


<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT JOSEPH R. CARLUCCI, No. 172309 1149 SOUTH HILL STREET LOS ANGELES, CALIFORNIA 90015-2299 (213) 765-1000</p>	<p>Case number(s) 01-0-02697-PEM</p> <p>kwiktag® 035 115 171</p> 	<p>(for Court's use) PUBLIC MATTER</p> <p>FILED <i>[Signature]</i></p> <p>OCT 23 2002</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent GEOFFREY OJO RESPONDENT IN PRO PER</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of GEOFFREY OJO</p> <p>Bar # 189211</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted JUNE 3, 1997
(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 12 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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
2003, 2004, and 2005
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

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 under "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 to 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. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of THREE (3) 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 to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of THREE (3) YEARS which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of THIRTEEN (13) MONTHS

- 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 to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall 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 shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 shall provide to the Probation Unit 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.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (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 type="checkbox"/> Financial Conditions |
- (10) Other conditions negotiated by the parties: MEDICAL CONDITIONS
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel during the period of actual suspension or within one year, whichever period is longer. 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.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GEOFFREY OJO (S.B. No. 189211)

CASE NUMBER(S): 01-O-02697-PEM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits the following facts are true and that he wilfully violated Business and Professions Code, section 6106.

Effective November 2, 1992, GEOFFREY OJO (“Respondent”) became the owner of two life insurance policies in the amount of \$100,000 each on the lives of his parents, Irojemi Ojo and Josephine Ojo. The policies were issued by Metropolitan Life Insurance Company (hereinafter “MetLife”) and identified as follows: policy No. 922-305-776-UL for Respondent’s mother, Josephine Ojo, and policy No. 992-305-365-UL for Respondent’s father, Irojemi Ojo (hereinafter “Metlife policies”).

Respondent named himself as the primary beneficiary of each policy’s \$100,000 death benefit, for a total death benefit payable of \$200,000.

In December 1999, Respondent was advised by his older brother, Femi Ojo, who resided in Nigeria, that their mother and father had died in an automobile accident on December 5, 2000. From early 1999 through the present, Respondent has been estranged from his brother, Femi, because Femi’s disapproved of Respondent’s marriage to a non-Nigerian women. In addition, Femi had

attempted to discredit Respondent in the eyes of his parents so that Femi would become the sole beneficiary of their estate. As a result, Respondent distrusted his brother, Femi, and therefore Respondent had reason to distrust the truthfulness of Femi's report of their parents' death.

Based solely on the information provided by his brother, on December 28, 1999, Respondent submitted a sworn affidavit stating that his parents had died in an automobile accident in Nigeria on December 5, 1999 to the Registry of the High Court of Justice, Edo State of Nigeria in the Benin Judicial Division (hereinafter "Nigerian High Court"),

Respondent submitted the sworn affidavit to the Nigerian High Court with the knowledge that it would then be submitted to the Birth and Death Registry at the Central Hospital in Benin City, Nigeria for purposes of generating official death certificates for his parents.

After receiving Respondent's affidavit, on December 28, 1999, the Birth and Death Registry issued official death certificates for Respondent's parents, Irojemi Ojo and Josephine Ojo.

On January 11, 2000, Respondent submitted a written claim for benefits from his home in Northern California, signed under the penalty of perjury, to MetLife on his MetLife policies, in which he again claimed that his parents died in a motor vehicle accident in Nigeria on December 5, 1999. In support of his claim for benefits, Respondent enclosed a copy of the affidavit regarding his parents' death and copies of his parents' Nigerian death certificates.

Although Respondent had reason to distrust his brothers' news of their parents' death, Respondent submitted the subject affidavit to the Nigerian High Court for purposes of obtaining death

certificates and submitted the written claim for benefits to MetLife without taking any independent steps to verify the death of his parents. Respondent did not attempt to contact his parents or other relatives, seek any information about or attend a funeral, nor attempt to obtain confirmation of the deaths from any governmental agency or hospital.

On March 8, 2000, an investigator for International Claims Specialists completed an investigation of Respondent's claim on behalf of MetLife. That investigation conclusively established that Respondent's parents had not died in an automobile accident on December 5, 1999, but were still living. Consequently, Respondent's affidavit was false, the Nigerian death certificates were invalid, and Respondent's claim for the death benefits of the MetLife policies was invalid.

On December 13, 2000, based upon the information obtained through MetLife's investigation, Bob Linzey, Assistant Vice President for MetLife, wrote and sent correspondence to Respondent advising him that MetLife had concluded that Respondent's claim for benefits was unfounded and was denied.

LEGAL CONCLUSIONS

By submitting an affidavit of his parents' death to the Nigerian High Court in order to obtain death certificates for his parents and by making a claim for death benefits on the Metlife policies without making any independent attempt to verify the death of his parents, when he knew he had reason to distrust his brother's report of their death, Respondent engaged in a course of conduct involving gross negligence.

By engaging in a course of conduct that involved gross negligence, Respondent committed acts involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code, section 6106.

OTHER FACTS

Prior to his misconduct, Respondent had been diagnosed with, and treated for bi-polar disorder, a psychiatric condition characterized by manic and depressive episodes. At the time of his misconduct, however, Respondent was not undergoing treatment, nor taking medication to control this disorder. Respondent has recently been re-evaluated by Edward Elliott, M.D., a psychiatrist, who has confirmed that Respondent suffers from bi-polar disorder. Dr. Elliott has recommended that Respondent receive treatment consisting of weekly psychotherapy and psychiatric medication. Respondent has agreed to comply with Dr. Elliott's treatment plan, as set forth below.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was September 25, 2002.

WAIVER OF VARIANCE

The parties hereby waive any variance between the misconduct charged in the Notice of Disciplinary Charges herein and the misconduct stipulated to by the Respondent in the within Stipulation re Facts, Conclusions of Law and Disposition.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the

interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
01-O-02697	Two (2)	Business and Professions Code, section 6106.5 (insurance fraud)
01-O-02697	Three (3)	Business and Professions Code, section 6068(a) (failure to support laws of this state)
01-O-02697	Four (4)	Business and Professions Code, section 6068(i) (failure to cooperate)

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.3, Standards for Attorney Sanctions for Professional Misconduct.

Vaughn v. State Bar (1972) 6 Cal.3d 847

Simmons v. State Bar (1970) 2 Cal.3d 719

(Gross carelessness and negligence constitute a violation of the oath of an attorney to discharge faithfully the duties of an attorney to the best of his knowledge and ability and involve moral turpitude)

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

Respondent shall undergo psychotherapy with a licensed psychiatrist at Respondent's expense a minimum of one (1) time per week and shall furnish evidence to the Probation Unit that Respondent is so complying with each quarterly report. Respondent shall also fully comply with all treatment/therapy recommendations of his current treating psychiatrist and shall furnish evidence to the Probation Unit that Respondent is so complying with each quarterly report. Respondent shall also fully comply with the medication orders of his current treating psychiatrist and shall furnish evidence to the Probation Unit that

Respondent is so complying with each quarterly report. Treatment should commence immediately, and in no event later than thirty (30) days after the effective date of the discipline in this matter. Treatment shall continue for three (3) years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If Respondent's current treating psychiatrist determines that there has been a substantial change in Respondent's condition, Respondent or the Office of Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to Rule 550 of the Rules of Procedure of the State Bar of California. The motion must be supported by a written statement from the current treating psychiatrist, by affidavit or under penalty of perjury, in support of the proposed modification.

Upon the request of the Probation Unit, Respondent shall provide the Probation Unit with waivers and access to all of Respondent's medical records regarding his treatment for bi-polar disorder. Revocation of any waiver, or a refusal to give such a waiver, is a violation of this condition. Any treatment records obtained by the Probation Unit shall be confidential and no information concerning them or their contents shall be given to anyone except members of the Office of Chief Trial Counsel, including the Probation Unit, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Date 10/8/02

Respondent's signature *Geoffrey Ojo*

GEOFFREY OJO
print name

Date _____

Respondent's Counsel's signature _____

print name _____

Date 10/10/02

Deputy Trial Counsel's signature *Joseph R. Carlucci*

JOSEPH R. CARLUCCI
print name

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.

See attached.

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 October 18, 2002

Pat McElroy
Judge of the State Bar Court

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DECLARATION OF SERVICE BY MAIL

CASE NUMBER: 01-O-02697-PEM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

**GEOFFREY OJO
P.O. BOX 451366
LOS ANGELES CA 90045**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: October 10, 2002

SIGNED: *Bonnie Bryan*
Bonnie Bryan
Declarant

IN THE MATTER OF GEOFFREY OJO
Case Number 01-O-02697

COURT'S MODIFICATION TO STIPULATED FACTS,
CONCLUSIONS OF LAW AND DISPOSITION

1. On page 1 at the top of the page, an "x" shall be inserted in front of the box for Los Angeles. The "x" in front of the box for San Francisco shall be deleted.
2. On page 1, A (7), the second box—the year 2003 shall be deleted. Costs are to be paid in equal amounts prior to February 1, for the following membership years: 2004, 2005 and 2006.

October 18, 2002
Dated


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. 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 San Francisco, on October 23, 2002, 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:

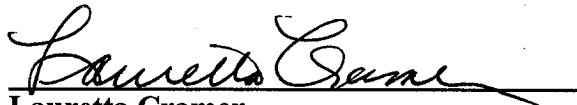
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**GEOFFREY OJO
P O BOX 451366
LOS ANGELES CA 90045**

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

JOSEPH CARLUCCI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 23, 2002.**



Laretta Cramer
Case Administrator
State Bar Court