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**State Bar Court of California
Hearing Department
San Francisco
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p>Heather E. Abelson Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2357</p> <p>Bar # 243691</p>	<p>Case Number(s): 15-J-11101</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p><i>✓</i></p> <p>MAY - 6 2015</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave Unit 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 77688</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: PREETINDER SINGH</p> <p>Bar # 183686</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 **October 23, 1996**.
- (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."

(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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. See "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 11.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 11.
- (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.

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See "Facts Supporting Aggravating Circumstances" in the attachment hereto at page 11.
- (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. See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 11.

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- (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:

No Prior Discipline - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 11.

Pre-filing Stipulation - See "Facts Supporting Mitigating Circumstances" in the attachment hereto at page 11.

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of **three years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **three 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 **two years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

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- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

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

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National

(Effective January 1, 2014)

Actual Suspension.

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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:

- (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:**

7. 8 C.F.R. § 1003.102 provides as follows:

It is deemed to be in the public interest for an adjudicating official or the Board to impose disciplinary sanctions against any practitioner who falls within one or more of the categories enumerated in this section, but these categories do not constitute the exclusive grounds for which disciplinary sanctions may be imposed in the public interest. Nothing in this regulation should be read to denigrate the practitioner's duty to represent zealously his or her client within the bounds of the law. A practitioner who falls within one of the following categories shall be subject to disciplinary sanctions in the public interest if he or she....

(m) Assists any person, other than a practitioner as defined in § 1003.101(b), in the performance of activity that constitutes the unauthorized practice of law. The practice of law before EOIR means engaging in *practice* or *preparation* as those terms are defined in §§ 1001.1(i) and (k);

(n) Engages in conduct that is prejudicial to the administration of justice or undermines the integrity of the adjudicative process. Conduct that will generally be subject to sanctions under this ground includes any action or inaction that seriously impairs or interferes with the adjudicative process when the practitioner should have reasonably known to avoid such conduct;

(o) Fails to provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners[.]”

8. On September 9, 2014, respondent filed an appeal of the Immigration Court's decision with the Board of Immigration Appeals.

9. On December 29, 2014, the Board of Immigration Appeals issued a Decision, dismissing respondent's appeal, and affirming the Immigration Court's decision. Thereafter, that order became final.

10. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

Matter of Alfredo Esquivel-Lucio, U.S. Immigration Court, case no. A205-385-812

11. On June 11, 2012, in the immigration matter entitled *Matter of Alfredo Esquivel-Lucio*, U.S. Immigration Court, case no. A205-385-812, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Esquivel-Lucio.

12. On August 28, 2012, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Esquivel-Lucio* matter. During this appearance, Comstock allowed

evidence to be entered into the record, explained to the court that respondent's client would not be seeking asylum on account of the one-year filing deadline, and requested a 3-week continuance in order to complete Esquivel-Lucio's declaration for withholding of removal and protection under the Convention Against Torture.

Matter of Bhupinder Singh, U.S. Immigration Court, case no. A205-934-896

13. On July 29, 2013, in the immigration matter entitled *Matter of Bhupinder Singh*, U.S. Immigration Court, case no. A205-934-896, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

14. On August 27, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Bhupinder Singh* matter. During this telephonic appearance, Comstock entered pleadings on the record, conceded Singh's removability, and requested additional time to prepare an application for asylum, withholding of removal, and protection under the Convention Against Torture.

Matter of Manpreet Singh, U.S. Immigration Court, case no. A205-937-188

15. On July 29, 2013, in the immigration matter entitled *Matter of Manpreet Singh*, U.S. Immigration Court, case no. A205-937-188, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

16. On October 29, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Manpreet Singh* matter. During this telephonic appearance, Comstock indicated that he was ready to enter pleadings even though he did not have and had not reviewed the charging document, and requested a continuance for attorney preparation.

Matter of Gurmeet Singh, U.S. Immigration Court, case no. A205-941-702

17. On October 11, 2013, in the immigration matter entitled *Matter of Gurmeet Singh*, U.S. Immigration Court, case no. A205-941-702, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

18. On October 23, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Gurmeet Singh* matter. During this hearing, Comstock conceded proper service of the charging document, entered pleadings, conceded Singh's removability, and requested additional time to prepare an application for asylum, withholding of removal, and protection under the Convention Against Torture.

Matter of Gurnam Singh, U.S. Immigration Court, case no. A205-937-069

19. On October 17, 2013, in the immigration matter entitled *Matter of Gurnam Singh*, U.S. Immigration Court, case no. A205-937-069, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

20. On October 27, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Gurnam Singh* matter. During this hearing, Comstock entered pleadings, conceded Singh's removability, and requested additional time to prepare an application for asylum, withholding of removal, and protection under the Convention Against Torture.

Matter of Jaspal Singh, U.S. Immigration Court, case no. A205-934-906

21. On October 28, 2013, in the immigration matter entitled *Matter of Jaspal Singh*, U.S. Immigration Court, case no. A205-934-906, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

22. On October 29, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Jaspal Singh* matter. During this hearing, Comstock requested a continuance for attorney preparation.

Matter of Sukhjinder Singh, U.S. Immigration Court, case no. A205-905-585

23. On October 28, 2013, in the immigration matter entitled *Matter of Sukhjinder Singh*, U.S. Immigration Court, case no. A205-905-585, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

24. On October 29, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance. During this appearance, Comstock requested a continuance for attorney preparation.

Matter of Baljit Singh, U.S. Immigration Court, case no. A205-935-878

25. On October 11, 2013, in the immigration matter entitled *Matter of Baljit Singh*, U.S. Immigration Court, case no. A205-935-878, respondent executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record for Singh.

26. On November 19, 2013, at respondent's request, Comstock impersonated respondent during a telephonic court appearance in the *Baljit Singh* matter. Assistant Chief Counsel Ryan Goldstein ("Goldstein"), counsel for the Department of Homeland Security, did not recognize Comstock's voice, and told the court that he doubted that the individual on the phone was respondent. The Court asked Comstock to confirm that he was respondent, and Comstock stated "this is attorney Peter Singh, your honor." The hearing proceeded and, at the conclusion of the hearing, the case was continued to November 21, 2013.

27. On November 21, 2013, respondent and Goldstein appeared in person before the court in the *Baljit Singh* matter. At the hearing, respondent admitted that, after the November 19, 2013 hearing, respondent telephoned Goldstein, first tried to claim that he had appeared telephonically but had been in a closet at the time, but eventually then admitted that he had not been on the phone for the hearing, and that Comstock had appeared. Respondent further admitted that he had asked Comstock to impersonate him and appear on his behalf before the Immigration Court, that he had engaged in aiding the

unauthorized practice of law, and that he knew it was a crime to have his assistant impersonate him and appear on his behalf before the Immigration Court.

CONCLUSIONS OF LAW:

28. As a matter of law, respondent's culpability of professional misconduct determined in the proceeding in the Board of Immigration Appeals warrants the imposition of discipline under the laws and rules binding upon respondent in the State of California at the time respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Dishonesty (Std. 1.5(d)): Respondent demonstrated dishonesty by having his assistant pose as him for at least eight telephonic court appearances. Respondent's dishonesty and act of concealment constitutes an aggravating circumstance pursuant to Standard 1.5(d).

Harm (Std. 1.5(f)): Respondent's repeated acts of having a non-attorney appear on his behalf for telephonic court appearances caused harm to the administration of justice, as recognized by the Immigration Court which found respondent culpable of violating 8 C.F.R. 1003.102(n) [prejudicing the administration of justice]. Respondent's harm to the administration of justice constitutes an aggravating circumstance pursuant to Standard 1.5(f).

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent had his assistant appear as him for at least eight telephonic court appearances over a three year period, each of which constitutes an act of misconduct. Respondent's multiple acts of misconduct constitute an aggravating circumstance pursuant to Standard 1.5(b).

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Respondent provided the State Bar with 8 character reference letters from individuals within the legal and general communities, all of whom were aware of the full extent of respondent's misconduct. Respondent is entitled to some mitigation for good character pursuant to Standard 1.6(f).

No Prior Discipline: Although respondent's misconduct is serious, he is entitled to limited mitigation for having practiced law without discipline for approximately 15 years prior to engaging in the alleged acts of misconduct. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the State Bar filing a Notice of Disciplinary Charges, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing

with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re 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 was found culpable of professional misconduct before the United States Immigration Courts. To determine the appropriate sanction in this proceeding, it is necessary to consider the equivalent rule or statutory violation under California law. Specifically, respondent’s misconduct in the other jurisdiction demonstrates a violation of Rules of Professional Conduct, rules 1-300(A) and 3-110(A).

Here, respondent committed acts two acts of professional misconduct. 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 catchall Standard 2.15 based on respondent’s violation of Rules of Professional Conduct, rule 1-300(A). Standard 2.15 provides that “suspension not to exceed three years or reproof is appropriate for a violation of a provision of the Business and Professions Code or the Rules of Professional Conduct not specified in these Standards.”

Here, a two-year actual suspension, which is on the higher end of the available range of discipline, is appropriate because of the nature of respondent’s misconduct. Respondent repeatedly had his assistant impersonate him before multiple immigration courts, over a multi-year period, on behalf of multiple clients who had no idea that respondent was not appearing on their behalf. Respondent’s misconduct is also substantially aggravated by multiple acts of misconduct, dishonesty, and harm to the administration of justice. The maximum level of discipline available (i.e. a three-year actual suspension) is not warranted because respondent’s misconduct is mitigated by no prior discipline, good character, and by entering into a pre-filing stipulation.

In the *Matter of Huang* (Review Dept. 2014), 5 Cal. State Bar Ct. Rptr. 296, supports for a 2-year actual suspension in this case. In *Huang*, attorney Huang operated a loan modification practice in which non-attorneys performed essentially all of the loan modification work. (*Id.* at 298-299.) Huang was found

culpable of violating 6106.3, 3-110(A) and 1-300(A) in 8 client matters. (*Id.* at 300-303.) The Review Department found that Huang's misconduct was aggravated by multiple acts of misconduct and significant client harm, and mitigated by no prior record of discipline, proved good character, displayed remorse, and cooperation. (*Id.* at 304.) The Review Department recommended a 2-year actual suspension. (*Id.* at 306.)

Here, respondent's misconduct is quite similar to attorney Huang's misconduct. In both cases, the respondent attorney allowed non-attorney staff to practice law in at least eight client matters. Although respondent's misconduct involves more aggravating circumstances and less mitigating circumstances, a higher level of discipline is not warranted because respondent's misconduct does not appear to have resulted in client harm, unlike attorney Huang's misconduct. For this reason, the level of discipline imposed should be the same as the level of discipline recommended for attorney Huang.

Balancing all of the appropriate factors, a two-year actual suspension is consistent with Standard 2.15 and applicable caselaw, and is appropriate taking into consideration the facts and circumstances of this case.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 27, 2015, the prosecution costs in this matter are \$3,003. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

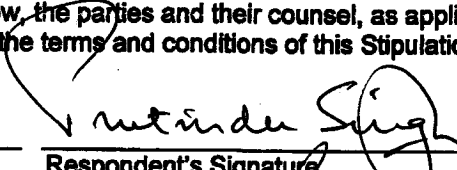
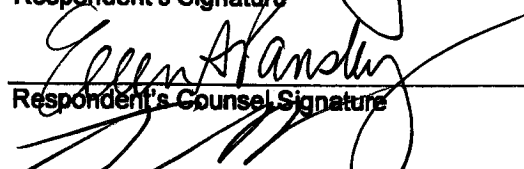
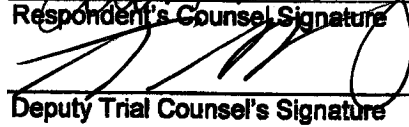
Pursuant to rule 3201, respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: PREETINDER SINGH	Case number(s): 15-J-11106 1
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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>4/28/2015</u> Date	<u></u> Respondent's Signature	<u>Preetinder Singh</u> Print Name
<u>4/29/2015</u> Date	<u></u> Respondent's Counsel Signature	<u>Ellen A. Pansky</u> Print Name
<u>5/1/2015</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Heather E. Abelson</u> Print Name

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In the Matter of: PREETINDER SINGH	Case Number(s): 15-J-11101
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ACTUAL SUSPENSION ORDER

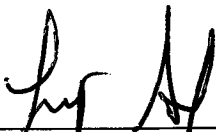
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 12 of the stipulation, in the fourth full paragraph, "committed acts two acts" is deleted, and in its place is inserted "committed two acts".

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.)**

May 6, 2015
Date



LUCY ARMENDARIZ
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 San Francisco, on May 6, 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 San Francisco, California, addressed as follows:

ELLEN ANNE PANSKY
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030

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

HEATHER ABELSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 6, 2015.



Mazie Yip
Case Administrator
State Bar Court