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<p><b>State Bar Court of California</b>  <b>Hearing Department</b>  <b>Los Angeles</b>  <b>ACTUAL SUSPENSION</b></p>		
<p><b>PUBLIC MATTER</b></p> <p>Counsel For The State Bar</p> <p><b>R. Kevin Bucher</b>                  Deputy Trial Counsel                  845 S. Figueroa Street                  Los Angeles, CA 90017-2515                  (213) 765-1630</p> <p>Bar # 132003</p>	<p>Case Number(s):  <b>15-O-11722</b></p>	<p>For Court use only</p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">MAR 17 2016</p> <p style="text-align: center;">STATE BAR COURT                  CLERK'S OFFICE                  LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>Zachary D. Wechsler</b>                  6100 Center Drive, Suite 600                  Los Angeles, CA 90045                  (310) 642-4600</p> <p>Bar # 198354</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND                  DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:  <b>KEVIN RENARD TAYLOR</b></p> <p>Bar # 218711</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 **January 8, 2002**.
- (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 **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

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- (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: **three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **14-O-00960 - (See attachment, page 11.)**
  - (b)  Date prior discipline effective **July 19, 2015**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct 3-110(A), 4-100(B)(3)**
  - (d)  Degree of prior discipline **A one-year suspension, stayed, one year of probation with conditions including an actual suspension for the first 30 days.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. (See attachment, page 12.)
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. (See attachment, page 12.)
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Extreme Emotional Difficulties - (See attachment, page 12.)**

**Pre-Filing Stipulation - (See attachment, page 12.)**

**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 fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty days**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present 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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- 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 present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.  
 No Ethics School recommended. Reason: .

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- (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 checked="" type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions  |

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

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (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: On June 19, 2015, the Supreme Court of California filed Order No. S225910 imposing discipline pursuant to a Stipulation re: Facts, Conclusions of Law and Disposition and Order Approving in Case Nos. 14-O-00960, effective July 19, 2015. Pursuant to Order No. S225910, respondent is required to take and pass the MPRE within one year after the effective date of the Order. The protection of the public and the interests of the respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept.1992), 2 Cal. State Bar Ct. Rptr. 181.)**

**Respondent's attendance at State Bar Ethics School and at Ethics School Client Trust Accounting School, and passing of the tests given at the end, prior to the effective date of discipline in this matter shall be deemed to satisfy the relative condition set forth in this stipulation.**

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In the Matter of: <b>KEVIN RENARD TAYLOR</b>	Case Number(s): <b>15-O-11722</b>
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**Financial Conditions**

**a. Restitution**

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

Payee	Principal Amount	Interest Accrues From

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

**b. Installment Restitution Payments**

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

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

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

**c. Client Funds Certificate**

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

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
    1. the name of such client;
    2. the date, amount and source of all funds received on behalf of such client;
    3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    1. the name of such account;
    2. the date, amount and client affected by each debit and credit; and,
    3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

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



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In the Matter of: <b>KEVIN RENARD TAYLOR</b>	Case Number(s): <b>15-O-11722</b>
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### Medical Conditions

- a.  Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b.  Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of \_\_\_\_\_ times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for \_\_\_\_\_ days or \_\_\_\_\_ months or \_\_\_\_\_ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c.  Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

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

IN THE MATTER OF:                      KEVIN RENARD TAYLOR

CASE NUMBER:                              15-O-11722

**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. 15-O-11722 (Complainant: Roxroy Morgan)

**FACTS:**

1. On April 11, 2012, Roxroy Morgan hired Respondent to represent his interest in an insurance claim relating to an automobile accident that occurred on March 9, 2012, that is, to resolve the property damage claim and to pursue a personal injury claim on Morgan's behalf.

2. Respondent sent a letter of representation to the insurance carrier, and was able to resolve Morgan's property damage claim. After settling the property damage claim, Respondent took no further action, specifically, Respondent performed no services to resolve Morgan's personal injury claim.

3. From May 11, 2012 to December 18, 2013, Respondent failed to respond to and comply with at least 20 written requests from the insurance carrier for supplemental documents so they could evaluate Morgan's injury claim for settlement.

4. Between July 2012 and March 2014, Respondent failed to respond to numerous telephone messages from Morgan regarding reasonable status inquiries, which Respondent received.

5. On August 7, 2012, the insurance carrier issued a supplemental property damage settlement check in the amount of \$686.73 to further compensate Morgan. The check was made payable to Respondent and Morgan. Respondent did not deposit the check into his client trust account (CTA). Morgan requested payment of the funds from Respondent shortly thereafter but Morgan never received the funds.

6. In November, 2013, Respondent sent an email to Morgan advising he could not take his case any further and referred Morgan to a colleague for further representation. However, Respondent did not take any steps upon his withdrawal to insure that Morgan's interests in pursuing the personal injury claim were not prejudiced.

7. After Respondent had withdrawn from the case and released Morgan's client file, Morgan found the uncashed supplemental property damage settlement check in the amount of \$686.73 in the file, and determine the check had never been deposited by Respondent into his CTA. At the time the

check was received with the file it was stale as it was over 90 days old, and could not be cashed. To date the insurance company has not issued a replacement check.

8. Between November 2013 and March 2014, Morgan was unable to get any cooperation from the colleague to whom he was referred by Respondent. The insurance carrier would not negotiate settlement personally with Morgan, as Respondent would not send a release of his lien or a letter to the insurance carrier advising that he no longer represented Morgan.

9. On March 10, 2014, at Morgan's request, Respondent finally contacted the insurance carrier. However, by that time, the two year statute of limitations applicable to Morgan's personal injury action had lapsed, and Morgan's personal injury claim was time barred.

#### CONCLUSIONS OF LAW:

10. By failing to negotiate settlement with the insurance carrier and failing to take any other timely steps to resolve his client's personal injury claim, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

11. By withdrawing from employment in November 2013, and then failing to timely notify the insurance carrier that he had withdrawn from employment, and by failing to take any other steps to avoid reasonably foreseeable prejudice to Morgan, Respondent improperly withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of his client, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

12. By failing to respond promptly to numerous telephone messages and emails regarding reasonable status inquiries made by Respondent's client, Roxroy Morgan, between July 2012 and November 2013, which he received, Respondent failed to respond to reasonable status inquiries 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).

13. By failing to deposit \$686.73 in settlement funds received for the benefit of his client into his client trust account, Respondent failed to deposit funds received for the benefit of the client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation Rules of Professional Conduct, rule 4-100(A).

14. By failing to pay promptly, upon request of his client, his portion of the \$686.73 in settlement funds received for the benefit his client, Respondent failed to promptly pay or deliver, as requested by the client, any funds, securities or other properties his possession which the client was entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

#### AGGRAVATING CIRCUMSTANCES.

**Record of Prior Discipline – Std 1.5(a)** – Respondent has a single prior State Bar discipline consisting of a 30 day actual suspension. In case no. 14-O-00960 (S225910), effective July 19, 2015. Respondent stipulated to culpability for failure to perform and failure to render an accounting in a single client matter, and that such misconduct occurred between approximately September 2011 and

September 2013, and the investigation of the prior disciplinary matter was opened after Respondent committed the misconduct in the present matter.

**Harm to Client – Std. 1.5(j)** – Respondent’s delay and failure to perform resulted in his client’s inability to pursue his personal injury claim as the statute of limitations in the matter expired, resulting in significant harm to the client. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631 [Even where an attorney’s client could not reasonably have expected to receive a substantial award of damages had the client’s case settled or gone to trial, where the attorney’s misconduct deprived the client of the ability to receive any damages at all, this harm was significant and was an aggravating factor].)

**Multiple Acts of Misconduct – 1.5(b)** – Respondent’s failure to perform and communicate with his client, failures to account and refund fees, failure to deposit fees, and failure to promptly pay client funds received by Respondent, displays multiple acts of misconduct.

#### **MITIGATING CIRCUMSTANCES.**

**Family Problems/ Emotional Difficulties** – Respondent suffered extreme emotional problems at and around the time of his misconduct, involving marital difficulties and behavioral issues with his child resulting therefrom. His emotional difficulties and family problems were directly related to his misconduct, leading him to neglect his professional responsibilities (See *In the Matter of Spaith* (1990) 3 Cal. State Bar Ct. Rptr. 511 [marital problems and similar difficulties can be mitigating if they are extreme and are directly responsible for the misconduct].) Although the issues have not completely resolved, prior to entering into the present stipulation, Respondent voluntarily entered into the Lawyer’s Assistance Program (LAP) to seek counseling and assistance in managing his emotional problems.

**Pre-filing Stipulation:** Respondent entered into the present stipulation prior to filing of formal charges, saving valuable State Bar resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

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

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

“Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In the present matter, Respondent has a single prior record of discipline. Standard 1.8(a) provides that if a member has a single prior record of discipline, the sanction in the instant case must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct underlying the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.

The prior discipline was not remote in time and the previous misconduct was serious. However, the misconduct involved in Respondent’s prior disciplinary matters, case no. 14-O-00960 (S225910), occurred between September 2011 and September 2013, and the investigation in that matter was not opened until February 21, 2014. The acts which constitute the misconduct in this matter occurred between April 2012 and March 2014. Clearly the periods of misconduct overlapped. Therefore, it is appropriate to consider the “totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period been brought as one case.” (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618). In 14-O-00960, Respondent stipulated, in a single client matter, to violations of Rules of Professional Conduct, rules 3-110(A) and 4-100(B)(3). Had Respondent stipulated to the violations in the prior matter and the violations in the present matter at the same time, a higher level of discipline would have been reasonably afforded. It is thus necessary to assess the two matters together to determine the proper level of discipline.

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.7(b) which applies to Respondent’s violation of Rules of Professional Conduct, rule 3-110(a) and Business and Professions Code section 6068(m). Standard 2.7(b) provides actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests. Considering the prior misconduct and the current misconduct, Standard 2.7(b) applies. Given the harm to the multiple clients, a significant period of actual suspension is appropriate.

The Supreme Court generally considers actual suspension an appropriate discipline where multiple instances of misconduct involving client inattention have occurred. (*Lester v. State Bar* (1976) 17 Cal.3d 547.) In *Gadda v. State Bar* (1990) 50 Cal.3d 344, the attorney had been found culpable of client neglect in three immigration matters aggravated by deceit in two of the matters and the publication of a misleading advertisement. The Court considered as aggravation the attorney’s failure to recognize the seriousness of his misconduct but noted in mitigation his very active and generous pro bono immigration legal work. The Supreme Court ordered a two year suspension, stayed, on conditions including a six month actual suspension and until restitution was made. While the present misconduct involves multiple client matters, it does not involve deceit as in *Gadda*.

*Calvert v. State Bar* (1990) 50 Cal.3d 344, is a matter involving similar misconduct as in the present case. In *Calvert* the attorney was found culpable of unreasonable client neglect in a single client matter, including failure to perform, continued representation of her client though she knew she could not perform competently, and withdrew from employment without taking reasonable steps to avoid prejudice to the client. The Supreme Court found the attorney's breach of her duty to her client was significant, but did not agree with the Review Department's order of a six month actual suspension, and decreased the period of actual suspension to 60 days. The present matter differs from *Calvert* in that the misconduct involves multiple client matters.

In the present matter, given Respondent's misconduct in multiple matters, and considering the aggravating factors, including significant harm to the client, and considering the mitigation afforded for his extreme emotional difficulties and entering into the LAP to address those issues, discipline greater than that afforded in *Calvert*, but less than that in *Gadda* is appropriate. Had the present matter been consolidated with the prior discipline matter, a discipline level of 90 days would have been appropriate to protect the public and preserve public confidence in the profession. Given Respondent's prior 30 day actual suspension, a two year period of probation, with the condition that Respondent be actually suspended for an additional 60 days, with conditions that Respondent attend Ethics School and CTA school, and pass the tests given at the end, and that Respondent continue participating in the LAP, and within the period of probation provide proof of completion of the LAP, or if he is continuing in the LAP at the end of his probation, move the court to modify his probation terms to provide for completion of the LAP, is appropriate.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of November 11, 2015, the prosecution costs in this matter are \$3,066. 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 and State Bar Client Trust Accounting School 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 KEVIN RENARD TAYLOR	Case number(s): 15-O-11722
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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 Fact, Conclusions of Law and Disposition.

1/28/16  
Date

  
Respondent's Signature

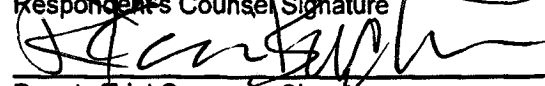
KEVIN RENARD TAYLOR  
Print Name

2/18/16  
Date

  
Respondent's Counsel Signature

ZACHARY WECHSLER  
Print Name

2-18-16  
Date

  
Deputy Trial Counsel's Signature

R. KEVIN BUCHER  
Print Name

(Do not write above this line.)

In the Matter of:  
KEVIN RENARD TAYLOR

Case Number(s):  
15-O-11722

### 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:

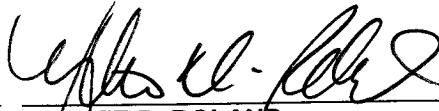
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Page 11, #14 insert "in" before "his possession"

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.)**

*March 17, 2016*

Date

  
YVETTE D. ROLAND  
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 17, 2016, 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:

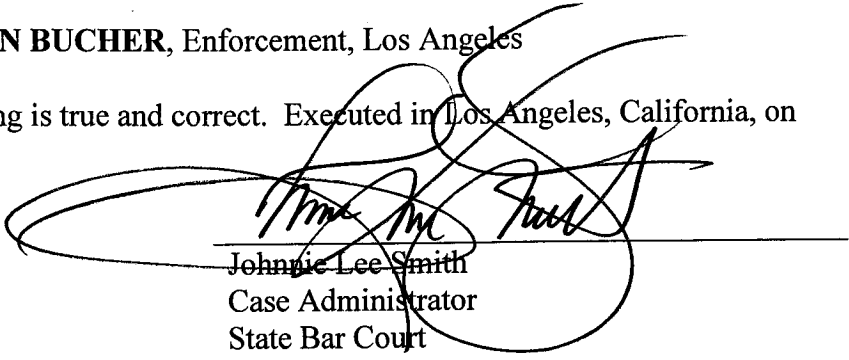
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ZACHARY D. WECHSLER  
LAW OFFICE OF ZACHARY D WECHSLER, APC  
6100 CENTER DR STE 600  
LOS ANGELES, CA 90045**

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

**R. KEVIN BUCHER**, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 17, 2016.



Johnnie Lee Smith  
Case Administrator  
State Bar Court