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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

PUBLIC MATTER

Counsel for the State Bar

Andrew J. Vasicek
Deputy Trial Counsel
845 S. Figueroa St.
Los Angeles, CA 90017
(213) 765-1000

Bar # 297430

Case Number(s):
16-O-14293

For Court use only

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APR 08 2019 *R.B.*
STATE BAR COURT
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LOS ANGELES

In Pro Per Respondent

Anthony E. Contreras
6745 Washington Ave., Ste. 203
Whittier, CA 90601
(909) 746-8672

Bar # 171699

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Submitted to: **Settlement Judge**

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION AND ORDER APPROVING

In the Matter of:

ANTHONY E. CONTRERAS

Bar # 171699

ACTUAL SUSPENSION

PREVIOUS STIPULATION REJECTED

A Member of the State Bar of California
(Respondent)

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **September 28, 1994**.
- (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."

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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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:

If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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: **13-O-10553, see page 12 and Exhibit 1, 16 pages.**
 - (b) Date prior discipline effective: **October 16, 2014.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **one count each for violating former Rules of Professional Conduct, rule 3-110(A), 3-700(D)(2), and 3-310(F).**
 - (d) Degree of prior discipline: **one-year stayed suspension and two-year probation.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
16-O-16748, see page 12 and Exhibit 2, 17 pages; effective April 13, 2018; one count for violating former Rules of Professional Conduct, rule 1-400(C) and one count for violating Business and Professions Code, section 6104; two-year stayed suspension, two-year probation, and 90-day actual suspension.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.

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- (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.
- (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 Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's 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 [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 Respondent's 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 Respondent's misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.

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- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (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 product of any illegal conduct by Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation, page 12.
Good Character, page 12.

D. Recommended Discipline:

- (1) **Actual Suspension:**

Respondent is suspended from the practice of law for **one year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one year** with the following conditions.

- Respondent must be suspended from the practice of law for the first **30 days** of the period of Respondent's probation.

- (2) **Actual Suspension "And Until" Rehabilitation:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

- (3) **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**

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- a. Respondent makes restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,
- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first _____ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for _____, the execution of that suspension is stayed, and Respondent is placed on probation for _____ with the following conditions.

- Respondent is suspended from the practice of law for the first _____ of probation (with credit given for the period of interim suspension which commenced on _____).

E. Additional Conditions of Probation:

- (1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional

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Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

- (2) **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3) **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4) **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as

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Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. Proof of Compliance. Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7) **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8) **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because
- (9) **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10) **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete _____ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11) **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.

- (12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE _____ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (13) **Other:** Respondent must also comply with the following additional conditions of probation: _____
- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15) **The following conditions are attached hereto and incorporated:**
- Financial Conditions Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1) **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2) **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because _____
- (3) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

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For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4) **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5) **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because
- (6) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ANTHONY E. CONTRERAS

CASE NUMBERS: 16-O-14293

FACTS AND CONCLUSIONS OF LAW.

Anthony R. Contreras (“respondent”) admits that the following facts are true and that he is culpable of violations of the specified statutes and/or former Rules of Professional Conduct.

Case No. 16-O-14293 (Complaining Witness: Daniel W.)

FACTS:

1. On July 28, 2015, respondent filed suit on behalf of plaintiff Josefina Reyes in the United States District Court, Central District of California against defendants Harbor Lilac LLC, Mariscos Ensenada, and Mariscos Ensenada, Inc. (*Josefina Reyes v. Mariscos Ensenada, et al.* (Case No. 8:15-cv-01204-DOC-GJS)).
2. On February 22, 2016, the complaining witness in this State Bar matter, Daniel W., filed a motion on behalf of Harbor Lilac LLC for attorney’s fees.
3. On March 24, 2016, the court granted the motion and expressly ordered respondent, not his client, to pay sanctions to Harbor Lilac LLC in the amount of \$8,310.
4. On April 18, 2016, respondent filed a motion seeking to vacate and set aside the order of sanctions.
5. On June 2, 2016, the court denied respondent’s motion and ordered him to pay the sanctions to Harbor Lilac LLC on or before June 17, 2016.
6. Respondent admitted to the State Bar that he did receive a copy of the order of June 2, 2016, at or around that same date.
7. With an extension of time, respondent ultimately paid the full amount of the sanctions, but he never reported the imposition of sanctions to the State Bar.
8. In his response to the State Bar’s investigation on November 23, 2016, through counsel respondent explained that he “did not report the sanctions to the Bar. He was unclear about his obligation to do so.”

CONCLUSIONS OF LAW:

9. By failing to report to the State Bar, in writing, within 30 days of the time respondent had knowledge of the imposition of judicial sanctions against him, on or about March 24, 2016, in the amount of \$8,310 in connection with United States District Court, Central District of California, *Josefina Reyes v. Mariscos Ensenada, et al.* (Case No. 8:15-cv-01204-DOC-GJS, respondent willfully violated Business and Professions Code, section 6068(o)(3).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline. For purposes of imposing discipline here, the earlier of the two cases is most relevant. In case number 13-O-10553, effective October 16, 2014, respondent received a one-year stayed suspension and two years of probation with conditions. Respondent stipulated to culpability for misconduct consisting of three counts consisting of violations of former Rules of Professional Conduct, rule 3-110(A), 3-700(D)(2), and 3-310(F). Respondent's first instance of prior misconduct is not remote in time and involved serious misconduct. (Exhibit 1.)

In case number 16-O-16748, effective April 13, 2018, respondent received a two-year stayed suspension and two years of probation with conditions including that he be suspended for the first 90 days. Respondent stipulated to culpability for misconduct consisting of one count of a violation of former Rules of Professional Conduct, rule 1-400(C) and one count of a violation of Business and Professions Code, section 6104. (Exhibit 2.)

MITIGATING CIRCUMSTANCES.

Pre-Trial Stipulation: Respondent has cooperated with the State Bar by entering into this comprehensive stipulation as to facts, conclusions of law, and disposition, thereby eliminating the necessity of a trial and preserving State Bar and State Bar Court time and resources. This cooperation is a factor in mitigation. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156.)

Extraordinary Good Character (Std. 1.6(f)): Respondent produced four declarations, three from attorneys and one from a personal friend. Each of these references stated that they are aware of the full extent of the misconduct alleged and attested to respondent's good character. Typically, three to four favorable character witnesses are afforded little or no weight in mitigation. (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 512-513; *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67.

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; hereinafter "Standards.") 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. (Standards 1.7(b)-(c).)

Standard 2.12(b) states that reproof is the presumed sanction for a violation of Business and Professions Code, section 6068(o). Despite this, Standard 1.8(b) would appear at first glance to provide that disbarment is the presumed level of discipline for respondent’s third discipline where a prior discipline included actual suspension, as here. However, upon a closer review, the chronology of respondent’s three disciplinary matters supports instead the application of Standard 1.8(a). This is because the instant misconduct occurred after respondent’s misconduct in Case No. 13-O-10553, but before August 1, 2016, i.e., the first date of misconduct in Case No. 16-O-16748.

Therefore, Standard 1.8(a) requires that we consider whether respondent’s first discipline is too remote in time and whether the previous misconduct was serious enough that imposing greater discipline would not be manifestly unjust. (*In the Matter of Khishaveh* (April 24, 2018, 16-O-11205) ___ Cal. St. Bar Ct. Rptr. ___ [progressive discipline required under Std. 1.8(a) unless respondent proves the exception that prior discipline was so remote in time and previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust]; *In the Matter of Jensen* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 283, 292 [awarding diminished weight to two records of prior discipline, but still imposing progressive discipline].)

Respondent’s first instance of prior discipline was effective on October 16, 2014. This is clearly not too remote in time. (*In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703, 713 [private reproof 19 years earlier not entitled to significant weight as aggravating factor]; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628 [14 year old reproof found not remote where the discipline was imposed only seven years prior to commission of current misconduct].) Further, respondent’s first instance of prior discipline involved violations of former Rules of Professional Conduct, rules 3-110(A), 3-700(D)(2), and 3-310(F). Because the client’s case in that matter was dismissed, the client clearly suffered harm. As a result, these were serious violations. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 617.) As such, progressive discipline under Standard 1.8(a) would not be manifestly unjust. This means that more severe discipline than a one-year stayed suspension is necessary.

This result is supported by the underlying rationale behind progressive discipline which requires that an attorney have an opportunity to heed the import of a prior instance of discipline before imposing

progressive discipline for a later offense. (*In the Matter of Hagen* (Rev. Dept. 1992) 2 Cal. State Bar Ct. Rptr. 153, 171.) Respondent had ample opportunity to heed the import of the discipline imposed as a result of Case No. 13-O-10553, yet has continued to fail to uphold his ethical responsibilities – resulting now in his third disciplinary matter. Consequently, a 30-day actual suspension, i.e., more serious discipline than a one-year stayed suspension, is required to focus respondent’s attention on his ethical responsibilities and to protect the public.

This result is also supported by case law. For example, in *In the Matter of Respondent Y*, the court found that a private reproof was reasonable discipline for a single failure to report a judicial sanction “given respondent’s lack of prior discipline and the narrow violations before [the court].” (*In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 869.) Here, however, the court is forced to reckon with the fact that the instant misconduct comes on the heels of prior misconduct and a one-year stayed suspension, making progressive discipline appropriate. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151 [where misconduct was limited in nature, but tempered only by limited character evidence and cooperation and aggravated by dishonesty and concealment and a record of serious prior misconduct, the totality of circumstances warrant progressive discipline as directed by standard 1.7(a)]; *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631 [Although respondent’s prior misconduct was similar to the misconduct in a second matter, the aggravating force of respondent’s prior disciplinary record was somewhat diluted where the misconduct in the second matter occurred before the notice to show cause in the prior matter was served, because it did not reflect a failure on respondent’s part to learn from the prior misconduct. Nevertheless, the prior was a factor in aggravation, and it was appropriate for the discipline in the second matter to be greater than in the previous matter.]; *In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490 [In determining appropriate discipline where the respondent had one prior imposition of discipline, the review department first considered the discipline that would normally be appropriate for the current misconduct, and then considered the prior discipline as a factor in aggravation, using as a guide the standard that the discipline in the second matter should exceed that imposed in the prior matter. The level of discipline was based on a balancing of all factors involved.])

Thus, while case law tends to support a lower level of discipline, balancing the aggravating and mitigating circumstances, an actual suspension of 30 days is properly progressive and serves to protect the courts and the legal profession, as well as to maintain the highest professional standards for attorneys.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 18, 2019, the discipline costs in this matter are \$3,857.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

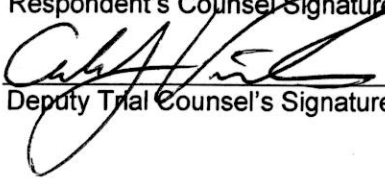
(Do not write above this line.)

In the Matter of: Anthony E. Contreras	Case Number(s): 16-O-14293
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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.

3/18/19  Anthony E. Contreras
Date Respondent's Signature Print Name

03/18/19  Andrew J. Vasicek
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of:
Anthony E. Contreras

Case Number(s):
16-O-14293

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

April 8, 2019
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
~~Judge of the State Bar Court~~

SEP 16 2014

(State Bar Court No. 13-O-10553)

S219998

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ANTHONY E. CONTRERAS on Discipline

The court orders that Anthony E. Contreras, State Bar Number 171699, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Anthony E. Contreras must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 19, 2014; and
2. At the expiration of the period of probation, if Anthony E. Contreras has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Anthony E. Contreras must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2015 and 2016. If Anthony E. Contreras 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.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

____ day of SEP 16 2014 _____ 20____

By: [Signature]
Deputy

CANTIL-SAKAUYE

Chief Justice

ORIGINAL

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
<p>Counsel For The State Bar</p> <p>Michael J. Glass Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1254</p> <p>Bar # 102700</p>	<p>Case Number(s): 13-O-10553 RAP</p>	<p>For Court use only</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">MAY 19 2014 <i>AC</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Anthony E. Contreras 6745 Washington Ave., Suite 203 Whittier, CA 90601 (909) 746-8672</p> <p>Bar # 171699</p>	PUBLIC MATTER	
<p>In the Matter of: ANTHONY E. CONTRERAS</p> <p>Bar # 171699</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **September 28, 1994**.
- (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 12 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)

Stayed Suspension

EOM 5/2/14

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles immediately following the effective date of the Supreme Court's order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

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

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

(Do not write above this line.)

- (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 Attachment, page 9.**
- (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.

(Do not write above this line.)

- (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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

**No Prior Record of Discipline. See Attachment, page 9.
Pretrial Stipulation. See Attachment, page 9.**

(Do not write above this line.)

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 present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of two (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.)

E. Additional Conditions of Probation:

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

(2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

(4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

(5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

(Do not write above this line.)

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

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ANTHONY E. CONTRERAS

CASE NUMBER: 13-O-10553

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct.

Case No. 13-O-10553 (Complainant: Adela Blancarte)

FACTS:

1. On July 13, 2010, Adela Blancarte ("Blancarte") hired Respondent to represent her in a pending medical malpractice matter, *Blancarte v. Eisenhower Medical Tower, et al*, Riverside County Superior Court, Case No. INC 079251, in which she was suing her past medical providers. On that same day, Blancarte's son, Jose Blancarte, Jr., directly paid Respondent \$3,000 in advanced fees on behalf of Blancarte. Respondent did not obtain Blancarte's informed written consent to accept attorney fees from her son.
2. At the time Respondent agreed to represent Blancarte, the defendants' Request for Dismissal was pending and the court had issued an Order to Show Cause Re: Dismissal for Lack of Prosecution ("OSC"), which was scheduled to be heard on August 13, 2010. Respondent was aware of these facts.
3. After accepting representation, Respondent failed to file a substitution of attorney substituting into the case as counsel of record for Blancarte, failed to oppose the Request for Dismissal and failed to file an opposition to the OSC.
4. Respondent and Blancarte appeared at the August 13, 2010, OSC hearing. However, the court refused to allow Respondent to enter an appearance since Respondent had failed to properly substitute into the matter. The court then placed Blancarte's case on the second calendar call and instructed Respondent to file a substitution of attorney with the court clerk. When the court recalled Blancarte's matter, Respondent had not yet returned with the filed substitution of attorney. Consequently, the court dismissed Blancarte's case.
5. When Respondent eventually returned to the courtroom, Blancarte informed Respondent that the court had dismissed her matter. Respondent offered to file an appeal to reinstate Blancarte's case and requested and received an additional \$2,000 in fees to file the appeal. Jose Blancarte Jr., directly paid Respondent \$2,000 as advanced fees for Blancarte. Respondent did not obtain Blancarte's informed written consent to accept attorney fees from her son.

6. Respondent filed the substitution of attorney on September 2, 2010. On September 17, 2010, defendants' counsel filed a Notice of Entry of Judgment and a Memorandum of Costs for \$14,052. Respondent received the documents, but did not file an opposition. On November 3, 2011, the court entered the Judgment on Costs. Respondent received the Judgment on Costs.

7. On January 3, 2011, Respondent filed a notice of appeal indicating that Blancarte was appealing the Judgment of Dismissal and the Judgment on Costs. On January 7, 2011, the Court of Appeal directed Respondent to file within 10 days a correctly-completed civil information statement, including a copy of the order or judgment appealed from. Respondent received the Order. It was not until January 31, 2011, that Respondent filed a civil case information statement. Respondent failed to attach the judgment of dismissal.

8. On February 8, 2011, the Court of Appeal ordered Respondent to file and serve a copy of the judgment of dismissal within 15 days and indicated that failure to do so would result in dismissal of the appeal as to the judgment of dismissal. Respondent received the order. Thereafter, Respondent failed to file and serve a copy of the judgment of dismissal. As a result, on March 1, 2011, the court dismissed the appeal as to the judgment of dismissal without prejudice, and ordered that the appeal proceed only as to the judgment on costs. Respondent received the order.

9. On April 19, 2011, the Court of Appeal ordered Respondent to file an opening brief within 45 days. Respondent received the order, but failed to file the opening brief. On June 6, 2011, the Court of Appeal issued an order requiring Respondent to file an opening brief within 15 days and indicating that Respondent's failure to do so would result in dismissal of the appeal. Respondent received the order.

10. On June 24, 2011, Respondent filed a request for an extension of time, which the court granted. The court ordered Respondent to file the opening brief by July 25, 2011. Respondent received the order. Thereafter, Respondent failed to prepare and file an opening brief. On July 20, 2011, Blancarte terminated Respondent and employed another attorney to represent her in her pending matter. On July 25, 2011, the new attorney substituted into the case and obtained a further extension to file an opening brief.

11. Respondent did not perform any services of value for Blancarte and did not earn any of the \$5,000 he received as advanced fees. On December 19, 2012, Jose Blancarte, Jr., on behalf of Blancarte, demanded that Respondent refund the \$5,000 he had paid in advanced fees on his mother's behalf. It was not until December 12, 2013, after the State Bar became involved in the matter, that Respondent refunded the \$5,000.

CONCLUSIONS OF LAW:

12. By failing to perform any services of value on behalf of Blancarte, including failing to file a substitution of attorney to substitute into the case as counsel of record, failing to oppose defendants' Request for Dismissal, failing to file a response to the May 14, 2010 OSC Re: Dismissal for Lack of Prosecution, failing to enter an appearance at the OSC re: Dismissal for Lack of Prosecution held on August 13, 2010, failing to serve and file a signed, file-stamped copy of the judgment of dismissal as required by the February 8, 2011, Court of Appeal Order, and failing to prepare an opening brief,

Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

13. By failing to refund \$5,000 in unearned fees to Blancarte from July 2011, through December 2013, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

14. By accepting \$5,000 in advanced fees from Jose Blancarte, Jr., who was not Respondent's client, on behalf of Respondent's client, Blancarte, without Blancarte's informed written consent, Respondent accepted compensation for representing his client without the client's informed written consent to receive such compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's repeated failure to perform on behalf of Blancarte, failure to return unearned fees and failure to obtain his client's informed written consent represent multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline: Although Respondent's misconduct is serious, he is entitled to significant mitigation for having practiced law for approximately 19 years without discipline. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Pretrial Stipulation: Respondent has now acknowledged his misconduct and stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, thereby avoiding the necessity of a trial and saving State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal. 3d 1071, 1079 [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 provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re 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.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Here, Respondent committed three acts of professional misconduct. Standard 1.7 requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the most severe sanction must be imposed. The most severe sanction is found in standard 2.15, which applies to Respondent's failure to return unearned fees. Standard 2.15 calls for suspension not to exceed three years or reproof. While Respondent's misconduct is serious, it did not result in significant harm to his client. Therefore, discipline at the lower-range of the standard is appropriate.

Respondent's misconduct is aggravated by multiple acts of misconduct. In mitigation, Respondent has 19 years of practice with no discipline, and has entered into a stipulation with the State Bar. A one-year stayed suspension with a two-year probationary period is appropriate.

Bach v. State Bar (1991) 52 Cal.3d 1201, also supports a one-year stayed suspension. In *Bach*, the California Supreme Court ordered the attorney actually suspended from the practice of law for 30 days for failing to perform legal services competently for a single client, failing to communicate with his client, withdrawing from representation without client consent or court approval, failing to refund unearned fees, and failing to cooperate in the State Bar's investigation. (*Id.* at p. 1205.) The Court noted that the attorney had 26 years of prior practice with no discipline. (*Id.* at pp. 1204, 1208.) The Court also found the attorney's refusal to accept any responsibility for the harm caused to his client was an aggravating factor. (*Id.* at p. 1209.)

Here, Respondent's misconduct is similar to, yet less egregious than, the misconduct at issue in *Bach*. Respondent, unlike in *Bach*, eventually returned the unearned fees and cooperated with the State Bar by entering into a pretrial stipulation. Balancing all of the appropriate factors, a one-year stayed suspension is consistent with the standards and *Bach*, and achieves the purposes of discipline as expressed in Standard 1.1.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 1, 2014, the prosecution costs in this matter are approximately \$3,497. 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 Ethics School (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line)

In the Matter of: ANTHONY E. CONTRERAS	Case number(s): 13-O-10553	
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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>May 9, 2014</u> Date	 Respondent's Signature	<u>Anthony E. Contreras</u> Print Name
<u> </u> Date	<u> </u> Respondent's Counsel Signature	<u> </u> Print Name
<u>May 12, 2014</u> Date	 Deputy Trial Counsel's Signature	<u>Michael J. Glass</u> Print Name

(Do not write above this line.)

In the Matter of: ANTHONY E. CONTRERAS	Case Number(s): 13-O-10553
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STAYED SUSPENSION ORDER

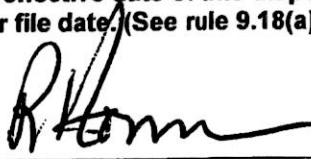
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

1. On page 9, the paragraph regarding "No Prior Record of Discipline" -- Delete "19 years without discipline" and substitute in its stead "16 years without discipline at the time of his misconduct."
2. On page 9, at the end of the paragraph on "No Prior Record of Discipline," add: "Std. 1.6(a)."
3. On page 9, at the end of the paragraph on "Pretrial Stipulation," add "Std. 1.6(e)."
4. On page 10, second paragraph, change "acts" to "counts," should read: "Respondent committed three counts of professional misconduct."
5. On page 10, third paragraph, change "19 years" to "16 years."

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.)

5/16/14
Date


RICHARD A. HONN
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 May 19, 2014, 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:

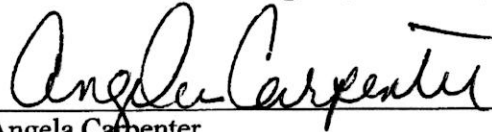
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ANTHONY E. CONTRERAS
LAW OFC ANTHONY CONTRERAS
6745 WASHINGTON AVE # 203
WHITTIER, CA 90601**

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

MICHAEL GLASS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 19, 2014.



Angela Carpenter
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST March 18, 2019

State Bar Court, State Bar of California,
Los Angeles

By *Joe H. S.*
Clerk

**SUPREME COURT
FILED**

MAR 14 2018

Jorge Navarrete Clerk

(State Bar Court No. 16-O-16748)

S246281

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ANTHONY E. CONTRERAS on Discipline

The court orders that Anthony E. Contreras, State Bar Number 171699, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Anthony E. Contreras is suspended from the practice of law for the first 90 days of probation;
2. Anthony E. Contreras must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 15, 2017; and
3. At the expiration of the period of probation, if Anthony E. Contreras has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Anthony E. Contreras must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Anthony E. Contreras must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2019, 2020, and 2021. If Anthony E. Contreras 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.

CANTIL-SAKAUYE

Chief Justice

I, Jorge Navarrete, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

14 day of March 2018
Month

By: 
Deputy

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Jamie Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1182 Bar # 281574	Case Number(s): 16-O-16748-CV	For Court use only <div style="text-align: center;">FILED</div> <div style="text-align: center;">NOV 15 2017 <i>dy</i></div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
PUBLIC MATTER		
In Pro Per Respondent Anthony E. Contreras 11780 Central Ave., Ste. 105 Chino, CA 91710-6499 (909) 746-8672 Bar # 171699	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: ANTHONY E. CONTRERAS Bar # 171699 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **September 28, 1994**.
- (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 **12** 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."

AK
WE

(Do not write above this line.)

- (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: **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 **13-O-10553, see page 8 and Exhibit 1.**
 - (b) Date prior discipline effective **October 16, 2014**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-110(A), 3-700(D)(2) and 3-310(F)**
 - (d) Degree of prior discipline **one-year suspension, stayed, with a two-year probation**
 - (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. See page 8.
- (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. See page 9.
- (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. **See 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:

Steps to Rectify Misconduct, see page 9.
Pretrial stipulation, see page 9.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two years**.
- 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 **ninety (90) 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: **Respondent attended Ethics School on December 10, 2015 and passed the test given at the end of the session. (See rule 5.135(A), Rules of Proc. of**

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State Bar [attendance at Ethics School not required where attorney completed Ethics School within the prior two years].)

- (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: **Respondent passed the MPRE on November 7, 2015 in connection with his prior discipline in State Bar Court case number 13-O-10553. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244; In the Matter of Seltzer (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 272, fn. 7 [passage of MPRE not required where attorney was ordered to take and pass MPRE in prior disciplinary matter].)**
- (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: ANTHONY E. CONTRERAS
CASE NUMBER: 16-O-16748-CV

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. 16-O-16748 (Complainant: Jeffrey Forer)

FACTS:

1. On August 18, 2015, attorney Ronald Gold ("Gold") was appointed as counsel for Lillian Thureson ("Thureson") in the matter *Conservatorship Lillian Thureson*, Los Angeles County Superior Court case number BP165674 ("Conservatorship matter").
2. On February 9, 2016, Edward Carvelo ("Carvelo"), Thureson's brother, filed a declaration in the Conservatorship matter, in which Carvelo declared, under penalty of perjury, that he was concerned that Thureson's daughter had mistreated Thureson in the past and that the newly proposed conservator, Frumeh Labow ("Labow"), might be connected to Thureson's daughter. Carvelo's declaration expressed concerns regarding new developments in the matter and that funds would not be devoted towards Thureson's well-being. Based on these concerns, as stated below, Carvelo hired respondent to assist Carvelo in the intervention of the Conservatorship matter and attempt to stop an impending sale of Thureson's home.
3. On April 13, 2016, Labow was appointed Temporary Conservator for Thureson, to act for Thureson's person and estate. At all relevant times, Thureson continued to be represented by Gold.
4. On July 13, 2016, Jeffrey Forer, who represented the conservator Labow, filed a Notice of Hearing, in the Conservatorship matter, for August 10, 2016, to confirm the sale of Thureson's home.
5. On July 27, 2016, Carvelo employed respondent to intervene in the Conservatorship matter on Carvelo's behalf. On that date, respondent learned that Thureson was represented by Gold.
6. On August 1, 2016, respondent filed a complaint requesting an accounting and to quiet title, against the proposed buyer of Thureson's home, in a matter entitled *Lillian Thureson v. Sen Yang, et al.*, Los Angeles County Superior Court case number BC628951. The complaint identified respondent as Thureson's attorney.
7. On August 5, 2016, pursuant to Carvelo's request, respondent visited Sea View Manor House where Thureson resided. Respondent approached Thureson, with whom he had no family or prior professional relationship, and attempted to provide her with a number of documents, including a retainer agreement to employ respondent. Respondent and Thureson did not actually communicate with one

another. After being advised by a staff person at Sea View Manor House that Thureson was not permitted to sign documents without authorization from her family, respondent left Sea View Manor House. At the time of the August 5, 2016 visit, respondent was aware that Thureson was represented by Gold.

8. On August 5, 2016, after leaving Sea View Manor House, respondent contacted Forer by telephone. Forer advised respondent that Thureson was under a conservatorship and represented by an attorney.

9. On August 19, 2016, respondent filed a Request and Entry of Dismissal in the matter *Thureson v. Yang*, which was granted on August 24, 2016, before Forer filed a State Bar complaint.

CONCLUSIONS OF LAW:

10. By filing a civil complaint on Thureson's behalf, on August 1, 2016, in Los Angeles County Superior Court, without authorization from Thureson or her conservator, to represent Thureson, respondent engaged in willful violation of Business and Professions Code section 6104 by appearing for a party without authority.

11. By attempting to provide Thureson with documents, including a retainer agreement to employ respondent's legal services on August 5, 2016, with whom he had no family or prior professional relationship, respondent engaged in a willful violation of rule 1-400(C) of the Rules of Professional Conduct by engaging in solicitation of a prospective client.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline.

Effective October 16, 2014, respondent stipulated in State Bar Case number 13-O-10553 to be suspended from the practice of law for one year, stayed, and placed on probation for two years. In the prior matter, respondent received legal fees from a son to represent his mother in a medical malpractice case. Respondent thereafter failed to file the necessary documents to substitute in as the attorney of record and was not permitted to appear in court. When he failed to do so, the client's case was dismissed. Respondent continued to represent the client on appeal, but continued in failing to file necessary pleadings and was terminated. Respondent failed to render legal services competently, failed to obtain a written waiver for receipt of legal fees from a third party and failed to refund unearned fees in violation of Rules of Professional Conduct, rules 3-110(A), 3-700(D)(2) and 3-310(F), respectively. The misconduct occurred between 2010 through 2012. Respondent's misconduct was mitigated by the lack of a prior record of discipline after 19 years of practice, candor and cooperation and entry into a pre-trial stipulation, and aggravated by his multiple acts of misconduct.

Multiple Acts of Wrongdoing (Std. 1.5(b)): By improperly soliciting Thureson in person at her residence, drafting and then filing a civil complaint without her consent or authority, respondent committed multiple acts of wrongdoing, an aggravating circumstance here. (*See In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-647 [two acts of misconduct may constitute multiple acts of wrongdoing].)

High Level of Vulnerability of the Victim (Std. 1.5(n)): Respondent's misconduct was aimed at Thureson, who was vulnerable due to her medical condition as reflected by her need for a conservatorship.

MITIGATING CIRCUMSTANCES.

Extraordinary Good Character (Std. 1.6(f)): Eight character references attested to respondent's good character. All of the character references have knowledge of the underlying misconduct. The character references represent a broad range of professional backgrounds, which include a clerk, a training supervisor, supervising probation deputy, investment banker and three attorneys. The references have known respondent for an extended period of time spanning 10 to 30 years. The majority of respondent's references have known respondent for over 20 years. The character references attested to respondent's good moral character. (*In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 17, 29 [seven character references considered significant mitigation].)

Steps to Rectify Misconduct: By moving to dismiss the civil complaint, prior to any involvement by the State Bar, respondent took steps to rectify his misconduct and prevent its recurrence. (See, e.g., *Hipolito v. State Bar* (1989) 48 Cal.3d 621, 627, fn. 2 [favorable consideration given for "steps to repair the damage done and to prevent its recurrence"].)

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 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 Spaith* (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].)

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.)

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).)

According to Standard 1.7(a), "If a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." One of the applicable Standards here is Standard 1.8(a), which states, "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." Respondent's prior discipline was not remote in time and the prior misconduct, which involved numerous violations of the Rules of Professional Conduct, was serious. Pursuant to Standard 1.8(a), the discipline in this matter should be greater than a stayed suspension.

Pursuant to Standard 2.18, disbarment or actual suspension is the presumed sanction for a violation of Business and Professions Code section 6104. Similarly, Business and Professions Code section 6104 provides for discipline ranging from suspension to disbarment for appearing without authority.

Respondent's misconduct here was serious, because he filed a civil complaint on behalf of a woman who lacked mental capacity to authorize him to do so and thereafter attempted to solicit Thureson as a prospective client when he knew she was represented by counsel. Respondent's misconduct is aggravated by his prior record of discipline, the high vulnerability of the victim, and the multiple acts of wrongdoing, and mitigated by his good character, steps to rectify misconduct, and entry into a pretrial stipulation. Accordingly, a two (2) year stayed suspension, with a two (2) year probation, including a ninety (90) day actual suspension, is appropriate here for respondent's second disciplinary matter. This is consistent with both Standards 1.8(a) and 2.18, as well as Business and Professions Code section 6104.

Case law supports this level of discipline. In *In the Matter of Regan* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 844, an attorney received a seventy-five (75) day actual suspension for pursuing an appeal contrary to the wishes of his two clients, in violation of Business and Professions Code section 6104, as well as making a misrepresentation to a court in violation of Business and Professions Code section 6106, among other ethical violations. The attorney represented two plaintiffs in a civil lawsuit against a municipality. The Superior Court granted the defendant municipality's Motion for Summary Judgment, dismissing the plaintiffs' civil suit. Shortly before Summary Judgment was granted, each plaintiff issued a check to the attorney for appeals costs. However after the civil suit was dismissed, each plaintiff called the attorney multiple times to advise him that they did not wish to appeal the matter. Despite these communications, the attorney appealed his clients' case and did not move to have the matter dismissed despite receiving numerous phone calls from the clients advising the attorney that they did not wish to pursue the matter. The attorney then misrepresented to the court that his clients had agreed to appeal their matter, failed to communicate significant developments to his clients and did not return their client file. The attorney's misconduct was mitigated by 17 years of discipline free practice and aggravated by harm to the clients, who hired new attorneys, and multiple acts.

Like *Regan*, respondent is culpable of violating Business and Professions Code section 6104 for appearing without authority on behalf of someone that he was not employed to represent. Despite knowledge of Thureson's Conservatorship matter, respondent filed a civil complaint on behalf of Thureson, who was not his client. Unlike the attorney in *Regan*, respondent also has the added misconduct of solicitation, but he did not engage in an act of moral turpitude. Respondent's misconduct

was limited in time and limited to one client, as opposed to two. Respondent voluntarily took action to dismiss the civil complaint. Unlike in *Regan*, respondent's misconduct is aggravated by a prior record of discipline and the high vulnerability of the victim. Therefore, on balance, the discipline in this matter should be more severe than in *Regan*.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
16-O-16748-CV	Three	Rule 2-100(A)

COSTS OF DISCIPLINARY PROCEEDINGS.


Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of October 16, 2017, the discipline costs in this matter are \$3,758. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

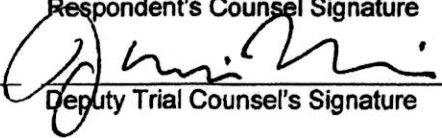
(Do not write above this line.)

In the Matter of: ANTHONY E. CONTRERAS	Case number(s): 16-O-16748-CV
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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.

10/10/2017  Anthony E. Contreras
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name
10/16/2017  Jamie Kim
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of:
ANTHONY E. CONTRERAS

Case Number(s):
16-O-16748-CV

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 5, paragraph E(8): An "X" is inserted in the box at paragraph (8) preceding the phrase "Within one (1) year." In addition, the "X" in the box preceding the phrase "No Ethics School recommended" and all of the text following the word "Reason" is deleted. Although Respondent attended Ethics School on December 10, 2015, and passed the test given at the end of the session, the misconduct in this proceeding occurred in August 2016, after Respondent attended Ethics School.
 - Page 6, paragraph F(1): An "X" is inserted in the box at paragraph (1), preceding "Multistate Professional Responsibility Examination." In addition, the "X" in the box preceding the phrase "No MPRE recommended" and all of the text following the word "Reason" is deleted. Although Respondent passed the November 7, 2015 MPRE as a requirement of his prior discipline, the misconduct in this proceeding occurred in August 2016, after Respondent passed the MPRE.

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.)**

Date

11/15/17


DONALD F. MILES
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 November 15, 2017, 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:

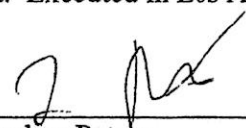
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ANTHONY E. CONTRERAS
LAW OFC ANTHONY CONTRERAS
11780 CENTRAL AVE
STE 105
CHINO, CA 91710 - 6499

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

Jamie J. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 15, 2017.



Stephen Peters
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST March 18, 2019
State Bar Court, State Bar of California,
Los Angeles

By 
Clerk

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 April 8, 2019, 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:

ANTHONY E. CONTRERAS
LAW OFC ANTHONY CONTRERAS
6745 WASHINGTON AVE
STE 203
WHITTIER, CA 90601 - 4309

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

ANDREW J. VASICEK, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 8, 2019.



Paul Barona
Court Specialist
State Bar Court