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**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Margaret P. Warren 1149 So. Hill St. Los Angeles, CA 90015-2299 (213) 765-1342</p> <p>Bar # 108774</p>	<p>Case Number(s): 11-J-10293</p>	<p>For Court use only</p> <p>FILED</p> <p>NOV 18 2011</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Michael E. Wine 301 N. Lake Ave., Suite 800 Pasadena, CA 91101-5113 (626) 796-6688</p> <p>Bar # 58657</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Oscar Acevedo</p> <p>Bar # 237530</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted July 22, 2005.
- (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 13 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."



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- (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):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: costs to be paid in equal amounts prior to February 1 for the following two billing cycles following the effective date of the Supreme Court order: 2013 and 2014.. (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.
- (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:

See p. 11, below.

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:

Please see p. 12, below.

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:
- (b) The above-referenced suspension is stayed.

- (2) **Probation:**

Respondent must be 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)

- (3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of one hundred twenty (120) days.
- 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:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

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information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the 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.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish 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.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: Respondent successfully completed Ethics School on August 26, 2010.
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (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 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 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

(Effective January 1, 2011)

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- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:** (Paragraph F(1), cont'd.) Respondent may fulfill the MPRE requirement described in paragraph F (1) above by taking and passing the MPRE at any time on or after the date of submission of this Stipulation to the State Bar Court, and no later than one (1) year from the effective date of the Supreme Court's order of discipline in case no. 11-J-10293.

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In the Matter of: Oscar Acevedo, #237530	Case Number(s): 11-J-10293
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Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

Business and Professions 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 will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions 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.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) **Contents.** A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

(5) a statement that the member either:

- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

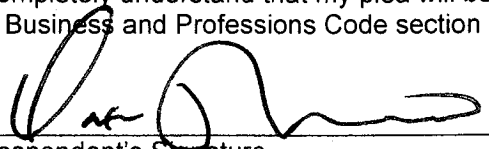
(B) **Plea of Nolo Contendere.** If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

10/31/11

Date

Respondent's Signature



Oscar Acevedo

Print Name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Oscar Acevedo, Bar No. 237530

CASE NUMBER(S): 11-J-10293

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

1. Respondent's culpability determined in the disciplinary proceeding in the United States Bankruptcy Court, Central District of California would warrant the imposition of discipline in the State of California under the laws or rules in effect in this State at the time the misconduct was committed; and
2. The proceeding in the above jurisdiction provided respondent with fundamental constitutional protection.
3. The parties waive the issuance of a Notice of Disciplinary Charges relating to the matter listed hereinabove that is the subject matter of this stipulation, and further waive a formal hearing on the charges included in this Stipulation.

Background:

4. The instant proceeding is brought before the State Bar Court pursuant to section 6049.1 of the Cal. Bus. & Prof. Code, having arisen out of a disciplinary action brought against Respondent in the United States Bankruptcy Court for the Central District of California.
5. The parties stipulate that Respondent was admitted to the practice of law before the United States District Court for the Central District of California ("District Court") on December 18, 2007, and the United States Bankruptcy Court for the Central District of California on May 22, 2008 ("Bankruptcy Court").
6. The parties stipulate that, by the Bankruptcy Court's Memorandum of Decision of Disciplinary Proceeding of Oscar Acevedo ("Decision") and the Order on Disciplinary Proceeding of Oscar Acevedo ("Order") entered on December 20, 2010 in the matter entitled *In re the Disciplinary Proceeding of Oscar Acevedo*, Case No. LA MP 10-00192, Respondent was actually suspended from practicing law before the Bankruptcy Court for a period of one (1) year, effective December 20, 2010. The Bankruptcy Court further ordered that Respondent must demonstrate to the Chief Bankruptcy Judge that he has successfully rehabilitated himself by taking classes and instruction in bankruptcy law, law office management and legal ethics before he may apply for reinstatement to practice before the Bankruptcy Court.
7. The parties stipulate that, by Order entered on March 3, 2011, Respondent was suspended from the practice of law before the District Court, and will not be reinstated to the practice law before that

court until such time as Respondent submits proof of his reinstatement as an active member in good standing with the State Bar of California.

FACTS AND CONCLUSIONS OF LAW.

Respondent pleads **nolo contendere** to the facts found by the Bankruptcy Court, as set forth below, and to the specified violations set forth below; Respondent acknowledges that he completely understands that his plea of **nolo contendere** shall be considered the same as an admission of the stipulated facts and of his culpability of the statutes and/or Rules of Professional Conduct specified in the Stipulation:

8. Between August 8 and October 8, 2009, Respondent filed nineteen (19) chapter 7 bankruptcy cases in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division. Each of these 19 cases came to Respondent via Mark Shoemaker ("Shoemaker"), the Law Offices of Mark Shoemaker ("LOMS") and Shoemaker's company Advocate for Fair Lending ("AFFL") (collectively, the "Shoemaker Entities").

9. Shoemaker formed AFFL for the purpose of providing "econometric analysis" for mortgage loans. He was President and owner of AFFL. At the time he formed AFFL, Shoemaker also had his own law practice, LOMS, which consisted of six attorneys who specialized in lender liability issues and foreclosure litigation.

10. Each of the 19 clients at issue in this matter initially hired and paid fees to AFFL to perform the econometric and auditing analysis of each client's loan. These 19 clients were hoping to obtain loan modifications of their residential mortgages. AFFL was an auditing firm, however, and not a company that negotiated loan modifications. In July 2009, all 19 clients attended a meeting with AFFL, at which they were told that AFFL would no longer be in charge of their cases and that their cases would be transferred to AFFL's "legal department," LOMS. At this meeting, the 19 clients were each asked to sign an attorney-client retainer agreement to retain LOMS, and each of the 19 clients was asked to pay \$1,000 to LOMS for the retainer.

11. After retaining LOMS and paying the \$1,000 fee, each of the 19 clients received a notice of trustee's sale of that client's property. The \$1,000 retainer each client paid to LOMS was for LOMS to pursue any causes of action against the client's lender that may have been revealed after the econometric loan analysis had been accomplished. The clients all understood that a lawsuit against their respective lender would be pursued in order to get a mortgage payment that the client could afford, and that such litigation would be a measure undertaken to prevent the client's bankruptcy. Subsequently, AFFL advised these 19 clients that the only way they could save their home was to file for bankruptcy. AFFL then referred the 19 clients to Respondent's office, as LOMS did not handle bankruptcy matters. LOMS paid Respondent \$799 of the \$1,000 each client had paid to LOMS: \$299 was for the bankruptcy filing fee; \$500 was the fee paid to Respondent. The clients understood that Respondent would be paid by AFFL for handling their bankruptcy matter, and were never charged any monies by Respondent. The 19 clients contacted Respondent's office and spoke to an employee who asked for the client's name, address, telephone number, SSN, and loan information (including the name of the company doing the trustee sale). Each client was then asked to come to the office later that day to sign documents. None of the 19 clients ever actually met with, or spoke to, Respondent.

12. On December 29, 2009, the Office of the United States Trustee ("UST") filed an application for an Order to Show Cause in each of the 19 subject bankruptcy cases filed by Respondent. The court granted the UST's application and issued an OSC requiring Respondent and the Shoemaker Entities to

appear and explain various issues to the court. Shoemaker filed a Response and Opposition to the OSC regarding disgorgement on behalf of the Shoemaker Entities. Respondent filed a response, indicating that he sought to take responsibility for the actions implicated in the OSC.

13. Evidentiary hearings were held by the court on March 3 and April 5, 2010. On July 20, 2010, the Bankruptcy Court ordered Respondent to disgorge \$15,181.00 in legal fees he received in nineteen (19) Chapter 7 bankruptcy matters he filed as attorney of record for the debtors. Respondent was also sanctioned by the Bankruptcy Court, in the amount of \$500.00 per each of the nineteen (19) bankruptcy filings, totaling \$9,500.00. Thereafter, by Statement of Cause filed on July 30, 2010, the court initiated disciplinary proceedings against Respondent, referring the matter to the Discipline Panel ("Panel").¹

14. Respondent filed his Statement re Disciplinary Proceedings ("Statement") on November 1, 2010; the UST filed its Notice of Appearance on October 25, 2010. A hearing was held before the Panel on November 12, 2010.

15. Both in his Statement and at the Panel's hearing, Respondent accepted responsibility for his actions and did not dispute any of findings made by the Court and the Panel. Moreover, Respondent outlined the steps he had already taken to date to correct his actions, including delivering to the UST cashier's checks in the amount of \$799 each, made out to the 19 debtors; paying to the UST the court-ordered sanctions totaling \$9500; joining the Central District Consumer Bankruptcy Attorneys' Association and attending that organization's continuing education programs; and attending the California State Bar's Ethics School.

Conclusions of law:

*16. Respondent's culpability of filing nineteen (19) bankruptcy cases for the improper purpose of delaying foreclosures with no intent to proceed with the bankruptcy cases through to discharge was in violation of section 6068(c) of the Business and Professions Code, warranting the imposition of discipline in the State of California.

17. Respondent's culpability of failing to competently perform his duties as an attorney in each of the nineteen (19) bankruptcy cases by placing his signature on the nineteen (19) bankruptcy petitions without performing reasonable investigations into the circumstances giving rise to the documents and in violation of his duty to represent that, to the best of his knowledge, the information in the schedules filed with the petitions was correct, was in violation of rule 3-110(A) of the Rules of Professional Conduct, warranting the imposition of discipline in the State of California.

18. Respondent's culpability of failing to disclose that it was the Shoemaker Entities, rather than the client-debtors themselves, who paid Respondent \$799 for each of the nineteen (19) bankruptcy cases was in violation of section 6068(d) of the Business and Professions Code, warranting the imposition of discipline in the State of California.

19. Respondent's acceptance of fees for services that were of no value to the client-debtors in each of the nineteen (19) bankruptcy cases rendered the fees he accepted unearned, and his failure to promptly refund any portion of these unearned fees until he was ordered by the Bankruptcy Court on

¹ Shoemaker was a licensed California attorney. Because he was declared ineligible to practice law by the State Bar Court in case no. 09-TE-19229 (filed 5/28/10), he was not referred to the Discipline Panel, as was Respondent; Shoemaker was, however, ordered to disgorge fees he received from the 19 clients in issue. Shoemaker was ordered disbarred by the CA Supreme Court effective March 4, 2011.

July 20, 2010 to disgorge them was in violation of rule 3-700(D)(2) of the Rules of Professional Conduct, warranting the imposition of discipline in the State of California.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was October 27, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 provides:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

Standard 2.4 (b) provides that culpability of a member of "wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client."

Standard 2.6 provides that culpability of a member of a violation of section 6068 of the Business and Professions Code "shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3 [.]"

Standard 2.10 provides:

Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

AGGRAVATING FACTORS.

The current misconduct acknowledged by Respondent evidences multiple acts of misconduct.

By filing nineteen (19) bankruptcy matters solely for the purpose of delaying creditors by stalling foreclosures on the debtors' properties substantially increased the Bankruptcy Court's administrative burden, increased costs to debtors and creditors, and led to delays in the resolution of the debtors' cases.

MITIGATING FACTORS.

Respondent has no prior record of discipline.

Respondent took responsibility for his actions in the Bankruptcy Court disciplinary proceedings. Respondent promptly took steps—prior to the imposition of discipline by the Bankruptcy Court's Discipline Panel—to deliver all funds to the Trustee that he had been ordered to disgorge; to pay the court-ordered sanctions; to attend the State Bar's Ethics School; and to begin taking courses in California Legal Specialization Education in Bankruptcy Law.

Nine (9) individuals, including four attorneys, one medical professional, and five businesspeople, many of whom have known Respondent for many years, and who are aware of Respondent's disciplinary issues with the Bankruptcy Court, have attested to Respondent's good character.

Respondent cooperated with the State Bar in these proceedings; reached a stipulated disposition in this matter before any disciplinary charges were filed; and by stipulating to facts, legal conclusions and discipline has demonstrated recognition of wrongdoing. The stipulation assisted the State Bar's prosecution by obviating the need for a trial on the merits as to culpability, and allowing the parties and the court to focus on the appropriate discipline. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190.)

The parties submit that the protection of the public, the courts and the legal profession, and the preservation of public confidence in the legal profession, will be served by the disposition in this matter, which focuses on the rehabilitation of Respondent. The parties submit that the disposition herein is consistent with the fundamental purpose of disciplinary proceedings, as articulated in Standard 1.3; and submit that the stipulated period of actual suspension and probationary conditions in this matter are sufficient assurance that Respondent will conform his future conduct to ethical standards and adequate protection of the public, courts and profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

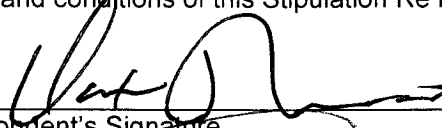
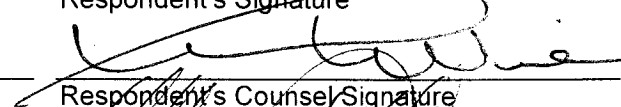
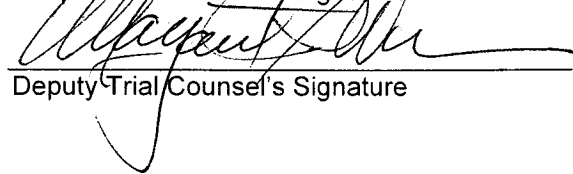
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 24, 2011, the prosecution costs in this matter are \$2,797.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Oscar Acevedo, #237530	Case number(s): 11-J-10293
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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, Conclusions of Law, and Disposition.

<u>10/31/11</u> Date	 Respondent's Signature	<u>Oscar Acevedo</u> Print Name
<u>11/1/11</u> Date	 Respondent's Counsel Signature	<u>Michael E. Wine</u> Print Name
<u>11/2/11</u> Date	 Deputy Trial Counsel's Signature	<u>Margaret P. Warren</u> Print Name

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In the Matter of: Oscar Acevedo, #237530	Case Number(s): 11-J-10293
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ACTUAL 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.)**

11-18-11

Date


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 November 18, 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:

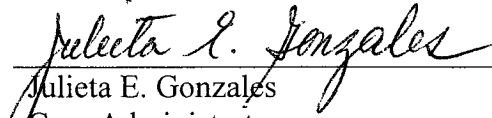
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL E WINE ESQ
301 N LAKE AVE STE 800
PASADENA, CA 91101 - 5113

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

Margaret P. Warren, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 18, 2011.



Julieta E. Gonzales
Case Administrator
State Bar Court