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**State Bar Court of California
Hearing Department
San Francisco
DISBARMENT**

Counsel For The State Bar

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Bar # 289721

Case Number(s):
13-O-13554

For Court use only

PUBLIC MATTER

FILED

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DEC 13 2013

**STATE BAR COURT CLERK'S OFFICE
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In Pro Per Respondent

Stanley Lewis Evans
484 Washington St.
Monterey, CA 93940
(831) 235-2072

Bar # 119091

Submitted to: **Settlement Judge**

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION AND ORDER APPROVING; ORDER OF
INVOLUNTARY INACTIVE ENROLLMENT

In the Matter of:

STANLEY LEWIS EVANS

Bar # 119091

DISBARMENT

PREVIOUS STIPULATION REJECTED

A Member of the State Bar of California
(Respondent)

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 August 10, 1985.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (9) pages, not including the order.

(Effective January 1, 2011)



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- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
 - (a) State Bar Court case # of prior case 89-C-14907 (See Stipulation Attachment, page 8.)
 - (b) Date prior discipline effective December 29, 1990
 - (c) Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code 6068(a), for driving while under the influence in violation of the California Vehicle Code section 23152, subdivision (a).
 - (d) Degree of prior discipline Public Reprimand
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:

See Stipulation Attachment, page 8.
- (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.

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- (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. (See Stipulation Attachment, page 8.)
- (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 Stipulation Attachment, page 8.)
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (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.

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- (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:

Pretrial Stipulation. (See Stipulation Attachment, page 8)

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) **Other:** Restitution: Respondent must make restitution to Llyod Humes in the amount of \$3,010.00 plus 10 percent interest per year from April 7, 2005. If the Client Security Fund has reimbursed Lloyd Humes for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles.

Respondent must make restitution to Roberto Garcia in the amount of \$15,024.00 plus 10 percent interest per year from December 31, 2005. If the Client Security Fund has reimbursed Roberto Garcia for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STANLEY LEWIS EVANS

CASE NUMBER: 13-O-13554

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-13554 (State Bar Investigation)

FACTS:

1. On September 25, 2007, Respondent entered into a Stipulation with the State Bar in connection with his enrollment in the Alternative Discipline Program ("ADP") in case number 05-O-00167. On April 28, 2008, the Court issued an order accepting Respondent into ADP. On June 22, 2011, the Court found Respondent was not in compliance with the conditions of ADP and issued an order terminating Respondent from ADP and imposing discipline.

2. Effective June 27, 2011, Respondent was suspended from the practice of law for a minimum of two years and placed on probation for five years, subject to the following conditions:

- a. Submit written quarterly reports to the Office of Probation by the due dates of January 10, April 10, July 10, October 10;
- b. Submit to the Office of Probation satisfactory proof of attendance as a session of the Ethics School, and passage of the test given at the end of that session by January 11, 2013;
- c. Submit a waiver authorizing the Lawyer Assistance Program ("LAP") to provide the Office of Probation and the State Bar Court information regarding the terms and conditions of Respondent's participation and compliance in LAP by the due date of February 10, 2012;
- d. Submit written quarterly reports, from LAP, to the Office of Probation due on April 10, 2012, July 10, 2012, October 10, 2012, January 10, 2013, and April 10, 2013; and
- e. Submit laboratory blood and/or urine reports to the State Bar Office of Probation on or before the tenth day of each month.

3. Respondent failed to timely submit a Quarterly Report by its due date of January 10, 2013.

4. Respondent failed to attend State Bar Ethics School by the due date of January 11, 2013.

5. Respondent failed to submit a waiver authorizing LAP to provide the Office of Probation and the State Bar Court information regarding the terms and conditions of Respondent's participation and compliance in LAP by the due date of February 10, 2012.

6. Respondent failed to request that LAP submit written Quarterly Reports to the Office of Probation due on April 10, 2012, July 10, 2012, October 10, 2012, January 10, 2013, and April 10, 2013.

7. Respondent failed to timely submit laboratory blood and/or urine reports to the State Bar Office of Probation that were due no later than August 10, 2012, September 10, 2012, October 10, 2012, November 10, 2012, December 10, 2012, February 10, 2013, March 10, 2013, April 10, 2013, May 10, 2013, and June 10, 2013.

8. Respondent failed to file laboratory blood and/or urine reports to the State Bar Office of Probation that were due no later than February 10, 2012, March 10, 2012, April 10, 2012, May 10, 2012, June 10, 2012, July 10, 2012, and January 10, 2013.

9. Respondent remains out of compliance with his probation conditions.

CONCLUSIONS OF LAW:

10. By failing to timely submit a quarterly report, by failing to attend State Bar Ethics School by the due date of January 11, 2013, by failing to submit a waiver authorizing the LAP to provide the Office of Probation and the State Bar Court information regarding the terms and conditions of Respondent's participation and compliance in LAP by the due date of February 10, 2012, by failing to request that LAP submit written Quarterly Reports, and by failing to submit laboratory blood and/or urine reports to the State Bar Office of Probation Respondent failed to comply with conditions of probation in willful violation of Business and Professions Code, section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Respondent has been disciplined on three prior occasions. On December 29, 1990, Respondent received a public reproof in Case No. 89-C-14907 based on three convictions of California Vehicle Code, section 23152, subdivision (a) [driving while under the influence]. On January 11, 2011, Respondent received a two-year actual suspension with a restitution requirement in Case Nos. 05-O-00167 [05-O-01242; 05-O-05034; 06-O-12274], for the following violations in connection with four client matters: Rules of Professional Conduct, rule 3-110(A) [failing to perform], rule 3-700D(2) [failing to refund unearned fees], rule 4-100(A) [failing to maintain funds in trust] and rule 4-100(B)(3) [failing to account], and Business and Professions Code section 6106 [misappropriation]. On February 23, 2012, Respondent received a two-year actual suspension in Case Nos. 11-O-11605 [11-O-12050], to run concurrent with his prior discipline in January 2011, for a violation of Business and Professions Code, section 6068(m) [failing to communicate].

Indifference (Std. 1.2(b)(v)): Respondent's repeated unwillingness to come into compliance with his probation conditions demonstrates an indifference toward rectification.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent's present misconduct involves numerous failings to comply with the conditions of a reproof and represents multiple acts of misconduct. (See *In the Matter of Tiernan* (Review Dept. 1996) 3 Cal State Bar Ct. Rptr. 523, 529 [failing to cooperate with the probation monitor and failing to timely file probation reports constitute multiple acts of misconduct].)

MITIGATING CIRCUMSTANCES

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickie* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.) Any mitigative credit is tempered by the fact that Respondent agreed to enter into a stipulation on the eve of trial.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

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.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Standard 2.6 applies to Respondent's violation of Business and Professions Code section 6068(k). Standard 2.6 provides that a wilful violation of section 6068 "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."

Here, Respondent failed to comply with almost all of his probation conditions. Respondent's misconduct is serious and aggravated by three prior records of discipline, indifference for failing to come into compliance with his probation and multiple acts of misconduct. Respondent is entitled to limited mitigation for entering into the pretrial stipulation because he did so on the eve of trial. Based on the gravity of Respondent's misconduct, the aggravation, and the limited mitigation, disbarment is appropriate under standard 2.6.

Standard 1.7(b) is also applicable in this matter based on Respondent's prior records of discipline. Standard 1.7(b) provides: "If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate."

In this matter, Respondent has three prior records of discipline. Respondent is only entitled to mitigation for entering into this stipulation. Such mitigation is of limited weight since the stipulation was entered on the eve of trial. Hence, the most compelling mitigating circumstances do not clearly predominate to support deviating from standard 1.7(b). In addition, Respondent's prior misconduct was neither remote in time nor minimal in severity. On the contrary, Respondent's prior misconduct was serious and widespread.

Disbarment is warranted under standard 1.7(b) and will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.


Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 25, 2013, the prosecution costs in this matter are \$2,291.00. 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: Stanley Lewis Evans	Case number(s): 13-O-13554
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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>12/3/13</u> Date	 Respondent's Signature	<u>Stanley Lewis Evans</u> Print Name
<u>10/9/13</u> Date	<u>Jonathan Cesefia</u> Respondent's Counsel Signature Deputy Trial Counsel	<u>Jonathan Cesefia</u> Print Name
<u> </u> Date	<u> </u> Deputy Trial Counsel's Signature	<u>Jonathan Cesefia</u> Print Name

(Do not write above this line.)

In the Matter of: STANLEY LEWIS EVANS	Case Number(s): 13-O-13554
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DISBARMENT 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.

1. On p. 1, A. (3), delete "9" and insert "10" in its place because the stipulation consists of 10 pages.
2. On p. 2, B. (1)(a) and (e), delete "8" and insert "7" in its place, to read "page 7" regarding prior record of discipline.
3. On p. 3, B. (5), delete "8" and insert "7" in its place, to read "page 7" regarding indifference.
4. On p. 5, E. (3), "Llyod" is corrected to spell "Lloyd" and delete "Garcia" and insert "Gomez" in its place, to read "Roberto Gomez."
5. On p. 6, paragraph 2., delete "June 27, 2011" and insert "January 11, 2012" as the effective date of respondent's suspension in case No. 05-O-00167. Also, add "four years, stayed, and" after "suspended from the practice of law."
6. On p. 7, the paragraph regarding Prior Record of Discipline, delete "January 11, 2011" and insert "January 11, 2012" in its place.
7. On p. 8, the paragraph regarding "Multiple Acts of Misconduct," delete "a reproof" and insert "probation," because his present misconduct involved failure to comply with probation conditions, not failure to comply with the conditions attached to a reproof.

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.)**

Respondent Stanley Lewis Evans, SBN 119091 is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date December 13, 2013 
PAT E. McELROY
Judge of the State Bar Court

(Effective January 1, 2011)

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 San Francisco, on December 13, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

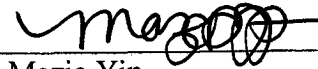
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

STANLEY LEWIS EVANS
STANLEY L EVANS
484 WASHINGTON ST
MONTEREY, CA 93940

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

JONATHAN R. CESENA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 13, 2013.



Mazie Yip
Case Administrator
State Bar Court