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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Wonder J. Liang Deputy Trial Counsel 180 Howard Street San Francisco, California 94105 (415) 538-2372 Bar # 184357	Case Number(s): 09-O-10039; 10-O-5069 [MATTERS NOT FILED]	For Court use only <div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">MAR 17 2011</div> <div style="font-size: 0.8em; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
In Pro Per Respondent George M. Halimi 1875 Century Park East, #600 Los Angeles, California 90067 (310) 553-5562 Bar # 170074	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: GEORGE M. HALIMI Bar # 170074 A Member of the State Bar of California (Respondent)			

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 April 26, 1994.
- (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 14 pages, not including the order.

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- (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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012 and 2013. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [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.

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- (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. Respondent has no prior record of discipline in his eleven (11) years of practice before these acts of misconduct beginning in 2005.
- (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. Respondent cooperated with the State Bar during its investigation and proceeding.
- (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.

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(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 ONE (1) YEAR.

- 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 THREE (3) YEARS, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

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 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.
- (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 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.

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- (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 the 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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

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In the Matter of: GEORGE M. HALIMI SBN 170074	Case Number(s): 09-O-10039 & 10-O-5069 [MATTERS NOT FILED]
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Raul Berrios	\$50,000	April 30, 2009

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than two and a half (2.5) years following the effective date of the Supreme court order.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Raul Berrios	\$1,512.46	Monthly
	*See pages 12 & 13 -	
	Amortization Schedule	

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
 - i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
 - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
 - i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

7. On or about March 27, 2006, respondent prepared and Levy signed a document entitled, Certificate of Authority And Instruction, addressed to Johnson instructing Johnson to “pay [respondent] the sum of \$7,140.00 from the monthly payments to be paid to” Levy.

8. On or about May 2006, the Levys and Johnson, with counsel, executed a Mutual General Release And Settlement Agreement.

9. Thereafter, Johnson did not pay respondent the \$7,140.00.

10. On or about September 27, 2006, respondent filed a lawsuit in Small Claims Court against Levy (Los Angeles Superior Court no. 06A01735) for “advances made by plaintiff to defendant while representing defendant in a lawsuit as the attorney of record, and out of pocket litigation costs.”

11. In truth and in fact, respondent was attempting to collect the monthly payments he made to Levy. The \$7,140 paid was not for representing Levy “in a lawsuit as the attorney of record, and out of pocket litigation costs.”

CONCLUSIONS OF LAW:

12. By misstating that the entire sum of \$7,140.00 as advances made by him to Levy while representing Levy and for out of pocket litigation costs, respondent employed means which are inconsistent with truth in violation of section 6068(d) of the Business and Professions Code.

Case No. 10-O-5069 (Complainant: Raul Berrios)

FACTS:

13. In or around 2006, respondent represented Raul Berrios (“Berrios”) in a civil litigation matter.

14. On or about January 3, 2007, Raul Berrios (“Berrios”) received his portion of the civil settlement in the amount of \$70,000.

15. On or about March 21, 2007, Berrios contacted respondent to discuss a safe investment for his \$50,000 portion of the settlement funds. Respondent told Berrios that he would be interested in borrowing the money for two years and pay Berrios 10% interest with the principal being paid on April 30, 2009.

16. On or about March 23, 2007, respondent sent a letter to Berrios enclosing a copy of the promissory note.

17. On or about March 26, 2007, Berrios purchased a Cashiers’ Check in the amount of \$50,000 payable to respondent.

18. On or about March 27, 2007, respondent sent Berrios a letter enclosing the original signed promissory note.

19. Prior to the execution of the promissory note, respondent did not advise in writing that the \$50,000 promissory note was an unsecured promissory note, and the risks inherent in an unsecured note. The risk of the unsecured note was not fair and reasonable to Berrios.

20. Prior to the execution of the promissory note, Berrios was not advised in writing that he may seek the advice of an independent lawyer of his choice.

21. Berrios was not given a reasonable opportunity to seek advice from an independent lawyer of his choosing.

22. From in or around April 2007 through in or around March 2009, respondent made monthly interest payments of \$416.67 to Berrios.

23. In or around April 2009, when the principal amount was due, respondent contacted Berrios. Although he expected a lump-sum payment of the principal, Berrios agreed to respondent's suggestion to have respondent continue to make monthly interest payments.

24. Respondent and Berrios did not sign a new promissory note or enter to into any new written agreement following in or around April 2009. Furthermore, if Berrios wanted money in an amount greater than the \$416.67 monthly interest payment, he would have to call respondent and give respondent time to accumulate the funds.

25. In or around January 2010, Berrios requested respondent to pay the \$50,000 to which respondent informed Berrios that he did not have the money available since he reinvested it.

26. On or about March 1, 2010, respondent paid Berrios \$1000 against the principal amount.

27. On or about April 30, 2010, respondent paid Berrios \$2,000 against the principal amount.

28. On or about June 1, 2010, respondent paid Berrios \$2,000 against the principal amount.

CONCLUSIONS OF LAW:

29. By borrowing \$50,000 of Berrios' settlement funds, by not advising Berrios that the promissory note was an unsecured note and the risks inherent in a unsecured note; by not advising Berrios in writing that he may seek the advice of an independent lawyer of his choice and by not giving Berrios a reasonable opportunity to seek advice from an independent lawyer of his choosing, Respondent improperly entered into a business transaction with a client.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was February 11, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.8 provides that culpability of a member of a wilful violation of rule 3-300, Rules of Professional Conduct, shall result in suspension unless the extent of the member's misconduct and the harm to the client are minimal, in which case, the degree of discipline shall be reproof.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 11, 2011, the prosecution costs in this matter are \$3,689.00. 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.

AMORTIZATION SCHEDULE:

Respondent has provided satisfactory proof of principal payments amounting to \$10,000 and corresponding interest payments up to January 2011.

The amortization schedule on page 13 is based on the following:

Remaining principal: \$40,000

Payments per year: 12

Annual interest rate: 10%

No. of payments: 30

Respondent's first monthly payment for February 2011 according to the schedule is in the amount of \$1,512.46 (\$1,179.13 in Principal and \$333.33 in interest).

Pmt	Principal	Interest	Cum Prin	Cum Int	Prin Bal
1	1,179.13	333.33	1,179.13	333.33	38,820.87
2	1,188.95	323.51	2,368.08	656.84	37,631.92
3	1,198.86	313.60	3,566.94	970.44	36,433.06
4	1,208.85	303.61	4,775.79	1,274.05	35,224.21
5	1,218.92	293.54	5,994.71	1,567.59	34,005.29
6	1,229.08	283.38	7,223.79	1,850.97	32,776.21
7	1,239.32	273.14	8,463.11	2,124.11	31,536.89
8	1,249.65	262.81	9,712.76	2,386.92	30,287.24
9	1,260.07	252.39	10,972.83	2,639.31	29,027.17
10	1,270.57	241.89	12,243.40	2,881.20	27,756.60
11	1,281.15	231.31	13,524.55	3,112.51	26,475.45
12	1,291.83	220.63	14,816.38	3,333.14	25,183.62
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13	1,302.60	209.86	16,118.98	3,543.00	23,881.02
14	1,313.45	199.01	17,432.43	3,742.01	22,567.57
15	1,324.40	188.06	18,756.83	3,930.07	21,243.17
16	1,335.43	177.03	20,092.26	4,107.10	19,907.74
17	1,346.56	165.90	21,438.82	4,273.00	18,561.18
18	1,357.78	154.68	22,796.60	4,427.68	17,203.40
19	1,369.10	143.36	24,165.70	4,571.04	15,834.30
20	1,380.51	131.95	25,546.21	4,702.99	14,453.79
21	1,392.01	120.45	26,938.22	4,823.44	13,061.78
22	1,403.61	108.85	28,341.83	4,932.29	11,658.17
23	1,415.31	97.15	29,757.14	5,029.44	10,242.86
24	1,427.10	85.36	31,184.24	5,114.80	8,815.76
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25	1,439.00	73.46	32,623.24	5,188.26	7,376.76
26	1,450.99	61.47	34,074.23	5,249.73	5,925.77
27	1,463.08	49.38	35,537.31	5,299.11	4,462.69
28	1,475.27	37.19	37,012.58	5,336.30	2,987.42
29	1,487.56	24.90	38,500.14	5,361.20	1,499.86
30	*1,499.86	12.50	40,000.00	5,373.70	0.00

*The final payment has been adjusted to account for payments having been rounded to the nearest cent.

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In the Matter of: GEORGE M. HALIMI SBN 170074	Case Number(s): 09-O-10039 & 10-O-5069 [MATTERS NOT FILED]
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STAYED SUSPENSION ORDER

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

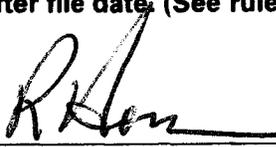
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

3-16-11

Judge of the State Bar Court


RICHARD A. HONN

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 March 17, 2011, 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:

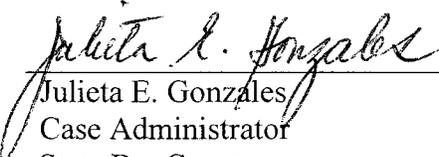
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GEORGE M HALIMI ESQ
1875 CENTURY PARK E #600
LOS ANGELES, CA 90067

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

Wonder J. Liang, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 17, 2011.



Julieta E. Gonzales
Case Administrator
State Bar Court