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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

PUBLIC MATTER

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<p>In Pro Per Respondent</p> <p>Steven Anthony Guilin 4079 Governor Drive, PMB 265 San Diego, CA 92122 (619) 322-2912</p> <p>Bar # 225982</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: STEVEN ANTHONY GUILIN</p> <p>Bar # 225982</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 **June 24, 2003**.
- (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 **16** 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: (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
 - (a) State Bar Court case # of prior case **09-O-13903-RAH, 11-O-15563 (Cons.)**
 - (b) Date prior discipline effective **August 8, 2013.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules 3-110(A), 3-700(D)(2) and 4-100(B)(3); and Business and Professions Code, sections 6068(d) and 6106.**
 - (d) Degree of prior discipline **Two years suspension, stayed, actual suspension for ten months, two years' probation with conditions including payment of restitution, State Bar Ethics School, and compliance with rule 9.20 of the California Rules of Court; and Multistate Professional Responsibility Examination requirement.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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. **See Attachment to Stipulation, page 12.**

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See Attachment to Stipulation, page 12-13.**
- (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. **See Attachment to Stipulation, page 12.**
- (8) **Restitution:** Respondent failed to make restitution. **See Attachment to Stipulation, page 13.**
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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.

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- (11) **Good Character:** Respondent's extraordinarily 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 Attachment to Stipulation, page 13.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must 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 1.2(c)(1) 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 **three (3) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **one (1) year and two (2) 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 1.2(c)(1), 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 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

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- (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 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 is required to complete Ethics School as part of his discipline in case no. 09-O-13903-RAH, et al.**
- (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:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

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- (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.**
- No MPRE recommended. Reason: **Respondent is required to complete the MPRE as part of his discipline in case no. 09-O-13903-RAH, et al.**
- (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:**

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In the Matter of: STEVEN ANTHONY GUILIN	Case Number(s): 12-O-17263 13-O-10425
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Financial Conditions

a. Restitution

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

Payee	Principal Amount	Interest Accrues From
Juan Agustin Consuelo Quintero	\$3,450.00	February 24, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

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

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

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

c. Client Funds Certificate

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

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

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

8. Siddell did not prepare the NEAA and Motion, and did not give Respondent permission to file the NEAA or Motion under his name on behalf of Gutierrez or Robles.

9. In or about July 2012, Respondent spoke with Siddell and asked Siddell to “take the bullet for him.” Respondent requested that Siddell tell the State Bar that it was Siddell’s fault. Respondent’s reasoning to Siddell was “You are old, you can probably afford to retire. I have little kids at home and this will destroy my marriage.”

CONCLUSIONS OF LAW:

10. By submitting the Motion to Reopen the Gutierrez matter to the Immigration Court under the guise that it was prepared and signed by Siddell when in fact Respondent prepared the Motion to Reopen and signed Siddell’s name to it and did not inform the Immigration Court that Siddell had not signed it, by filing the Notice of Entry of Appearance as Attorney in the Julio Cesar Luna Gutierrez matter under Siddell’s name without Siddell’s knowledge or permission, and by failing to inform the Immigration Court that Siddell had not signed the Notice of Entry of Appearance as Attorney when in fact Respondent had signed it, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

11. By submitting the Motion to Reopen the Robles matter to the Immigration Court under the guise that it was prepared and signed by Siddell when in fact Respondent prepared the Motion to Reopen and signed Siddell’s name to it and did not inform the Immigration Court that Siddell had not signed it, by filing the Notice of Entry of Appearance as Attorney in the Guillermo Tovar Robles matter under Siddell’s name without Siddell’s knowledge or permission, and by failing to inform the Immigration Court that Siddell had not signed the Notice of Entry of Appearance as Attorney when in fact Respondent had signed it, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 13-O-10425 (Complainant: Juan Agustin Consuelo Quintero)

FACTS:

12. In December 2008, Juan Agustin Consuelo Quintero (“Quintero”) retained Respondent to represent him in removal/deportation proceedings that the government instituted against Quintero.

13. In July 2009 Respondent filed a brief (entitled “Eligibility for Relief From Removal”) with the Immigration Court in which he conceded that Quintero was subject to removability based upon Quintero’s criminal conviction for assault with a deadly weapon or force likely to produce great bodily injury in violation of Penal Code §245(A)(1), but argued that Quintero was entitled to cancellation of removability under certain immigration statutes.

14. In a decision dated August 27, 2009 (“Decision”), the Immigration Court denied Quintero’s request for relief from removability and he was ordered removed from the United States to his native country, Mexico.

15. Thereafter, Respondent told Quintero that he would handle his appeal for an additional \$3,500 and forgive Quintero’s remaining balance of \$2,000 on his initial fee of \$3,500 (by this time Quintero had paid Respondent about \$1,500 of the initial fee, and ultimately paid Respondent a total of

\$3,450.00 as follows: \$850.00 on 12/4/08, \$100.00 on 2/12/09, \$1,500.00 on 1/19/10, \$500.00 on 9/14/11, and \$500.00 on 2/24/12). Quintero agreed to this proposal for continued representation by Respondent.

16. On September 28, 2009, Respondent filed a Notice of Appeal on Quintero's behalf in which he indicated that he intended to file a separate written brief or statement. The separate written brief or statement was due on December 4, 2009. On December 3, 2009 Respondent requested an extension of time to submit the separate written brief or statement and he was granted a filing extension to December 28, 2009.

17. Respondent did not file a separate written brief or statement by the December 28, 2009 deadline, and on January 6, 2010, the government requested that the Board of Immigration Appeals ("BIA") summarily affirm the Decision of the Immigration Court.

18. On November 5, 2010, the BIA dismissed the appeal ("Dismissal") because no separate written brief or statement was filed by Respondent.

19. On November 19, 2010, Respondent met with Quintero regarding the BIA's Dismissal and told Quintero that Respondent could appeal the Dismissal to the Ninth Circuit for an additional \$3,500, and Quintero agreed to this proposal.

20. Thereafter, on December 6, 2010, attorney Ramona Hallam ("Hallam"), whom Quintero had never met or hired, filed a petition for review ("petition") of the BIA's Dismissal with the U.S. Court of Appeals for the Ninth Circuit. In support of this petition, Respondent gave a declaration in which he stated that he failed to prosecute Quintero's appeal before the BIA because his office assistant failed to place the due dates/deadlines in the appellate matter on his calendar, that he moved his office and that Quintero's file was packed away with closed files and forgotten.

21. The petition was dismissed in part and denied in part on November 16, 2012, and on November 29, 2012, Respondent sent Quintero a letter informing Quintero that his Ninth Circuit appeal was denied and that Quintero still owed him \$2,200.

22. Respondent did not provide any services of value to Quintero, and has failed to refund any of the \$3,450 in unearned fees to Quintero.

23. In December 2012, Quintero hired another attorney to represent him in his continuing contest against removability. Quintero requested that Respondent provide him with his client file. Respondent never provided Quintero with his file.

CONCLUSIONS OF LAW:

24. By failing to file a separate written brief or statement with the Immigration Court on Quintero's behalf by the extension deadline of December 28, 2009, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

25. By failing to return Quintero's file to him following Quintero's request for his file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of

the client, all the client papers and property in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

26. By failing to refund any of the \$3,450 in unearned fees to Quintero, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2))

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has a prior record of discipline that is both recent and serious in that it involved two separate client matters, and included multiple acts of misconduct involving the failure to promptly refund unearned fees, failure to perform with competence, and other acts of misconduct that constituted moral turpitude. In an Order that took effect on August 8, 2013, Respondent was actually suspended from the practice of law for ten months with various terms and conditions as more fully set forth below. There is an approximately fifteen-month overlap between the misconduct in the prior disciplinary case, which alleged misconduct from May 2007 through December 2008, and these matters, which alleges misconduct covering a period of time beginning on or about October 2007 through and including on or about December 2012. Consequently, the weight given to this aggravating factor is slightly diminished. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619 [the aggravating force of prior discipline is diminished if the misconduct underlying it occurred during the same time period].)

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's misconduct in the present matters involves multiple acts of professional misconduct. Respondent failed to perform with competence, failed to promptly refund unearned fees, and failed to promptly release Quintero's file upon the termination of his employment. Additionally, Respondent signed, or caused to be signed, Siddell's signature on the Notice of Entry of Appearance as Attorney and on the Motion to Reopen that he filed with the Immigration Court in both Gutierrez's and Robles's underlying immigration appeals in an attempt to mislead the Immigration Court into believing that these documents had been prepared and signed by Siddell, when in fact they were prepared and signed without Siddell's knowledge or authorization. (*In the Matter of Bach* (Review Dept. 1991) 1Cal. State Bar Ct. Rptr. 631, 647 [three instances of misconduct although not a pattern or practice are sufficient to support a finding that respondent engaged in multiple acts of misconduct].)

Harm (Std. 1.5(f)): Respondent's failure to perform in Quintero's matter significantly harmed Quintero who had to hire new counsel to assist him in his fight against removal from the United States. (*In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126 [client was significantly harmed where she had to hire new counsel and expend significant amount of attorney's fees in an attempt to reclaim her property].) Additionally, Respondent's failure to file any documents or witness affidavits in support of cancellation of removal on behalf of Gutierrez or Robles by the stated deadlines caused harm to Gutierrez and Robles. Respondent's failure to perform in the Gutierrez and Robles matters resulted in the Immigration Court's issuance of a decision and order in each of their respective cases in which the Immigration Court deemed their relief applications abandoned and ordered their 30-day voluntary departure from the United States.

Indifference (Std. 1.5(g)): Furthermore, Respondent has sought to avoid accepting responsibility for his misconduct. In or about July 2012, Respondent spoke with Siddell and asked Siddell to "take the bullet for him," and to tell the Bar that it was all Siddell's fault. Respondent's reasoning to Siddell was "You are old, you can probably afford to retire. I have kids at home and this

will destroy my marriage.” (*In re Matter of Wolf* (Review Dept. 2005) 5 Cal. State Bar Ct. Rptr. 1, 11 [respondent’s demonstrated indifference and lack of remorse regarding the consequences of her misconduct found to be additional aggravation. “An attorney’s failure to accept responsibility for her actions when it is not based on an honest belief of innocence may be considered an aggravating factor.”])

Failure to Make Restitution (Std. 1.5(i)): Respondent has failed to make restitution to Quintero, of the unearned portion of the \$3,450.00 fee paid to him. (*In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676,700 [respondent demonstrated lack of insight found as aggravating factor where she failed to pay restitution until well after she was financially able to do so and only under the pressure of state Bar proceedings].)

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent has stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, prior to trial, thereby avoiding the necessity of a trial and saving State Bar and State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).) In this matter, Respondent admits to committing five acts of professional misconduct (two counts of violating Business and Professions Code section 6106, and one count each of violating rules 3-110(A), 3-700(D)(1) and 3-700(D)(2) of the Rules of professional Conduct). Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different

sanctions for each act, the most severe sanction must be imposed.” The most severe sanction applicable to Respondent’s misconduct is found in standard 2.7, which applies to Respondent’s violation Business and Professions Code, section 6106.

Standard 2.7 provides that “[d]isbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact.” Furthermore, Standard 2.7 states that the “degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law.” Respondent’s misconduct in these matters is serious and intricately entwined with his practice of law, and specifically arose during the course of his representation of Gutierrez, Robles and Quintero. Respondent’s misconduct evidences multiple acts of misconduct and caused significant harm to his clients. Respondent has also demonstrated indifference toward rectification of or atonement for the consequences of his misconduct, including in or about July 2012 when Respondent spoke with Siddell and asked Siddell to “take the bullet for him,” and to tell the Bar that it was all Siddell’s fault. Respondent’s reasoning to Siddell was “You are old, you can probably afford to retire. I have kids at home and this will destroy my marriage.”

Respondent has a prior record of discipline. Standard 1.8(a) requires that when a “member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.” The burden is on Respondent to show that his prior discipline is remote and that the offense for which it was imposed was not serious enough. (See, *In re Silverton*, *supra*, 36 Cal. 4th at p. 92.) Additionally, Respondent’s current misconduct must be analyzed with the prior misconduct to determine what the level of discipline would have been if the two matters were resolved at the same time. (*In the Matter of Sklar*, *supra*, 2 Cal. State Bar Ct. Rptr. at p. 619.)

Respondent’s prior discipline is both recent and serious. In the disciplinary order that took effect on August 8, 2013, Respondent was suspended from the practice of law for two years, stayed, and he was placed on probation for two years and received a ten-month actual suspension, and the requirements that he pay restitution to the victims of his misconduct and successfully complete the State Bar Ethics School and the Multistate Professional Responsibility Examination. Respondent stipulated to and was found culpable of professional misconduct, in two separate client matters that occurred from on or about May 2007 through on or about December 2008.

The misconduct in the prior discipline is generally the same type of misconduct that is alleged in the present case. In the prior discipline, Respondent was found culpable of violating Business and Professions Code sections 6068(d) and 6106, and rules 3-110(A), 3-700(D)(2) and 4-100(B)(3) of the Rules of professional Conduct. In the instant case, Respondent admits to culpability for violating Business and Professions Code section 6106, and rules 3-110(A), 3-700(D)(1) and 3-700(D)(2) of the Rules of professional Conduct.

As in the Gutierrez and Robles matters, Respondent, in one of the client matters in the prior disciplinary proceeding, engaged in dishonest conduct by signing Siddell’s name to various documents and filed them with the Immigration Court to cause the Immigration Court to believe that Siddell had in fact signed the documents when Siddell had not done so. Despite the overlap of time between the misconduct in the present matters and the misconduct in the prior discipline, the aggravating force of Respondent’s prior discipline is only slightly diminished, especially in light of the fact that

Respondent's misconduct in the Quintero matter continued over the course of approximately four additional years.

Respondent is entitled to mitigation for entering into this stipulation. However, this mitigation is not sufficiently compelling to warrant a deviation from Standard 2.7 given the seriousness of Respondent's multiple acts of professional misconduct. When the magnitude of the misconduct committed herein is considered in conjunction with the significant aggravating circumstances and the minimal mitigating circumstance that are presented, and when the totality of Respondent's misconduct in the prior and current matters is considered in light of the relevant standards, a sanction more severe than ten months of actual suspension is required to serve the purposes of attorney discipline as specified in Standard 1.1. Specifically, a discipline consisting of three years suspension, stayed, three years of probation, with conditions including an additional one year and two months of actual suspension, and until Respondent pays restitution to Quintero, and until Respondent complies with standard 1.2(c)(1), is consistent with the Standards and will protect the public, the courts and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession. The suspension agreed to herein will become effective upon approval by the Supreme Court. Because Respondent will remain suspended in the prior matter until approximately June 8, 2014 at the earliest, however, the additional suspension herein is reasonably anticipated to result in a net actual suspension of approximately two years and until payment of all restitution.

Case law also supports the stipulated discipline. In *Aronin v. State Bar* (1990) 52 Cal.3d 276, 287, the respondent was found culpable of numerous acts of misconduct, in four separate matters, including failing to promptly return unearned fees and engaging in acts constituting moral turpitude by signing his clients' names to a pleading (without authorization) that he intended to cause the trial court and opposing parties to believe had been signed by his clients. No aggravating factors were found and the respondent was given credit in mitigation for 17 years of practice without the prior imposition of discipline and credit for other mitigation related to stress. The Supreme Court subsequently suspended the respondent in *Aronin* for three years, the execution of which was stayed, and the respondent was placed on probation subject to certain terms and conditions, including a nine-month actual suspension.

Like the attorney in *Aronin* Respondent engaged in misconduct constituting moral turpitude when he signed Siddell's name to various documents and filed them with the Immigration Court to cause the Immigration Court to believe that Siddell had in fact signed the documents when Siddell had not done so. Respondent here, however, unlike the attorney in *Aronin* has minimal credit in mitigation and numerous aggravating factors surrounding his misconduct. Therefore, a greater level of discipline than that imposed on the attorney in *Aronin* is appropriate for Respondent's misconduct in the instant case.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 11, 2014, the prosecution costs in this matter are approximately \$3,500. 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.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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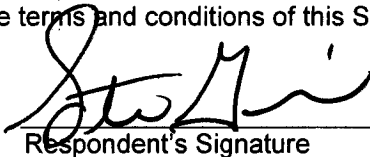
In the Matter of: STEVEN ANTHONY GUILIN	Case number(s): 12-O-17263 13-O-10425
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SIGNATURE OF THE PARTIES

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.

3/18/14

Date



Respondent's Signature

Steven Anthony Guilin

Print Name

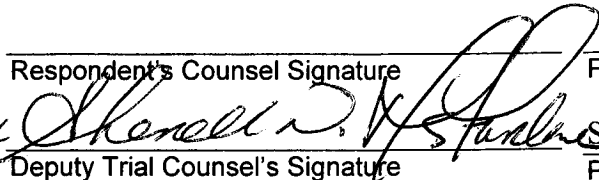
Date

Respondent's Counsel Signature

Print Name

March 21, 2014

Date



Deputy Trial Counsel's Signature

Sherell N. McFarlane

Print Name

(Do not write above this line.)

In the Matter of: STEVEN ANTHONY GUILIN	Case Number(s): 12-O-17263 13-O-10425
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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.)**

04-02-2014
Date


RICHARD A. PLATEL
Judge of the State Bar Court

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 April 3, 2014, 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:

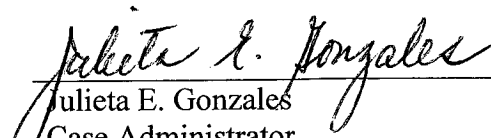
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEVEN A. GUILIN
LAW OFFICE OF STEVEN A GUILIN
4079 GOVERNOR DR PMB 265
SAN DIEGO, CA 92122

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

Sherell N. McFarlane, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 3, 2014.



Julieta E. Gonzales
Case Administrator
State Bar Court