


(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar Caitlin M. Elen-Morin Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1653 Bar # 272163	Case Number(s): 16-O-14638	For Court use only <div style="text-align: center;"> FILED SEP 21 2017  STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent John Eom 520 S. La Fayette Park Pl., Suite 204 Los Angeles, CA 90057 (213) 788-3353 Bar # 181774	PUBLIC MATTER	
In the Matter of: John Eom Bar # 181774 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 **March 8, 1996**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- 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: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

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

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.
- (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 attachment, pages 8-9.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the 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.

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- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

No prior discipline, see attachment, page 9.
Family problems, see attachment, page 9.
Good character, see attachment, page 9.
Prefiling stipulation, see attachment, page 9.

D. Discipline:

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

The above-referenced suspension is stayed.

- (2) **Probation:**

Respondent is placed on probation for a period of **one (1) year**, 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.
- (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: JOHN EOM

CASE NUMBER: 16-O-14638

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-14638 (State Bar Investigation)

FACTS:

1. On September 26, 2015, Eliseo Navarro employed respondent to file a chapter 13 bankruptcy petition. On January 21, 2016, respondent filed a chapter 13 bankruptcy petition on behalf of Navarro in the United States Bankruptcy Court, Central District of California, case no. 6:16-bk-10490-SY.
2. On January 23, 2016, the court served respondent with a Notice of Order to Comply with Bankruptcy Rule 1007 and 3015(b) and Notice of Intent to Dismiss Case due to respondent's failure to file the requested case documents. Respondent received the Notice of Order to Comply and Notice of Intent to Dismiss.
3. On February 4, 2016, respondent filed a Debtor's Motion to Extend Time to File Case Opening Documents. On February 8, 2016, finding no good cause upon consideration of respondent's motion, the court dismissed the case due to respondent's failure to file the required case documents.
4. On February 25, 2016, the court issued an Order to Show Cause ("OSC") as to why fees should not be disgorged due to respondent's failure to prosecute or confirm plan in the bankruptcy. Respondent was ordered to personally appear at the OSC hearing on March 22, 2016, and to file a statement of compensation and an accounting, or a description of services rendered. Respondent received notice of the OSC hearing via email.
5. Respondent failed to appear at the March 22, 2016 OSC hearing, failed to file the statement of compensation, an accounting, or a description of services rendered, and failed to file any opposition to the OSC.
6. On March 31, 2016, the court entered its order requiring respondent to pay sanctions of \$5,000 to the court within 14 days of the order for failing to appear at the March 22, 2016, OSC hearing and failing to file a statement of compensation, an accounting, or a description of services rendered. Respondent was served with the order via U.S. mail and email. Respondent received the order.
7. On June 23, 2016, with the sanctions per the March 31, 2016, order outstanding, the court issued an OSC in which respondent was ordered to appear on July 26, 2016, to show cause as to why he should not be held in contempt and why further sanctions should not be imposed for his failure to

comply with the court's March 31, 2016, order. Respondent was served with the June 23, 2016, OSC by U.S. mail and email. Respondent received the order.

8. On July 13, 2016, respondent filed a disclosure of compensation of attorney, in which he disclosed that there were no attorney fees paid to him, and a declaration regarding his failure to attend the March 22, 2016, OSC hearing and his delay in filing the disclosure of compensation. Respondent's declaration stated that his mother had advanced lung cancer and that as a result of her illness, he was spending less time in his office as he was traveling to see his mother in the Bay Area.

9. On July 26, 2016, the court discharged the June 23, 2016, OSC re Contempt and Further Sanctions for Failure to Pay Previously Imposed Sanctions or Disgorge Fees.

10. On January 9, 2017, the Bankruptcy Court informed the State Bar that the \$5,000 sanctions, per the court's March 31, 2016 order, remained unpaid.

11. As of January 17, 2017, respondent had not self-reported the imposition of sanctions for \$5,000 against respondent, per the court's March 31, 2016, order, to the State Bar.

12. On April 26, 2017, Respondent paid the \$5,000 sanctions to the court.

13. On January 15, 2016, respondent filed a chapter 13 bankruptcy petition on behalf of Arturo Munoz, case no. 16-bk-10170-MW, in the United States Bankruptcy Court, for the Central District of California. Respondent did not file the Disclosure of Compensation of Attorney for Debtor form, among other required case commencement documents which were due by January 29, 2016.

14. Respondent moved the court to extend the deadline to file the documents, which was granted and thereby extended the deadline to February 12, 2016; however, respondent failed to file the documents by February 12, 2016.

15. On February 17, 2016, the Bankruptcy Court issued an Order and Notice of Dismissal for respondent's failure to file schedules, statements, and/or plan. Respondent was served with the Order via email. Respondent received the order.

16. On March 17, 2016, the U.S. Trustee filed a motion to determine whether compensation paid to respondent was excessive and to order respondent to file a Rule 2016(b) Statement. Respondent was served with this motion via email. Respondent received the motion.

17. On May 4, 2016, a hearing on the U.S. Trustee's motion was held. Respondent did not appear at this hearing and did not file an opposition or reply to the U.S. Trustee's motion.

18. On May 6, 2016, the court granted the U.S. Trustee's motion and issued its order which required respondent to provide the Rule 2016(b) Statement within 10 days of the order and to disgorge all fees received from the debtor within 30 days of the entry of the order. The court's order also put respondent on notice that he could be held in contempt until the disgorgement fees were paid. Respondent was served with the May 6, 2016, order via email by the court, and via U.S. mail, FedEx priority overnight mail, and via email by the U.S. Trustee. Respondent received the order.

19. Respondent did not comply with the May 6, 2016 order, and on June 17, 2016, the U.S. Trustee filed an application for issuance of an order to show cause ("OSC") why respondent and his

firm, United Law One, should not be held in contempt of a prior court order (May 6, 2016) and ordered to disgorge compensation. Respondent was served with the application for the OSC via U.S. mail and email, which respondent received.

20. On June 24, 2016, the court issued an order granting the U.S. Trustee's application and issued an OSC. Respondent was ordered to appear on August 8, 2016, to explain why he failed to comply with the court's May 6, 2016, order. Respondent and his firm were also given until July 15, 2016, to file an opposition to the OSC.

21. Respondent was provided notice of the June 24, 2016 OSC via email, which respondent received. Respondent did not file an opposition to the OSC by July 15, 2016.

22. On August 8, 2016, respondent appeared for the OSC hearing and filed a Disclosure of Compensation of Attorney, disclosing that respondent's firm received \$3,500 as fees from Munoz. Respondent also filed a declaration on August 8, 2016, in which he stated that his mother became ill in December 2015 which resulted in him spending time away from his office so he could travel to see her.

23. At the August 8, 2016 hearing, respondent was ordered held in civil contempt, and taken into custody, until his contempt was purged by filing an accurate Rule 2016(b) Statement, disgorging all fees received from Munoz, submitting proof of payment, and filing a declaration attesting to his compliance. The court issued its order on August 9, 2016, which respondent received.

24. On August 11, 2016, respondent filed the disclosure of compensation and his declaration with the court. On that same date, respondent's disgorged the \$3,000 in fees received from Munoz and submitted proof of payment to the court. Respondent's contempt was purged and he was released from custody.

CONCLUSIONS OF LAW:

25. By failing to comply with the March 31, 2016, order, which ordered respondent to pay monetary sanctions in the amount of \$5,000 to the court within 14 days, respondent willfully violated Business and Professions Code section, 6103.

26. By failing to report to the State Bar of California in writing within 30 days that on March 31, 2016, the court imposed \$5,000 in sanctions on respondent, respondent willfully violated Business and Professions Code section, 6068(o)(3).

27. By failing to comply with the May 6, 2016, Order Granting Motion by the United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive under 11. U.S.C. §329 and F.R.B.P. 2017 and to Order Counsel to file a 2016(b) Statement, which ordered respondent to file a 2016(b) Statement within 10 days of entry of the order, and to disgorge all fees received from the debtor within 30 days of entry of the order, respondent willfully violated Business and Professions Code section, 6103.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent committed multiple acts of misconduct in two separate bankruptcy matters. In the Navarro bankruptcy matter, respondent failed to timely pay, and report, the \$5,000 sanctions imposed against him pursuant to the bankruptcy court's

March 31, 2016, order. In the Munoz Bankruptcy matter, respondent failed to timely file a Rule 2016(b) Statement and disgorge all fees pursuant to the bankruptcy court's May 6, 2016 order, and was ultimately held in contempt for his disobedience.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to the State Bar of California on March 8, 1996 and has no prior record of discipline. Respondent is entitled to significant mitigation for his nearly 20 years of discipline free practice prior to the current misconduct. (*In the Matter of Thomas L. Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [the absence of prior discipline is entitled to mitigative credit]; *Hawes v. State Bar* (Review Dept. 1990) 51 Cal. 3d 587 [over ten years of discipline free practice is entitled to significant weight in mitigation].)

Family Problems: At the time of the misconduct respondent's marriage was unraveling, his wife filed for divorce, and his mother was diagnosed with lung cancer. (*In the Matter of Kaplan* (Review Dept. 1993) 2 Cal State Bar Ct. Rptr. 509 [marital difficulties, although not directly responsible for attorney's misconduct, are accorded some weight in mitigation]; *In re Naney* (1990) [marital difficulties may be considered in mitigation].)

Good Character: Respondent provided eight good character reference letters, seven of which were written by licensed California attorneys who are also friends with respondent and were informed of the misconduct. (*In the Matter of Wenzel* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 380, 387 [limited weight given to character testimony of seven attorneys which is not a wide range of references]; but see *In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319 [serious consideration given to testimony of attorneys given their "strong interest in maintaining the honest administration of justice."].)

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged his misconduct and is entitled to mitigation for saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaitth* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

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 Silvertan* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney

misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

In this matter, respondent admits to committing three acts of professional misconduct; specifically, respondent committed two violations of Business and Professions Code section 6103 [violation of a court order] and one violation of Business and Professions Code section 6068(o)(3) [failure to report sanctions]. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to respondent’s misconduct is found in Standard 2.12(a), which applies to respondent’s violation(s) of Business and Professions Code section 6103. Standard 2.12(a) provides that disbarment or actual suspension is the presumed sanction for violations of Business and Professions Code section 6103.

Here, in Navarro’s bankruptcy, respondent failed to timely comply with a court order which imposed \$5,000 in sanctions against him. Respondent further failed to report the imposition of the \$5,000 sanction order to the State Bar. However, respondent did ultimately pay the \$5,000 sanctions on April 26, 2017, over one year after the sanctions were due to be paid. Respondent also failed to obey a court order in Munoz’s bankruptcy case and was held in contempt for his disobedience. In aggravation, respondent committed multiple acts of misconduct. In mitigation, respondent has no prior record of discipline over nearly 20 years of practice, he was experiencing family problems at the time of the misconduct, and he entered into a pre-filing stipulation. Respondent also provided eight good character references, which are given limited weight. While the appropriate level of discipline under the Standards calls for actual suspension or disbarment, because respondent’s mitigation outweighs the aggravation, a deviation from the Standards in this case is warranted. Accordingly, discipline consisting of a one year stayed suspension and one year probation, with conditions, is appropriate.

Case law also supports this level of discipline. In *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, the attorney received a six month stayed suspension and one year probation for failing to obey a court order, failing to report sanctions imposed against him, and failing to perform in the course of his representation of a client appealing a capital sentence. The attorney had no prior record of discipline over 17 years of practice, and was afforded significant mitigation for a discipline free record. In aggravation, the court found multiple acts of misconduct.

Like the attorney in *Riordan*, respondent failed to comply with a court order. However, respondent committed more acts of misconduct than in *Riordan* in two separate client matters. Respondent is entitled to mitigation for almost 20 years of discipline free practice, the family problems he experienced at the time of the misconduct, which included the unraveling of his marriage, and ultimate divorce, in addition to his mother being diagnosed with lung cancer. Respondent is also entitled to some mitigation – albeit limited – for the eight letters referencing his good character. Although respondent’s misconduct

was more severe in *Riordan*, respondent has more mitigation and the aggravation is similar. Therefore, the level of discipline in this case should be similar to that in *Riordan*. The appropriate level of discipline in this matter is a one year stayed suspension and one year probation, with conditions, which will serve to protect the public, the courts, and the legal profession and maintain high professional standards by attorneys in addition to preserving public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of July 26, 2017, the discipline costs in this matter are \$3,215. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT

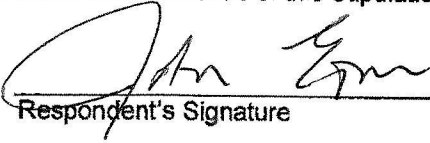
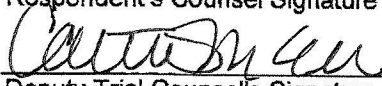
Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reprobation or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: JOHN EOM	Case number(s): 16-O-14638
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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>8/16/17</u> Date	<u></u> Respondent's Signature	<u>John Eom</u> Print Name
<u>8/31/2017</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Caitlin M. Elen-Morin</u> Print Name

(Do not write above this line.)

In the Matter of: JOHN EOM	Case Number(s): 16-O-14638
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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.

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.)**

September 20, 2017
Date


YVETTE D. ROLAND
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 21, 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:

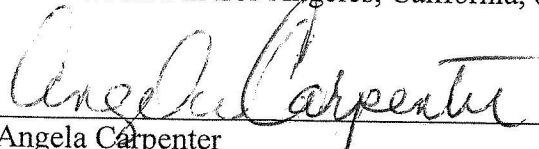
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOHN EOM
LAW OFC OF JOHN EOM
520 S LA FAYETTE PARK PL
STE 204
LOS ANGELES, CA 90057

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

Caitlin M. Elen-Morin, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 21, 2017.



Angela Carpenter
Case Administrator
State Bar Court