


(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles

<p>Counsel For The State Bar</p> <p>Kevin B. Taylor Supervising Trial Counsel Enforcement 1149 S. Hill Street Los Angeles, CA 90015</p> <p>Bar # 151715</p>	<p>Case Number (s) Investigation # 03-O-04296</p> <p>PUBLIC MATTER</p>	<p>(for Court's use)</p> <p>FILED</p> <p>OCT 14 2008 </p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Michael E. Wine 301 N. Lake Avenue, Suite 800 Pasadena, CA 91101-5113 (626) 796-6688</p> <p>Bar # 58657</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter Of: Steve S. Paek</p> <p>Bar # 175167</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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
- (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.
- (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 added to membership fee for calendar year following effective date of discipline.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **two (2) billing cycles following the effective date of the Supreme Court Order on this matter.**
(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

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

See page 11 of this Stipulation

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

See page 11 of this Stipulation

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 **two (2) 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.

- (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:
- Substance Abuse Conditions Law Office Management Conditions
- Medical Conditions 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 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2) **Other Conditions:**

In the Matter of
Steve S. Paek

Case number(s):
Investigation Number 03-O-04296

A Member of the State Bar

Law Office Management Conditions

- a. Within ~~60 days~~ ~~6 months~~ ~~6 years~~ of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date

9/16/08

Signature



Steve S. Paek
Print Name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVE S. PAEK, State Bar No. 175167

INVESTIGATION NUMBER: 03-O-04296

FACTS AND CONCLUSIONS OF LAW

Respondent was admitted to the practice of law in the State of California on December 12, 1994.

Respondent pleads nolo contendere to the following facts and conclusions of law. Respondent understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and conclusions of law specified herein.

In or about September 1998, Jorge Mendoza ("Mendoza") employed Respondent to represent him in a removal hearing before the United States Immigration Court Executive Office of Immigration Review ("EOIR").

On or about December 1, 1998, Respondent appeared with Mendoza before the EOIR. At that hearing, Respondent informed the court that Mendoza intended to apply for cancellation of removal, but Respondent had not yet prepared the application. The court then scheduled a hearing on the merits of Mendoza's case on January 21, 1999 in order to allow Respondent time to complete the application for cancellation of removal. The court also ordered Respondent to submit a criminal record check to the EOIR before the hearing on the merits, so that the court could verify Mendoza's eligibility for cancellation of removal. The January 21, 1999 hearing was later rescheduled by the court to February 11, 1999.

On February 11, 1999, Respondent appeared with Mendoza before the EOIR. At that hearing, the court advised Respondent that it had received Mendoza's application for cancellation of removal, but it had not received Mendoza's criminal records check. Therefore, the court again ordered Respondent to submit a criminal records check and continued the hearing on the merits of Mendoza's application to August 9, 2000. That hearing was later rescheduled by the court to October 10, 2001.

On October 10, 2001, Respondent appeared with Mendoza before the EOIR. At that hearing, the court again advised Respondent that it had not received Mendoza's criminal records

check. Therefore, the court rescheduled Mendoza's hearing on the merits to September 18, 2003 and ordered Respondent to submit the criminal records check by that date. Respondent never submitted Mendoza's criminal records check to the EOIR.

Between October 10, 2001 and September 18, 2003, Mendoza regularly called Respondent's office to inquire about the status of his application for cancellation of removal. Each time Mendoza called Respondent's office, Respondent was not available to speak with him, so he left a message with Respondent's receptionist asking that Respondent call him. Respondent contends that he did not receive any of Mendoza's messages, and thus did not respond to them.

On the morning of September 18, 2003, prior to the hearing on the merits, Respondent went to the EOIR and told the Immigration Judge assigned to Mendoza's case that he had tried to contact Mendoza, both by telephone and letter, in order to prepare for Mendoza's hearing, but Mendoza had not responded to any of Respondent's attempts to contact him.

On September 18, 2003, Mendoza also went to the EOIR for his hearing on the merits. At that time, Mendoza was accompanied by another attorney. When Mendoza could not locate Respondent, he appeared for the hearing accompanied by the other attorney. When Mendoza appeared for the hearing without Respondent, the court informed Mendoza that Respondent was, in fact, in the courthouse somewhere and instructed Mendoza to go try to find Respondent and return with him.

Mendoza eventually found Respondent at the courthouse. When Respondent and Mendoza met outside the courtroom, Respondent told Mendoza to tell the court that Respondent had been trying to contact Mendoza and that Mendoza had not responded to Respondent's letters or telephone calls. Mendoza then told Respondent that he would not do that because he believed that it was Respondent that had failed to return Mendoza's telephone calls.

As Respondent and Mendoza continued to discuss the issues of who had failed to communicate with the other and what the court should be told regarding same, Mendoza came to believe that Respondent was asking him to lie to the court.

Mendoza then told Respondent that he was being asked to lie to the court and that he would not do that. Respondent became angry with Mendoza's accusation and immediately terminated his representation of Mendoza.

Respondent then refused to return to court with Mendoza for the hearing. Instead, Respondent handed Mendoza's case file to the attorney accompanying Mendoza and left the courthouse.

Mendoza and the other attorney then returned to the courtroom so that Mendoza could formally appear before the court on the hearing on the merits of his case. When Mendoza's case was called by the court, Mendoza and the attorney requested a continuance of the hearing so that the attorney could substitute into Mendoza's case and prepare for the hearing. The court denied Mendoza's request and the attorney advised the court that he could not competently represent Mendoza at that time. Therefore, the attorney did not substitute into Mendoza's case. The court then ordered that the hearing on the merits would go forward immediately and that Mendoza would represent himself, which Mendoza attempted to do.

After the hearing on the merits, the court denied Mendoza's application for cancellation of removal. In denying Mendoza's application, the court stated that without a criminal records check, the EOIR could not verify Mendoza's good moral character or whether any statutory bars to cancellation of removal existed.

Mendoza appealed the denial of his application for cancellation of removal to the Bureau of Immigration Appeals asserting, inter alia, ineffective assistance of counsel on the part of Respondent. On December 9, 2003, Mendoza's appeal was denied.

Mendoza then appealed the denial of his application for cancellation of removal to the United States Court of Appeals, arguing, inter alia, that he was denied his statutory right to counsel, ineffective assistance of counsel on the part of Respondent, and that he was denied his due process right to a full and fair hearing. On December 6, 2007, the United States Court of Appeals found that Mendoza was effectively denied his right to be represented by counsel and the trial court should have taken steps to protect that right. Therefore, the Court of Appeals vacated the Bureau of Immigration Appeals' order of voluntary departure and returned Mendoza's case to that court for further proceedings.

Legal Conclusions

By failing to submit Mendoza's criminal records check to the EOIR, as ordered by the court, Respondent repeatedly failed to perform the legal services for which he was employed in wilful violation of rule 3-110(A) of the *California Rules of Professional Conduct*.

By failing to respond to Mendoza's telephone messages from October 2001 through September 2003, Respondent failed to promptly respond to a client's reasonable status inquires in wilful violation of *Business and Professions Code*, section 6068(m).

By withdrawing from employment just prior to Mendoza's September 18, 2003 hearing on the merits of his application without ensuring that Mendoza had competent and prepared substitute counsel to represent him at the hearing, and essentially leaving Mendoza to fend for

himself, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in wilful violation of rule 3-700(A)(2) of the *California Rules of Professional Conduct*.

FACTORS IN AGGRAVATION

Respondent's conduct harmed his client in that Mendoza was forced to represent himself at trial without prior warning or preparation.

Respondent's conduct evidences multiple acts of wrongdoing.

FACTORS IN MITIGATION

Respondent has no record of prior discipline since being admitted to the State Bar of California and commencing his practice of law in December 1994.

Respondent displayed candor and cooperation with the State Bar during the investigation of this matter.

DISCUSSION RE STIPULATED DISCIPLINE

Standard 1.3 of the *Standards For Attorney Sanctions For Professional Misconduct* provides that the primary purpose of discipline is the protection of the public, the courts and legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 2.4(b) states that reproof or suspension is the appropriate discipline, depending upon the extent of the misconduct and the degree of harm suffered by the client, for a member's wilful failure to perform legal services or wilful failure to properly communicate with a client, where the misconduct is limited to a single client matter and does not demonstrate a pattern.

Standard 2.10 states that reproof or suspension is the appropriate discipline, with due regard to the harm suffered by any victim and the purposes of imposing discipline, for violations of any of the Rules of Professional Conduct not specifically specified in other Standards, such as rule 3-700.

The parties submit that the stipulated discipline in this matter complies with the Standards both specifically and with regard to the general purposes and goals of the disciplinary process.

Respondent's misconduct occurred and continued over an extended period of time. Respondent was first ordered to submit Mendoza's criminal records check in December 1998, but failed to do so despite being Mendoza's attorney of record until September 2003. Respondent's failure to properly communicate with Mendoza lasted approximately 23 months.

Additionally, Respondent's misconduct harmed his client. Respondent's abandonment of Mendoza resulted in Mendoza having to represent himself at trial without prior warning or preparation.

These factors dictate that discipline in this matter should not be at the low end of the range of discipline discussed in the applicable Standards.

However, while Respondent's misconduct harmed his client and includes three separate acts of misconduct, these aggravating factors are partially counter-balanced by Respondent's cooperation during the State Bar's investigation of this matter and his willingness to resolve this matter via stipulated discipline without the State Bar having to first file formal charges against him in State Bar Court.

Respondent's recent conduct in cooperating with the State Bar indicates that he recognizes the wrongfulness of his conduct and is, therefore, less likely to commit such misconduct in the future.

These factors indicate that a period of actual suspension, that is, the high end of the range of discipline discussed in the applicable Standards, is not necessary in this matter.

In light of the above, the parties submit that the stipulated discipline, a stayed suspension with specific probationary conditions, is sufficient to assure that Respondent will conform his future conduct to ethical standards and, therefore, protect the public, courts and profession. This is consistent with Standard 1.3.

The stipulated discipline is also consistent with case law. See *Van Sloten v. State Bar* (1989) 48 Cal. 3d. 921, where the respondent, who had no record of prior discipline over five years of practice, suffered a six month stayed suspension, for failing to perform legal services and failing to respond to his clients telephone messages, causing the client to retain substitute counsel. In aggravation, the respondent demonstrated a lack of appreciation for the seriousness of his misconduct by failing to appear for a hearing on his matter before the Review Department of the State Bar Court.

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A.(7), was September 4, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 4, 2008, the rough estimate of disciplinary costs to be assessed in this matter is \$2000.

(Do not write above this line.)

In the Matter of Steve S. Paek	Case number(s): Investigation Number 03-O-04296
-----------------------------------	--


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.


9/16/08
Date

9/18/08
Date


9/19/08
Date



Respondent's Signature



Respondent's Counsel Signature



Deputy Trial Counsel's Signature

Steve S. Paek
Print Name

Michael E. Wine
Print Name

Kevin B. Taylor
Print Name

(Do not write above this line.)

In the Matter Of Steve S. Paek	Case Number(s): Investigation Number 03-O-04296
--	---

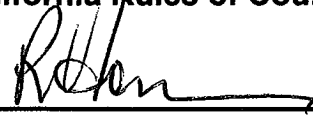
ORDER

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 9.18(a), California Rules of Court.)**

10/10/08
Date


Judge of the State Bar Court

RICHARD A. HONN

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 October 14, 2008, I deposited a true copy of the following document(s):

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

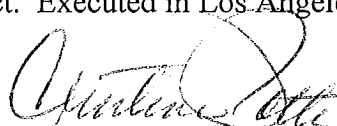
in a sealed envelope for collection and mailing on that date as follows:

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

MICHAEL E. WINE
301 N LAKE AVE STE 800
PASADENA, CA 91101 - 5113
- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Kevin B. Taylor, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 14, 2008.



Cristina Potter
Case Administrator
State Bar Court