through 6105.

Standard 2.10 provides that any wilful violation of the Rules of Professional Conduct not specified by the Standards shall result in a reproof or suspension according to the gravity of the offense or the harm, if any, to the victim.

Respondent acknowledges engaging in misleading advertising in violation of Rule of Professional Conduct 1-400(D)(2), failing to provide a timely accounting in violation of Rule of Professional Conduct 4-100(B)(3) and failing to comply with a court order in violation of Business and Professions Code section 6103.

Respondent has no prior record of discipline, which is a mitigating factor pursuant to Standard 1.2(e)(i).

Respondent caused no harm to any client, which is a factor in mitigation pursuant to Standard 1.2(e)(iii).

Respondent demonstrated spontaneous cooperation and candor with the State Bar during its investigation, and has agreed to resolve two cases which are still under investigation. This also constitutes mitigation pursuant to Standard 1.2(e)(v).

The stipulated discipline falls within the Standards, even without consideration of the substantial mitigation. Accordingly, the stipulated discipline is warranted.

#### **DISMISSALS.**

The parties respectfully request the Court to dismiss Count One for violation of Rule of Professional Conduct 1-400(D)(1) in the interest of justice:

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of April 17, 2006, the estimated prosecution costs in this matter are approximately \$2,960. 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.

## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES**

Respondent shall successfully complete eight (8) hours of live instruction continuing legal education courses in legal ethics above those required for his license and provide proof of completion within eighteen months of the effective date of the order approving this stipulation re facts, conclusions of law and disposition to the Office of Probation of the State Bar of California. These continuing legal education course will not count towards Respondent's MCLE requirement, but are in addition to any MCLE requirement.

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was April 17, 2006.

(Do not write above this line.)

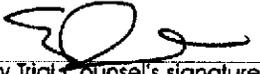
In the Matter of Sergio Albert White	Case number(s): 05-0-02271-RAH 05-0-01660 05-0-04827
---	---

### 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.

3/28/06                                            Sergio Albert White  
Date                                      Respondent's signature                      Print name

\_\_\_\_\_  
Date                                      Respondent's Counsel's signature                      Print name

5-2-06                                            Erin McKeown Joyce  
Date                                      Deputy Trial Counsel's signature                      Print name

(Do not write above this line.)

In the Matter of  Sergio Albert White	Case number(s):  05-0-02271-RAH 05-0-01660 05-0-04827
---	---

**ORDER**

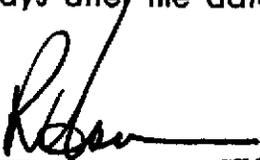
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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 135(b), 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 953(a), California Rules of Court.)

Date

5/24/06

  
**RICHARD A. HONN**

Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 1, 2006, 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:

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

**SERGIO A WHITE  
ATTORNEY AT LAW  
101 E LINCOLN AVE #260  
ANAHEIM CA 92805**

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

**Erin Joyce, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 1, 2006**.

  
\_\_\_\_\_  
**Milagro del R. Salmeron**  
Case Administrator  
State Bar Court