

PUBLIC MATTER

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State Bar Court of California Hearing Department		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar DAVID T. SAUBER Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 176554 Tel: (213) 765-1252	Case Number (s) 04-O-15147; 05-O-04615	(for Court's use) <div style="text-align: center;">FILED</div> <div style="text-align: center;">OCT 05 2010</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
WAYNE W. SUOJANEN 120 Columbia, Suite 100 Aliso Viejo, California 92656 Bar # 193627 Tel: (949) 448-7529	<div style="font-size: 2em; font-weight: bold; opacity: 0.5;">LODGED</div> <div style="font-size: 1.5em; font-weight: bold; opacity: 0.5;">AUG 09 2007</div> <div style="font-size: 0.8em; font-weight: bold; opacity: 0.5;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
In the Matter Of: WAYNE WILLIAM SUOJANEN Bar # 193627 A Member of the State Bar of California (Respondent)	Submitted to Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 15, 1997
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (7) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (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 and will pay timely any disciplinary costs imposed in this proceeding.



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:
- (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.

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- (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:

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **WAYNE WILLIAM SUOJANEN** MEMBER # **193627**

CASE NUMBER(s): **04-O-15147; 05-O-04615**

FACTS AND CONCLUSIONS OF LAW:

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

Facts For Case No(s) 04-O-15147 and 05-O-04615:

1. During all times mentioned herein, Respondent maintained a client trust account at Washington Mutual designated account no. 429-4786187 ("CTA").
2. At all times pertinent herein, Respondent maintained client funds in his CTA.
3. On or about August 9, 2004, Respondent made a deposit of funds that were not attributable to any client (non-client funds) in the amount of \$7000.00 into his CTA.
4. On or about November 23, 2004, Respondent made a deposit of non-client funds in the amount of \$25,000.00 into his CTA.
5. Between approximately May 2004 and June 2004, inclusive, Respondent repeatedly issued checks drawn against his CTA to his secretary, Donna Wadsley, as payment of her wages, including but not limited to the following:

CHECK NUMBER	DATED ISSUED	CHECK AMOUNT
238	05-07-04	\$ 1,278.36
249	06-14-04	\$ 1,374.31
257	06-29-04	\$ 1,299.65

6. In or about November 2004, Respondent issued Check No. 226 drawn from his CTA in the amount of \$2,630. It bore the (erroneous) date "11-30-01" with notations that it represented payment for "December 2004 Rent, January 2005 Rent [for] Unit 49-G." The check was payable to Respondent's landlord, Barcelona Apartments, as rental payment for his residence.

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7. Between approximately November 2004 and January 2005, inclusive, Respondent repeatedly issued checks drawn against his CTA to his secretary, Donna Wadsley, as payment of her wages, including but not limited to the following:

CHECK NUMBER	DATED ISSUED	CHECK AMOUNT
220	11-24-04	\$ 1,407.80
222	11-24-04	\$ 1,338.73
232	12-17-04	\$ 1,256.52
236	01-14-05	\$ 1,367.92
237	01-28-05	\$ 700.00

8. By issuing Check Nos. 220, 222, 232, 236, 237, 238, 249, 257 to his secretary, as payment of her wages, and by issuing Check no. 226 as rental payment, Respondent issued CTA checks for personal or business purposes.

9. Respondent issued the following checks drawn on his CTA against insufficient funds:

CHECK NUMBER	DATED ISSUED	PAYABLE TO:	CHECK AMOUNT
230	12-14-04	Kathleen Strong, Esq.	\$ 403.50
235	01-06-05	Kathleen Strong, Esq.	\$ 27.00

10. Both Check Nos. 230 and 235 were returned unpaid by the bank due to insufficient funds.

11. Kathleen Strong, the payee on check nos. 230 and 235, was Respondent's former co-counsel in a certain civil litigation matter ("litigation"). The checks were issued to her as reimbursement of litigation costs which Ms. Strong had advanced in that case. Respondent and Ms. Strong had agreed that she would defer negotiation of the checks until the litigation concluded. In approximately June 2005, and prior to the conclusion of the litigation, the professional relationship between Respondent and Ms. Strong ended, and Ms. Strong was removed as co-counsel in the litigation matter. At that time, Respondent informed Ms. Strong that he had insufficient funds in his CTA, and asked her not to negotiate check nos. 230 and 235. Ms. Strong did not heed to Respondent's requests, and she presented the checks for payment.

12. Respondent issued Check Nos. 230 and 235 when he knew that there were insufficient funds in the CTA to pay them.

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13. Respondent issued the following checks drawn on his CTA against insufficient funds:

CHECK NUMBER	DATED ISSUED	PAYABLE TO:	CHECK AMOUNT
268	07-22-04	Don Jackson & Associates	\$ 337.80
275	09-29-04	Catugno Court Reporters	\$ 2,734.00

14. Both Check Nos. 268 and 275 were returned unpaid by the bank due to insufficient funds. When Respondent learned that these checks were returned as unpaid, he immediately deposited funds into the account in order to cover them.

Conclusions of Law For Case No(s) 04-O-15147 and 05-O-04615:

15. **COUNT ONE:** By making deposits of personal or business funds totaling approximately \$32,000 into his CTA, Respondent commingled his personal funds with funds belonging to a client or client in his CTA in wilful violation of Rules of Professional Conduct, rule 4-100(A). *MS*

16. **COUNT TWO:** By issuing CTA checks for personal or business purposes, Respondent engaged in the improper use of an account maintained for client trust account purposes in wilful violation of Rules of Professional Conduct, rule 4-100(A).

17. **COUNT THREE:** By issuing Check Nos. 230 and 235 drawn from his CTA when he knew that there were insufficient funds, Respondent engaged in the improper use of an account maintained for client trust account purposes in wilful violation of Rules of Professional Conduct, rule 4-100(A).

18. **COUNT FOUR:** By issuing checks drawn against insufficient funds, Respondent committed acts involving moral turpitude in wilful violation of Business and Professions Code, section 6106.

DISCLOSURE OF PENDING INVESTIGATIONS/PROCEEDINGS NOT RESOLVED BY THIS STIPULATION.

19. The disclosure date referred to, on page one, paragraph A.(6), was May 30, 2007.

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In the Matter of WAYNE WILLIAM SUOJANEN Member #193627	Case number(s): 04-O-15147; 05-O-04615
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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 Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

5-30-07
Date

Wayne W. Suojanen
Respondent's Signature

WAYNE W. SUOJANEN
Print Name

5/30/07
Date

David T. Sauber
Respondent's Counsel Signature
Deputy Trial Counsel's Signature

DAVID T. SAUBER
Print Name

By Charles A. Murray

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In the Matter Of WAYNE WILLIAM SUOJANEN Member #193627	Case Number(s): 04-O-15147; 05-O-04615
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

July 9, 2007
Date



Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on **August 10, 2007**, I deposited a true copy of the following document(s):

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE
STATE BAR COURT'S ALTERNATIVE DISCIPLINE
PROGRAM, CONFIDENTIAL STATEMENT OF
ALTERNATIVE DISPOSITIONS AND ORDER AND
STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

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

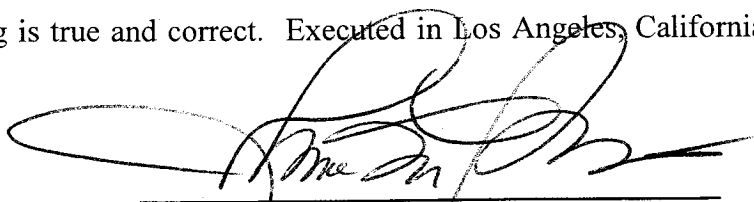
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**WAYNE W. SUOJANEN
SUOJANEN LAW OFC
120 COLUMBIA #100
ALISO VIEJO, CA 92656**

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

CHARLES MURRAY , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 10, 2007**.



Johnnie Lee Smith
Case Administrator
State Bar Court