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<b>State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p><b>Diane J. Meyers</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1496</p> <p>Bar # 146643</p>	<p>Case Number(s):</p> <p>14-O-02907-DFM 14-O-04212</p>	<p>For Court use only</p> <p style="font-size: 2em; font-weight: bold; text-align: center;">PUBLIC MATTER</p> <p style="text-align: center; font-weight: bold;">FILED</p> <p style="text-align: center; font-weight: bold;">MAR 23 2015</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Steven J. Renshaw</b> 5700 Ralston St., Suite 301 Ventura, CA 93003 (805) 456-9712</p> <p>Bar # 132640</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p><b>STEVEN JOSEPH RENSHAW</b></p> <p>Bar # 132640</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 **December 14, 1987**.
- (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."

(Effective January 1, 2014)



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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):
- Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **the two billing cycles immediately following the effective date of the Supreme Court order in this matter.** (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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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. **See Attachment to Stipulation at p. 12.**
- (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. **See Attachment to Stipulation at p. 12.**

- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment to Stipulation at p. 12.**
- (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. **See Attachment to Stipulation at p. 12.**
- (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. **See Attachment to Stipulation at p. 13.**
- (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.

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- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**No prior discipline, pretrial stipulation, remorse, recognition of wrongdoing and atonement. See Attachment to Stipulation at p. 13.**

## 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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is 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.)

## E. Additional Conditions of Probation:

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  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.
- (3)  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.
- (4)  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.

- (5)  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.

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- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  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.
- (9)  The following conditions are attached hereto and incorporated:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions                        |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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: .
- (2)  **Other Conditions:**

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In the Matter of: <b>Steven Joseph Renshaw</b>	Case Number(s): <b>14-O-02907-DFM</b> <b>14-O-04212</b>
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**Law Office Management Conditions**

- a.  Within **30** days/ ~~months/~~ -years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
  
- b.  Within        days/        months/        years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than        hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
  
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:





6. On November 6, 2013, AAA sent a letter to respondent, indicating that AAA was cancelling the arbitration and not charging fees.

7. On November 27, 2013, respondent's law partner and wife sent a letter to law firm proposing arbitrators pursuant to the stipulation reached regarding the arbitration. Also on November 27, 2013, Maiden requested the return of the \$200 advanced for the arbitration filing fee. On December 16, 2013, Maiden asked respondent for the status of the arbitration and the status of the \$200 arbitration fee.

8. On December 30, 2013, respondent informed Maiden that he had signed an agreement with law firm for ARC to decide both the malpractice and fee dispute claims because ARC only used retired judges while AAA used judges and attorneys. Respondent also informed Maiden that he had recently sent law firm a list of ARC-acceptable judges that had experience with family law and legal malpractice issues and that he was waiting for their response.

9. On January 20, 2014, Maiden requested the status of the selection of an arbitrator.

10. On February 3, 2014, Maiden called respondent and requested a refund and a follow-up letter to law firm regarding picking an arbitrator. Respondent informed Maiden that he thought that the refund had been sent, but would send it to Maiden the next day with a second request to law firm to pick an arbitrator. Respondent did not send the refund or the second request.

11. On February 10, 2014, Maiden emailed respondent and requested a refund and a copy of the second request for law firm to pick an arbitrator by February 14. On February 18, 2014, Maiden called respondent who told Maiden that he thought the refund check had been sent out by his wife, who had been ill. Respondent told Maiden that he would personally send the refund and a follow up letter to law firm that night and send a copy of the letter to Maiden. Maiden sent respondent an email confirming their conversation. Respondent did not send the request to law firm.

12. On February 19, 2014, Maiden received a check from respondent for \$2,900, which did not include the \$200 arbitration fee. Respondent's wife erroneously deducted \$200 from the \$3,100 that should have been returned to Maiden because she was unaware that AAA had not charged the \$200 arbitration fee. Respondent did not confirm that the entire balance of \$3,100 had been returned to Maiden. On February 24, 2014, Maiden emailed respondent and requested that he send a follow-up request to law firm to pick an arbitrator from the list that respondent had sent on November 27 and that respondent send Maiden copy of the request by 10 p.m. Respondent received the email. Respondent did not respond to Maiden's request.

13. On February 26, 2014, Maiden called respondent and left a message on his voice mail asking respondent to send a follow up letter to law firm regarding the selection of an arbitrator and asking respondent for a copy of the letter sent to law firm. On February 27, 2014, Maiden emailed respondent a follow-up letter to law firm that Maiden had drafted to save respondent time. Maiden received an email from respondent indicating that respondent was in Florida for the past week due to his father's hospitalization. He added that he was currently arranging his father's funeral and would send a follow up letter to law firm when he returned to California over the weekend, or by March 3, 2014.

14. When respondent did not send a follow up letter to law firm, Maiden repeatedly made requests to respondent that an arbitrator be selected and made status inquiries to respondent between March 5 and April 23, 2014, asking for the status of the selection of an arbitrator. Respondent received but did not respond to the inquiries. Also, on March 21, 2014, Maiden sent a letter to respondent asking

him to recommend other attorneys who could handle his claims if respondent was unable to represent Maiden. Respondent did not respond to Maiden's letter.

15. Meanwhile, on April 22, 2014, Maiden contacted the State Bar of California and submitted a complaint against respondent, as respondent had not responded to Maiden's inquiries. On April 23, 2014, respondent told Maiden in an email that he was in trial in Los Angeles that week, but would try to reach Maiden that evening when he returned to his office. Respondent did not contact Maiden.

16. On or about July 15 and September 2, 2014, the State Bar sent correspondence to respondent regarding Maiden's complaint and requested a response to the complaint.

17. On September 8, 2014, respondent sent a letter to Maiden in which he essentially terminated his representation of Maiden. In respondent's letter, he maintained that he had filed a claim for arbitration in September 2013 in order to preserve the statute of limitation on any potential claim and that he had discussed with Maiden on several occasions after filing the claim, including when respondent was in Florida to attend to his ailing father, that Maiden did not have a reasonable basis for a claim against law firm. Respondent provided a \$200 check to Maiden representing the money paid for AAA's filing fee. Prior to September 8, 2014, respondent never communicated to Maiden in writing about the lack of merit of Maiden's claims and respondent had not sent written notice to Maiden that he was terminating the attorney-client relationship as required by the fee agreement between Maiden and respondent.

18. On September 18, 2014, respondent shipped boxes to Maiden containing some of the documents that respondent had received from Maiden in June 2013, before respondent's representation of Maiden commenced.

19. On October 6, 2014, Maiden emailed respondent and acknowledged his receipt of two of six banker boxes containing documents that he had given to respondent. Maiden requested that respondent not send the remaining four boxes at that time. On October 7, 2014, respondent informed the State Bar in an email that he had already shipped four boxes to Maiden thus far, but the post office twice rejected the last two remaining boxes because of the condition of the boxes and the weight. Respondent stated that he had purchased new shipping boxes and was repacking the documents for shipping the next day. Respondent did not send the other boxes to Maiden.

20. On October 13, 2014, Maiden informed respondent in an email that he had not received the remaining four banker boxes and ask respondent to send them. Maiden did not receive the remaining four boxes until the week of November 17, 2014. While respondent maintained that he had sent Maiden's client file in a red well file placed in one of the boxes sent to Maiden, the client file was not located by Maiden. On November 17, 2014, respondent told the State Bar that he would provide a copy of the client file to Maiden, but Maiden did not receive the copy of the client file from respondent until December 20, 2014. The file received did not contain all of the correspondence that respondent had received or sent in the matter to Maiden, law firm, and AAA. On January 6, 2015, Maiden sent a list to respondent of the documents which he believed were missing from the file and asked respondent to respond. On March 2, 2015, respondent responded to Maiden's request and provided Maiden with copies of additional correspondence from the file.

## CONCLUSIONS OF LAW:

21. By not selecting an arbitrator to decide the claims, by not scheduling the arbitration, and by not arbitrating the claims in a timely manner, after the parties agreed to arbitrate the claims in August 2013, respondent failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

22. By not responding to Maiden's inquiries made between on or about March 5, 2014 and April 23, 2014, respondent failed to respond promptly to reasonable status inquiries of a client that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

23. By not returning all of Maiden's documents and his client file until March 2, 2015, respondent failed to release promptly, after termination of respondent's employment, all of the client's papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

### Case No. 14-O-04212 (Complainant: Barbara McVicker)

#### FACTS:

24. On or about April 13, 2013, Barbara McVicker ("McVicker") employed respondent to probate the estate of her mother, Angela Alonzo Perich, which included a single family residence. Perich died intestate. Respondent informed McVicker that he would complete the probate in six months. McVicker asked respondent to add her name to the grant deed for the residence as it had been inadvertently dropped from the grant deed. McVicker paid respondent \$435 for the filing fee.

25. On May 7, May 23, June 11, and June 28, 2013, McVicker contacted respondent by email and asked for the status of the probate. Respondent received but did not respond to McVicker's email.

26. Between December 2 and 13, 2013, McVicker called respondent on three occasions and left messages for respondent that she wanted to meet with him to review the probate documents that respondent was supposed to prepare. Respondent received but did not respond to McVicker's messages. On December 27, 2013, McVicker sent a letter to respondent. In McVicker's letter, she referenced her attempts to contact respondent by telephone earlier in the month and she requested that respondent contact her. Respondent received but did not respond to McVicker's letter.

27. On or about February 3, 2014, McVicker sent another letter to respondent. In McVicker's letter, she complained that she had been trying to contact respondent for weeks without success and she asked respondent to let her know if he was no longer interested in keeping her as a client. Respondent received but did not respond to McVicker's letter.

28. In March 2014, McVicker met with respondent and he informed McVicker that he would be sending her disclaimer of interest forms for her siblings to sign. When McVicker did not receive the forms, on March 15, 2014, McVicker sent another letter to respondent in which she stated that she would be complaining about respondent to the State Bar. Respondent received but did not respond to the letter.

29. After informing McVicker in an email on March 18, 2014 about the action he would take to finalize the probate and after receiving the forms signed by two of McVicker's siblings in March 2014,

respondent delayed filing the probate petition until July 17, 2014, when he filed the petition in the Los Angeles County Superior Court as case no. BP154037. Respondent also arranged for the statutorily required publication of the probate petition.

30. On July 18, 2014, the State Bar received a complaint from McVicker against respondent regarding his lack of performance and communication. On August 4, 2014, McVicker hired another attorney who substituted into the probate case. On or about August 27, 2014, the State Bar sent a letter to respondent about McVicker's complaint.

31. On September 8, 2014, respondent sent a letter to McVicker. In the letter, respondent apologized for the delay in pursuing the probate for McVicker and stated that he was waiving his statutory attorney fees. On September 22, 2014, respondent acknowledged in a letter to the State Bar that there was a delay in initiating the probate and that the matter should have been concluded sooner.

#### CONCLUSIONS OF LAW:

32. By not filing the petition for probate until July 17, 2014, respondent failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

33. By not responding McVicker's correspondence and calls between on or about May 7, 2013 and February 3, 2014, respondent failed to respond promptly to reasonable status of a client that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

#### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent failed to perform and communicate in two client matters and failed to promptly release the client's property and file in one client matter.

#### **Trust Violation (Std. 1.5(e)):**

Respondent's failure to promptly refund the \$200 paid for the arbitration fee constitutes a violation of Rules of Professional Conduct, rule 4-100(B)(4). However the amount involved was insignificant and respondent's failure to refund was not venal but due to his failure to confirm that the \$200 had been returned to Maiden.

#### **Lack of Cooperation (Std. 1.5(h)):**

Respondent's failure to promptly release all of Maiden's property and client file after stating that he would do so on October 7 and November 17, 2014, demonstrates a lack of cooperation with Maiden and the State Bar.

#### MITIGATING CIRCUMSTANCES.

**No Harm (Std. 1.6(c)):** McVicker was not harmed by respondent's delay in filing the probate. Fortuitously, the value of the family residence had increased during the period of the delay.

**Family Problems:** During the period of respondent's misconduct, he was absent from his office for an extended period of time while tending to a series of family matters which negatively impacted his law practice. In February 2013, respondent's minor daughter underwent major surgery which confined her to a bed for several months. Respondent's wife and law partner remained at home during the period of his daughter's recuperation from surgery. Shortly after respondent's daughter recovered from surgery, respondent's wife developed serious health issues which required surgery and hospitalization in May 2013 and a period of post-surgery recuperation which kept her out of the office for an extended period of time. Respondent was his wife's and daughter's primary caregiver during this time and while respondent's wife was unable to practice law, respondent assumed the responsibility of handling his client matters and his wife's client matters. After his wife's recovery from surgery, she experienced various recurring health issues which continued to diminish her time in the office and increased respondent's work load and his time spent caring for his daughter.

In late September 2013, respondent's mother suffered a stroke. Respondent's mother was the primary caregiver of his father who suffered from a chronic disease. Respondent's parents resided in Florida and respondent made several trips to Florida to assist his parents. In late February 2014, respondent's father was hospitalized and was not expected to live. Respondent again traveled to Florida to assist his mother and to be with his father, who died on February 27, 2014. In April 2014, respondent's daughter had extensive surgery which required five months of bed rest and recuperative care and required respondent's wife to stay home with his daughter. Again, respondent had to handle his wife's client matters while she was away from the office. (*Sugarman v. State Bar* (1990) 51 Cal.3d 609, 619 [family problems suffered during the misconduct deemed a mitigating factor].)

#### **Additional Mitigating Circumstances:**

**No Prior Record:** Although respondent's misconduct is serious, he was admitted to the State Bar on December 14, 1987, and has no prior record of discipline in over 25 years of practice before his misconduct began around May 2013, when he initially failed to communicate with McVicker. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [over 10 years of active practice before first act of misconduct worth significant weight in mitigation].)

**Pretrial Stipulation:** Respondent has stipulated to facts and culpability prior to the filing of pretrial statements, and thereby saved State Bar resources and time. (*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].)

**Remorse/Atonement/Recognition of Wrongdoing:** After being contacted by State Bar about McVicker's complaint, respondent expressed his remorse to McVicker for the delay in filing the petition in his letter to McVicker, dated September 8, 2014, and respondent waived his attorney fees. Respondent also acknowledged to the State Bar that he had delayed the filing of the probate when contacted by the State Bar about McVicker's complaint.

#### **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).)

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 2.6(b) which provides that actual suspension is appropriate for failing to perform legal services or properly communicate in multiple client matters, not demonstrating a pattern of misconduct.

Deviation from standard 2.6(b) is appropriate and a period of actual suspension is not warranted. The gravamen of respondent’s misconduct in failing to perform and communicate in two client matters is mitigated by respondent’s family problems which required respondent to be away from his office to care for his wife and daughter and to travel out of state to be with his parents. Respondent’s wife also was not in the office to assist respondent with their client matters which contributed to respondent’s performance delays and lack of response to status inquiries. While respondent’s family problems were not the sole cause of respondent’s delayed performance and lack of communication and not the cause of his lack of cooperation, the other mitigating factors, including the significant factor of respondent’s many discipline-free years in practice, demonstrate that a one-year stayed suspension and two-year probation with educational requirements of State Bar Ethics School and the Multistate Professional Responsibility Examination and law office management plan would adequately protect the public, the courts and the legal profession, maintain the highest professional standards, and preserve public confidence in the legal profession.

Similar cases in which a period of actual suspension was imposed involved more client matters or more serious misconduct by the attorney, and/or greater aggravation and lesser mitigation. (*Cf. Matthew v. State Bar* (1989) 49 Cal.3d 784 [60-day suspension for failure to perform competently, communicate and return unearned fees involving three clients, aggravated by financial harm and mitigated by no prior discipline in only three years of practice]; *King v. State Bar* (1990) 52 Cal.3d 307 [90-day suspension for failure to perform competently, failure to return files, and misrepresentation involving two client matters, aggravated by financial and emotional client harm and failure to pay restitution, and mitigated by no prior discipline in 17 years of practice, financial problems and depression].) This recommenda-

tion is also consistent with *Coangelo v. State Bar* (1991) 53 Cal.3d 1255 [stayed suspension in default proceeding involving an attorney's failure to perform competently, return unearned fees, properly withdraw from representation, and communicate in four client matters, mitigated by no harm and physical difficulties, where hearing judge had "serious misgivings" about three of the client matters. (*Id.* at p. 1267.)]

**DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
14-O-02907	Three	Business and Professions Code section 6068(m)

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 19, 2015, the prosecution costs in this matter are \$\$4,452. 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, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

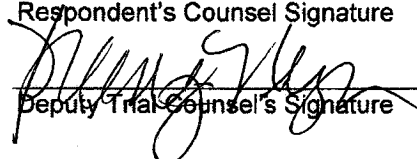
(Do not write above this line.)

In the Matter of: Steven Joseph Renshaw	Case number(s): 14-O-02907-DFM 14-O-04212
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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.

2/6/15            Steven J. Renshaw  
Date      Respondent's Signature      Print Name

3/10/15            Diane J. Meyers  
Date      Deputy Trial Counsel's Signature      Print Name



(Do not write above this line.)

In the Matter of: STEVEN JOSEPH RENSHAW	Case Number(s): 14-O-02907; 14-O-04212
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### STAYED 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.

On page 9 of the stipulation, numbered paragraph 14, "April 23, 3014" is deleted and in its place is inserted "April 23, 2014".

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.)**

3-23-15  
Date

  
GEORGE E. SCOTT, JUDGE PRO TEM  
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 March 23, 2015, 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:

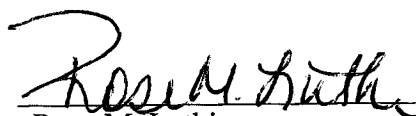
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEVEN J. RENSHAW  
5700 RALSTON ST STE 301  
VENTURA, CA 93003

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

DIANE MEYERS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 23, 2015.



Rose M. Luthi  
Case Administrator  
State Bar Court