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State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION

<p>Counsel For The State Bar</p> <p><b>Kimberly G. Anderson</b> Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1083</p> <p>Bar # 150359</p>	<p>Case Number(s): 15-O-15820-YDR</p> <p>kwiktag® 226 154 814</p> 	<p>For Court use only</p> <p><b>FILED</b></p> <p>JAN 03 2018 <i>He</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p><b>PUBLIC MATTER</b></p>
<p>Counsel For Respondent</p> <p><b>Arthur L. Margolis</b> Margolis &amp; Margolis, LLP 2000 Riverside Dr. Los Angeles, CA 90039 (323) 953-8996</p> <p>Bar # 57703</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>GREGORY COE PYFROM</b></p> <p>Bar # 72306</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 22, 1976.**
- (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 **13** 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."

*MAZ*

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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: **for the 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
  - (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)  **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.
- (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.
- (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. **See Stipulation Attachment at page 9.**
- (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. **See Stipulation Attachment at page 9.**
- (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:**

**Pre-Trial Stipulation: See Stipulation Attachment at page 9.**

**Community Service/Pro Bono/ Charitable Work: See Stipulation Attachment at page 9.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **one (1) 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 (2) 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 **thirty (30) 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

- 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 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 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:**

**ATTACHMENT TO**

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

IN THE MATTER OF: GREGORY COE PYFROM

CASE NUMBER: 15-O-15820-YDR

**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-15820-YDR (Complainant: Sheldon J. Fleming, Esq.)

**FACTS:**

1. Between November 3, 2004 and June 7, 2010, respondent represented and defended Susan Harvey ("Harvey"), Paula Turner ("Turner") and Desert Pacific Properties, LLC ("DPP") in a case entitled *William Nasif, Vincent D'Ambra v. Thomas A. Noya, Bayshore Development Company LLC, The Enclave at La Quinta LLC*, Riverside County Superior Court Case No. INC046806 ("the Nasif case").
2. On February 17, 2009, a bench trial was held in the Nasif case and respondent prevailed at the trial on behalf of his clients Harvey, Turner and DPP. As a result of having prevailed at trial, Harvey, Turner and DPP were entitled to attorneys' fees.
3. On February 25, 2010, respondent filed a motion and supporting declaration for attorneys' fees and costs in the Nasif case to which he attached a billing statement in which respondent represented that he had personally traveled from his Los Angeles Office to attend the following seven (7) court appearances in Riverside Superior Court, when he was grossly negligent in not knowing that he did not personally attend the court appearances:
  - (1) That, on April 18, 2005, respondent traveled to and appeared at a Case Management Conference, spending 6.2 hours of time at an hourly rate of \$225.00 for a total charge of \$1,395.00, when in fact, respondent did not travel to a court hearing on that date and another attorney appeared via telephone;
  - (2) That, on February 15, 2006, respondent traveled to and appeared at a Case Management Conference and a hearing on a Demurrer, spending 6.1 hours of time at an hourly rate of \$250.00 for a total charge of \$1,525.00, when in fact, respondent did not travel to a court hearing on that date and another attorney appeared via telephone;
  - (3) That, on April 25, 2006, respondent prepared for and attended a hearing on a demurrer to a Third Amended Complaint of Bayshore Development Co, LLC, spending 6.6 hours of time at an hourly rate of \$250.00 for a total charge of \$1,650.00, when in fact, respondent did not travel to a court hearing on that date and another attorney appeared via telephone;
  - (4) That, on June 5, 2006, respondent traveled to and appeared at a Case Management Conference, spending 7.1 hours of time at an hourly rate of \$250.00 for a total charge of \$1,775.00, when in fact, respondent did not travel to or appear for a hearing on that date;

- (5) That, on July 13, 2006, respondent traveled to and appeared at a hearing on a Motion for Summary Judgment, spending 7.25 hours of time at an hourly rate of \$250.00 for a total charge of a charge of \$1,812.50, when in fact, respondent did not travel to or appear for a court hearing on that date;
- (6) That, on February 4, 2008, respondent traveled to and appeared at a status conference, spending 6.25 hours of time at an hourly rate of \$300.00 for a total charge of \$1,875.00, when in fact, respondent did not travel to a court hearing on that date and another attorney appeared via telephone; and
- (7) That, on June 19, 2008, respondent traveled to and appeared at a status conference, spending 6.1 hours of time at an hourly rate of \$300.00 for a total charge of a charge of \$1,830.00, when in fact, respondent did not travel to or appear for a court hearing on that date.

4. Because the Nasif case had lasted many years, the files were not maintained in the best order at the conclusion of the trial, and many people who worked with respondent were involved in creating billing entries for the litigation in the Nasif case, which had taken place over more than a five-year time period. At the time respondent submitted the bill to the court with his declaration in support of the motion for attorneys' fees, respondent was grossly negligent in not reviewing the bill for accuracy before submitting it to the court with his declaration attesting to its accuracy. The bill respondent submitted to the court totaled \$362,832.50. The seven incorrect entries on the bill elevated the total bill by \$12,003.60.

5. On April 15, 2010, attorney Sheldon J. Fleming ("Fleming") filed an opposition to respondent's motion for attorney fees and costs.

6. On April 22, 2010, respondent filed a Reply to Opposition to Motion for Attorney's fees and Costs. Attached to the Reply was respondent's declaration in support of the Reply. In the declaration, respondent attested to the veracity of the billing records even though he was grossly negligent in not reviewing the records and determining that he had not attended the seven (7) court appearances identified above.

7. On April 29, 2010 the trial court in the Nasif case granted respondent's motion, awarding fees and costs of \$362,832.50, finding that his fees were reasonable. The court was not aware of the fact that respondent's bills inaccurately represented that he had attended the seven (7) court appearances identified above, when in fact respondent had not traveled to and attended those court appearances.

8. On June 7, 2010, the court issued an Order Granting Motion for Attorney's Fees and Costs of \$362,832.50 in favor of Harvey, Turner and DPP. On February 11, 2010, judgment was entered in favor of Harvey, Turner and DPP.

9. On June 28, 2011, respondent filed a lawsuit on behalf of Harvey and DPP entitled *Susan Harvey, Desert Pacific Properties, Inc., vs. Carl McLarand, CFM Management, LLC, The Enclave at Sunrise, LLC, Bayshore Development Company, LLC*, Riverside County Superior Court Case No. INC1105284 in an attempt to collect the judgment for attorney fees and costs awarded in the Nasif case ("the Harvey case"). The litigation in the Harvey case was pending from June 28, 2011 through September 14, 2015, at which point the litigation ended. Judgment enforcement by respondent ceased and the litigation ended when it became clear that collection was not feasible. Respondent never received any fees.



## CONCLUSIONS OF LAW:

10. By representing in his billing statement and in his February 25, 2010 motion for attorneys' fees that he had personally traveled to and attended seven (7) court appearances, when respondent was grossly negligent in not knowing that he had not personally traveled to and attended the court appearances, respondent committed an act involving moral turpitude in willful violation of Business and Professions Code, section 6106.

## ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline (Std. 1.6(a)):** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur. Respondent was admitted to practice law in 1976 and has no prior record of discipline. Respondent has never been found to have submitted an inaccurate bill to the court before, and since February 2010, when the bill was submitted, he has never been found to have committed any misconduct. In the seven (7) years that have elapsed since the misconduct, respondent has remained discipline-free and in good standing with the State Bar of California, such that his misconduct is not likely to recur. Case law has also recognized that an attorney may be entitled to mitigation where that attorney has continued to practice law for a lengthy time without committing additional misconduct because it demonstrates the attorney's ability to adhere to the Rules of Professional Conduct and the State Bar Act. (*See, Rodgers v. State Bar* (1989) 48 Cal.3d 300, 305, 308, and 316-317 [passage of six years of unblemished post-misconduct practice given mitigative credit].) This is a significant mitigating factor and is entitled to significant weight.

**Extraordinary Good Character (Std. 1.6(f)):** 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 misconduct. Specifically, respondent has presented the State Bar with letters from nine people, including three lawyers, who have knowledge of the misconduct and who have stated respondent is of extraordinarily good character, that the misconduct is aberrational and is not likely to recur.

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant 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]; *In the Matter of Spaitth* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

**Community Service/Charitable Work/Pro Bono Work:** Respondent is a Master Member of American Board of Trial Advocates (ABOTA), he is a Master in the Ventura Chapter of the American Inns of Court, he served as a Judge Pro Tem from 1983-1989 and from 1992-1994, he had served as a volunteer mediator, he mentors new attorneys, he has created law and standards relating to the home inspection industry as it pertains to real estate law. This is a mitigating factor. (*See, Rose v. State Bar* (1989) 49 Cal.3d 646, 665 and *Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.)

## 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 committed one act of professional misconduct, which involves a violation of Business and Professions Code section 6106 when he submitted the bill to the court on February 25, 2010. The sanction applicable to Respondent’s misconduct is found in Standard 2.11, which applies to the violations of Business and Professions Code section 6106. Standard 2.11 provides:

Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member’s practice of law.

“Part B. Sanctions for Specific Misconduct” of the Standard for Attorney Sanctions for Professional Misconduct states, “[t]he presumed sanction for any specific act of misconduct is a starting point for the imposition of discipline, but can be adjusted up or down depending on the application of mitigating and aggravating circumstances set forth in Standards 1.5 and 1.6, and the balancing of these circumstances as described in Standard 1.7(b) and (c).”

The misconduct occurred on February 25, 2010, when respondent submitted the bill containing the seven (7) inaccuracies. The misconduct directly related to the practice of law, in that it occurred with respect to respondent’s claims for attorneys’ fees, a portion of which he was not entitled to, while defending his clients in litigation. However, given that the misconduct involved gross negligence, that respondent has admitted the misconduct, that there are no aggravating factors, and that there are four mitigating factors, discipline at the lowest range of Standard 2.11 is appropriate to satisfy the goals of attorney discipline set forth in Standard 1.1. Specific weight and emphasis is given to respondent’s 40+ year discipline-free history, coupled with his acknowledgement of wrongdoing here, which makes is unlikely respondent will commit misconduct in the future.

Case law also supports this disposition. In *In the Matter of Bach* (1987) 43 Cal.3d 848, an attorney received a 60-day actual suspension, one year stayed suspension and three years' probation where the attorney deliberately misled a judge by falsely advising the judge that he had not been ordered to produce his client for a family law mediation. The attorney's misconduct was found to be serious, involved moral turpitude and no mitigation. In aggravation, the attorney in *Bach* had a prior record of discipline involving a public reproof.

In the instant case, there are several factors which distinguish this case from *Bach*, and which indicate respondent should receive less discipline than the attorney in *Bach* received. The respondent does not have a prior record of discipline, the misconduct involved gross negligence as opposed to intentional misconduct, and there are several mitigating factors, including a 40+ year history of no discipline, which is entitled to significant weight in mitigation. Nevertheless, Standard 2.11 requires a minimum of a 30-day actual suspension, which is appropriate, given that misrepresentations to the court, even by gross negligence, are serious.

The case *In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151 also provides additional support for a 30-day actual suspension as the appropriate disposition in this matter. In *Downey*, the attorney was found culpable of one count of moral turpitude based upon gross negligence in executing and filing a verification in support of a complaint that falsely attested under penalty of perjury to his clients having been outside of the county when he had not taken steps to confirm the clients were outside of the county. Downey had also been found culpable of failing to update his State Bar membership records address. In *Downey*, the Review Department of the State Bar Court recommended that Downey be actually suspended for 150 days, with a two year stayed suspension and two years' probation. Like the respondent's conduct in this case, Downey's misconduct was central to the practice of law and it was misleading to opposing counsel and to the court. However, unlike the instant case, Downey had a 12-year old prior record of discipline in which he had received a 4-month actual suspension, one year stayed suspension and three years' probation for performance related issues and moral turpitude. In recommending a 150-day actual suspension, the Review Department recognized, "Had this been Downey's first offense, the limited nature of the misconduct ordinarily may have called for a short or even stayed period of suspension." In *Downey*, the Review Department cited with to a number of cases in support of its statement that a short period or even a stayed period of suspension would have been appropriate had it been Downey's first offense, including specifically, the Supreme Court's decision in *In the Matter of Bach* (1987) 43 Cal.3d 848. Thus, taking into consideration Standard 2.11, the four mitigation factors, the lack of any aggravating factors, the Supreme Court's decision in *Bach* and the Review Department's recommendation in *Downey*, a 30-day actual suspension, a one year stayed suspension and two years' probation is the appropriate disposition in this matter.

#### **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>
15-O-15820-YDR	Two	Business and Professions Code section 6068(d)

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 7, 2017, the discipline costs in this matter are \$5,616.20. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**

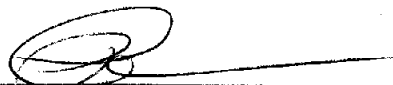
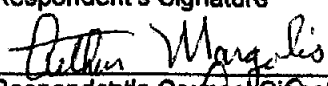
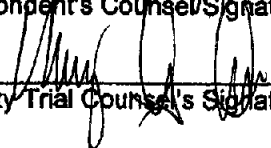
Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>GREGORY COE PYFROM</b>	Case number(s): <b>15-O-15820-YDR</b>
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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>December 12, 2017</u> Date	 Respondent's Signature	<u>GREGORY COE PYFROM</u> Print Name
<u>December 12, 2017</u> Date	 Respondent's Counsel Signature	<u>ARTHUR L. MARGOLIS</u> Print Name
<u>December 12, 2017</u> Date	 Deputy Trial Counsel's Signature	<u>KIMBERLY G. ANDERSON</u> Print Name

(Do not write above this line.)

In the Matter of: GREGORY COE PYFROM	Case Number(s): 15-O-15820-YDR
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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.

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.)**

Jan. 3, 2018  
Date

Cynthia Valenzuela  
CYNTHIA VALENZUELA  
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 January 3, 2018, 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:

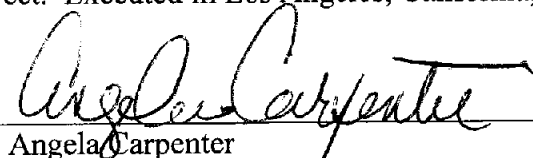
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR LEWIS MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 3, 2018.



Angela Carpenter  
Case Administrator  
State Bar Court