

ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles **PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p>Eli Morgenstern Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1000</p> <p>Bar # 190560</p>	<p>Case Number (s)</p> <p align="center">07-J-10524</p>	<p>(for Court's use)</p> <p align="center">FILED JUN 06 2007 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Lawrence Ying Dat Ho Lawrence Y D Ho & Associates Pte. Ltd Thongsia Bldg. 30 Bideford Road #02-02 Singapore 229922 Singapore 6567348523</p> <p>Bar # 134536</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> <p align="right">kwiktag * 031 974 870</p> 	
<p>In the Matter Of:</p> <p>Lawrence Ying Dat Ho</p> <p>Bar # 134536</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 June 14, 1988.
- (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 10 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."

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years: **three billing cycles following the effective date of discipline herein.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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.
- (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) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's 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) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. 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 the reproof 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish 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 monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproof.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: **See page 8.**
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) 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 of the effective date of the reproof.
- No MPRE recommended. Reason: **See page 9.**
- (11) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LAWRENCE Y.D. HO

CASE NUMBER(S): 07-J-10524

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct.

Facts

1. Respondent has been an active member of the State Bar of California since June 14, 1988. At all times relevant to the proceedings herein, Respondent was a member of the State Bar of California who represented others before the United States Patent and Trademark Office (“USPTO”) in trademark cases. As such, he is a “practioner” subject to the USPTO Disciplinary Rules.

2. Respondent is a founder of Lawrence Y.D. Ho & Associates PTE LTD (“the Firm”), which has offices located in Singapore and Malaysia. The Firm was founded in 1992.

3. In 1992, Respondent applied for registration to practice before the USPTO. However, the Director of the Office of Enrollment and Discipline (“OED Director”) of the USPTO issued a decision denying Respondent’s application for registration because he did not satisfy the requirements for registration under 37 C.F.R. § 10.7.

4. On February 13, 1993, Respondent’s attorney informed the OED Director that Respondent would not elect to seek Review or Reconsideration of the decision.

5. On December 16, 2005, the web site for the Firm, under the headings, “Members of the Firm,” and “Lawrence Y.D. Ho, B.Sc., M.B.A., J.D., Founder,” stated that Respondent was “a U.S. Patent attorney registered with the U.S. Patent & Trademark Office.” The web site had indicated that Respondent was registered with the USPTO since 2001.

6. In February 2006, OED informed Respondent that his web site improperly indicated that he was a registered practitioner. Thereafter, Respondent corrected the firm’s web site.

7. On January 17, 2007, the Office of Enrollment and Discipline entered a Final Order that Respondent be reprimanded for misleading people with prospective applications or other persons having immediate or prospective business before the USPTO, by advertising on the Firm's web site that he is registered with the USPTO, when he knew that he was not registered, in violation of the Disciplinary Rules of the Code of Professional Responsibility as outlined in 37 C.F.R. § 10.31(a).

Conclusions of Law

By including on the Firm's web site that he was registered with the USPTO when he knew that he was not a registered practitioner, Respondent included an untrue statement on the Firm's web site, in wilful violation of rule 1-400(D)(1) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was April 16, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of April 16, 2007, the costs in this matter are \$1,983. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the discipline herein.

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.

AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1.

1. Respondent's culpability determined in the disciplinary proceeding before the Office of Enrollment and Discipline of the United States Patent and Trademark Office would warrant the imposition of discipline in the State of California under the laws or rules in effect in this State at the time the misconduct was committed; and
2. The proceeding in the above jurisdiction provided respondent with fundamental constitutional protection.

OTHER FACTORS IN CONSIDERATION.

There is no evidence that the untrue statement on Respondent's firm's web site deceived any of Respondent's clients, or that Respondent attempted to appear before the USPTO in patent, as opposed to, trademark cases. An investigator at the Office of Enrollment and Discipline discovered the incorrect statement on the Firm's website.

Respondent did not indicate that he was registered with the USPTO on his business card, and there is no evidence that any other untrue statements were included in any other of the Firm's communications as defined by rule 1-400(A).

Respondent has been a qualified Singapore Patent Agent since January 24, 2002.

Respondent served as a board member of the Intellectual Property Office of Singapore from April 1, 2002 through March 31, 2005. Respondent's busy travel schedule prevented him from continuing his service on the board. Respondent served three years (March 18, 2002-March 31, 2005) as a member of the Singapore Patent Agents Qualifying Examination Committee.

The IP Academy and National University of Singapore ("University") offers a Graduate Certificate in Intellectual Property ("GCIP") to candidates who are interested in pursuing a career as patent agents. Between 2004 and 2006, Respondent was a lecturer at the University. Respondent's presentation was entitled "Patent Agents: Their Roles and Ethical Responsibilities," and consisted of a three hour lecture followed by a question and answer session. The presentation covered topics such as comparative ethics and professional responsibilities of patent professionals in the USA, UK, and Singapore.

AUTHORITIES SUPPORTING DISCIPLINE.

The appropriate level of discipline for the culpability of a member who violates rule 1-400 of the Rules of Professional Conduct is not specified in the Standards for Attorney Sanctions for Professional Misconduct ("Standard(s)").

Consequently, pursuant to Standard 2.10, the appropriate level of discipline for a violation of rule 1-400 is a reproof or suspension, according to the gravity of the offense or the harm, if any, to the victim.

STATE BAR ETHICS SCHOOL EXCLUSION

Respondent resides in Singapore and is unable to attend State Bar Ethics School. As an

alternative to State Bar Ethics School, the parties agree that within one year of the effective date of discipline, Respondent must provide sufficient proof to the Office of Probation of six (6) hours of MCLE approved courses in General Legal Ethics. The course(s) must be in-person, live courses in General Legal Ethics.

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION EXCLUSION

It is recommended that Respondent not be required to take the MPRE, because he resides in Singapore and there is no evidence that his misconduct harmed or deceived any clients.

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In the Matter of LAWRENCE Y. D. HO	Case number(s): 07-J-10524
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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 Fact, Conclusions of Law and Disposition.

<u>8 May 2007</u> Date	<u><i>Lawrence Y. D. Ho</i></u> Respondent's Signature	<u>LAWRENCE Y. D. HO</u> Print Name
May 29, 2007 Date	<u><i>Elis Morgenstern</i></u> Respondent's Counsel Signature	<u>Print Name</u>
<u>May 14, 2007</u> Date	<u><i>Elis Morgenstern</i></u> Deputy Trial Counsel's Signature	<u>ELI MORGENSTERN</u> Print Name

(Do not write above this line.)

In the Matter Of
LAWRENCE Y. D. HO

Case Number(s):
07-J-10524

ORDER

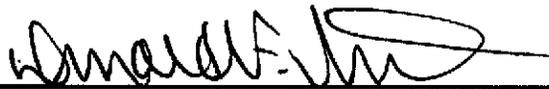
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department 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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

6/1/07
Date



Judge of the State Bar Court

DONALD F. MILES

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 6, 2007, 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:

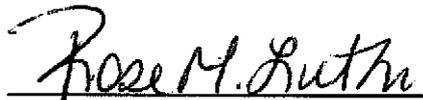
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**LAWRENCE Y. HO, ESQ.
LAWRENCE Y D HO & ASSOCIATES PTE LTD
THONGSIA BLDG
30 BIDEFORD RD #02-02
SINGAPORE 229922,
SINGAPORE**

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

ELI MORGENSTERN, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 6, 2007**.



Rose M. Luthi
Case Administrator
State Bar Court