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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<p><b>PUBLIC MATTER</b></p> <p>Counsel For The State Bar</p> <p><b>Ross Viselman</b>  <b>Deputy Trial Counsel</b>  <b>845 South Figueroa Street</b>  <b>Los Angeles, CA 90017-2515</b>  <b>(213) 765-12995</b></p> <p>Bar # 204979</p>	<p>Case Number(s):</p> <p><b>13-O-12725</b>  <b>13-O-13936</b>  <b>13-O-14257</b></p>	<p>For Court use only</p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;"><b>MAY 05 2014</b></p> <p style="text-align: center;"><b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b></p>
<p>In Pro Per Respondent</p> <p><b>Carlo Ocampo Reyes</b>  <b>22020 Clarendon Street, Suite 208</b>  <b>Woodland Hills, CA 91367</b>  <b>(818) 883-8838</b></p> <p>Bar # 226150</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p><b>CARLO OCAMPO REYES</b></p> <p>Bar # 226150</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.**

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**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **July 16, 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 **14** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- 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: **two billing cycles following the effective date of the Supreme Court order.** (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 **12-O-14923. See attachment, page 9.**
  - (b)  Date prior discipline effective **December 26, 2013**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rule of Professional Conduct, rule 3-110(A)**
  - (d)  Degree of prior discipline **Private reproof.**
  - (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.
- (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.

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- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See attachment, page 9.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (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.
- (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.

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(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Prefiling stipulation - See attachment, page 9.**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **one 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 1.2(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 **two 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 **90 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 1.2(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.

(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: .
- (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 checked="" 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.**

No MPRE recommended. Reason:

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- (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:**

(Do not write above this line.)

In the Matter of: <b>CARLO OCAMPO REYES</b>	Case Number(s): <b>13-O-12725</b> <b>13-O-13936</b> <b>13-O-14257</b>
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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

- 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.



**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: CARLO OCAMPO REYES  
CASE NUMBERS: 13-O-13936, 13-O-14257, 13-O-12725

**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.

Case No. 13-O-12725 (State Bar Investigation)

**FACTS:**

1. Respondent represented the wife in a divorce proceeding filed in San Diego Superior Court before the Honorable Katherine A. Bacall (the "Court"). In the proceeding, the Court scheduled a family resolution conference for December 5, 2012. Respondent received notice of the family resolution conference.
2. On December 5, 2012, Respondent failed to appear at the family resolution conference. As a result of Respondent's failure to appear, the Court issued an order to show cause as to why Respondent should not be sanctioned, to be heard on February 6, 2013 (the "December Order"). Respondent received the December Order.
3. Respondent failed to appear before the Court on February 6, 2013. As a result of Respondent's failure to comply with the December Order, the Court imposed sanctions against Respondent in the amount of \$250 and set another order to show cause re: sanctions against Respondent, to be heard on April 10, 2013 (the "February Order"). In the February Order, the Court ordered Respondent to "be personally present." Respondent received the February Order.
4. On April 10, 2013, Respondent sent another attorney to appear for him, instead of personally appearing himself as ordered. As a result of Respondent's failure to comply with the February Order, the Court imposed sanctions against Respondent in the amount of \$1,000 and informed Respondent of his obligation to report the sanction to the State Bar of California (the "April Order"). Respondent received the April Order shortly thereafter.
5. On August 30, 2013, Respondent paid all the sanctions imposed against him by the Court.
6. On October 10, 2013 (after the State Bar of California's investigation was underway), Respondent reported the sanctions imposed in the April Order to the State Bar.

CONCLUSIONS OF LAW:

7. By failing to appear personally before the Court on April 10, 2013, Respondent wilfully disobeyed a court order requiring him to do acts in the course of his profession which he ought in good faith to do, in willful violation of Business and Professions Code section 6103.

8. By not reporting to the State Bar of California the monetary sanctions imposed on him by the Court in the April Order until October 10, 2013, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of such judicial sanctions against Respondent, in willful violation of Business and Professions Code section 6068(o)(3).

Case No. 13-O-13936 (Complainant: Jesus DeLoera)

FACTS:

9. On April 14, 2011, Jesus DeLoera hired Respondent for the purpose of setting aside a default judgment that had been obtained against DeLoera, in *Metland Company, Inc. v. Jesus DeLoera*, filed in Los Angeles Superior Court (the "Lawsuit"). On September 14, 2011, the court granted Respondent's motion to set aside the default judgment on the condition that DeLoera pay \$700 in attorney fees to the plaintiff in the Lawsuit by October 14, 2011 (the "Default Order").

10. At Respondent's instruction, DeLoera deposited \$700 into Respondent's client trust account for the purposes of paying the plaintiff pursuant to the Default Order.

11. Despite receiving the funds from DeLoera, Respondent failed to transfer the funds to plaintiff. On October 18, 2011, Respondent received an email from plaintiff's counsel in the Lawsuit notifying Respondent that the \$700 had not been received and the default remained in effect. Despite receiving this email, Respondent still failed to pay plaintiff \$700.

12. As a result of Respondent's failure to pay \$700 to the plaintiff in the Lawsuit, the court entered a default judgment against DeLoera on December 16, 2011 in the amount of \$22,475.

13. On April 30, 2012, Respondent filed a motion to set aside the default judgment on behalf of DeLoera based on Respondent's "mistake, inadvertence, surprise, or neglect," pursuant to California Code of Civil Procedure, section 473. On July 11, 2012, the court denied Respondent's motion.

14. On March 18, 2013, DeLoera hired another attorney, who, on May 22, 2013, was successful in having the default judgment set aside. At this time, Respondent refunded the \$700 to DeLoera's new attorney.

CONCLUSIONS OF LAW:

15. By failing to transfer the \$700 to the plaintiff in the Lawsuit by October 14, 2011, resulting in a default judgment against DeLoera, Respondent recklessly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 13-O-14257 (State Bar Investigation)

FACTS:

16. From January 2013 until October 2013, Respondent maintained a client trust account at Bank of America designated account no. XXXX-XXX-X006 (the "CTA").

17. From January 2013 until October 2013, Respondent deposited into the CTA advanced attorney fees from clients.

18. During the same time period, Respondent did not promptly remove funds that he had earned as fees from his CTA as soon as his interest in such funds became fixed. Instead, Respondent left such personal funds in the CTA.

19. On May 13, 2013, Respondent wrote a check in the amount of \$1,535.00 from his CTA to pay a non-client business expense, namely the rental payment for his office lease.

CONCLUSIONS OF LAW:

20. By failing to withdraw promptly from his CTA fees that he earned, and by leaving such funds in his CTA to pay a non-client expense, Respondent commingled funds belonging to Respondent in a client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

**AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has a record of one imposition of discipline, as follows: Effective December 26, 2013 (case no. 12-O-14923), Respondent received a private reproof with the condition that he take the MPRE and Ethics School. The charges involved a failure to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A) (failure to perform), in a single matter. Specifically, Respondent failed to timely file an amended complaint, failed to appear at two hearings (on February 24 and May 13, 2011) and failed to take action to reinstate the dismissed lawsuit.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent's misconduct occurred over a three-year period in three separate matters, each involving different ethical violations.

**MITIGATING CIRCUMSTANCES.**

**Prefiling Stipulation:** Respondent entered into this Stipulation before the filing of disciplinary charges (*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 Silvertown* (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 committing four acts of professional misconduct, including commingling, violating a court order, and failing to perform with competence on behalf of a client. 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 2.2, which applies to Respondent’s violation of rule 4-100(A), Rules of Professional Conduct, including commingling. Standard 2.2 requires a minimum of 90 days of actual suspension for commingling.

Respondent paid a personal expense from his client trust account, which contained both personal funds and client funds, thereby placing client funds at risk. Respondent’s misconduct also includes violating a court order and failing to perform in another client matter, which caused some harm to both the legal system and the client. In particular, although Respondent’s client, DeLoera, was eventually able to have default judgment against him set aside, it was only after DeLoera hired new counsel to replace Respondent and file a new motion to set aside the default judgment. Respondent’s misconduct, however, is not the result of dishonesty, but rather the result of inattention. There is no evidence that Respondent misappropriated client funds or that his commingling actually harmed a client.

In aggravation, Respondent has a history of discipline, namely a private reproof for misconduct that occurred in 2011. Pursuant to Standard 1.8(a), the discipline in this matter must be greater than a private reproof. The aggravating force of the prior discipline, however, is diminished because the misconduct at issue in the private reproof occurred during the same time period as some of the misconduct currently at issue, and the misconduct currently at issue pre-dated the imposition of discipline in the private reproof. (*In the Matter of Sklar* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 602 [the “aggravating force of prior discipline is generally diminished if the misconduct underlying it occurred during the same time period ... Since part of the rationale for considering prior discipline as having an aggravating impact is that it is indicative of a recidivist attorney’s inability to conform his or her conduct to ethical norms, it is therefore appropriate to consider the fact that the misconduct involved here was contemporaneous with the misconduct in the prior case.”] [citations omitted].)

In light of the misconduct at issue, and considering the balancing of all aggravating and mitigating circumstances, including Respondent's history of prior discipline; the lack of significant or ongoing harm to Respondent's clients; along with Respondent's demonstration of his willingness to conform to ethical responsibilities in the future by entering into this stipulation before the filing of formal charges, the recommended discipline of three years of stayed suspension and three years of probation with 90 days of actual suspension is adequate to provide protection to the public and sufficient to serve the primary purposes of attorney discipline.

Case law supports this level of discipline. In *In the Matter of Wells* (2005) 4 Cal. State Bar Ct. Rptr. 896, the attorney was found culpable of numerous ethical violations: the unauthorized practice of law, failure to return unearned fees, failure to maintain trust account funds properly, moral turpitude for misrepresentations, and the collection of unconscionable fees. In aggravation, the Review Department determined that the attorneys' misconduct caused significant harm, that there were multiple violations, and that the attorney had received a private reproof in a previous matter. The Review Department recommended two years' stayed suspension and two years' probation on the condition of six months' actual suspension. Here, Respondent's misconduct does not involve moral turpitude or the significant harm caused by the attorney in *Wells*, so less discipline is warranted. In this way, 90 days of actual suspension is consistent with the *Wells* decision.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 20, 2014, the prosecution costs in this matter are \$2,797. 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 or State Bar Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: CARLO OCAMPO REYES	Case number(s): 13-O-12725 13-O-13936 13-O-14257
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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.

9/14/14 \_\_\_\_\_  
Date Respondent's Signature Carlo Ocampo Reyes  
Print Name

9/17/14 \_\_\_\_\_  
Date Respondent's Counsel Signature Print Name

9/17/14 \_\_\_\_\_  
Date Deputy Trial Counsel's Signature Ross E. Viselman  
Print Name



**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 May 5, 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:

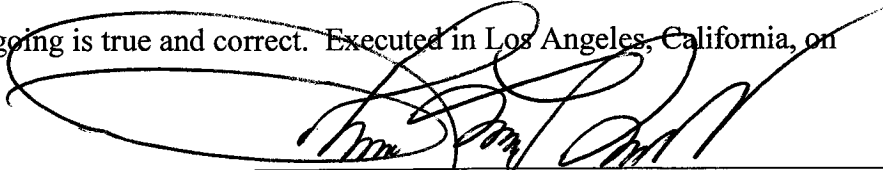
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CARLO O. REYES  
LAW OFFICES OF CARLO O REYES  
22020 CLARENDON ST STE 208  
WOODLAND HILLS, CA 91367

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

Ross E. Viselman, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 5, 2014.



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Johnnie Lee Smith  
Case Administrator  
State Bar Court