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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel for the State Bar William Todd Supervising Attorney 845 S. Figueroa Street Los Angeles, CA 90017 213-765-1491 Bar # 259194	Case Number(s): 16-O-17366-CV	For Court use only FILED <i>PG</i> APR 15 2019 STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
In Pro Per Respondent James M. Meizlik 3250 Wilshire Blvd, Ste 2003 Los Angeles, CA 90010 323-786-8997 Bar # 62116	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: JAMES MARK MEIZLIK Bar # 62116 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 **December 20, 1974**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. 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: **98-O-03840. See Attachment to Stipulation, pages 11-12; see also Exhibit One, 11 pages.**
 - (b) Date prior discipline effective: **April 20, 2000**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **former Rules of Professional Conduct, rule 3-110(A)**
 - (d) Degree of prior discipline: **private reproof**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below. State Bar case nos. 01-O-05075 and 02-O-11734, effective August 31, 2003. See Attachment to Stipulation, pages 11-12; see also Exhibit Two, 15 pages.
- (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.

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- (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.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.

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- (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, see page 12.

D. Recommended Discipline:

- (1) **Actual 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 must be suspended from the practice of law for the first _____ of the period of Respondent's probation.

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

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

- Respondent must be suspended from the practice of law for a minimum of the first **one year** 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:**

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.

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- Respondent must be suspended from the practice of law for a minimum of the first _____ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - 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. 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).)

(4) **Actual Suspension "And Until" Restitution (Multiple Payees) and 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 Respondent will remain suspended until both of 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. 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).)

(5) **Actual Suspension "And Until" Restitution (Single Payee) 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 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

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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 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

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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 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

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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.

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. (*Atheam 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

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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. (*Atheam 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: JAMES MARK MEIZLIK

CASE NUMBER: 16-O-17366

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-17366 (Complainant: Juan Carlos Alarcon)

FACTS:

1. On January 15, 2016, Juan Carlos Alarcon hired respondent as his counsel in *Gonzalez v. Alarcon*, Los Angeles County Superior Court case no. BC539207. On the date Alarcon hired respondent, respondent rented office space from the Alliance Solution Network (“ASN”), who provided respondent with administrative support for his law practice in addition to office space.

2. ASN, which is owned and operated by non-attorneys, received \$8,000.00 in legal fees from Alarcon on respondent’s behalf, from which ASN kept a total of \$5,500 after distributing \$2,500 to respondent.

3. On February 25, 2016, respondent substituted into Alarcon’s matter, and an associate of respondent’s represented Alarcon at trial in the matter in which Alarcon hired respondent.

CONCLUSIONS OF LAW:

4. By allowing Alliance Solution Network to collect legal fees on respondent’s behalf and also allowing ASN to keep some of those fees for its own purposes, respondent shared fees with non-lawyers in willful violation of former Rules of Professional Conduct, rule 1-320(A).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline. In the first prior record of discipline, effective April 20, 2000, the State Bar Court privately reproved respondent for violation of former Rules of Professional Conduct, rule 3-110(A), failing to perform competently, after respondent failed to supervise a non-attorney staff member that respondent frequently left in an office unsupervised without any procedures in place to prevent this type of conduct. That non-attorney staff member then accepted the representation of a client without advising respondent. The non-attorney staff member also accepted fees from the client that he failed to pass on to respondent.

In the second prior record of discipline, effective August 31, 2003, the Supreme Court suspended respondent for two years, stayed, and placed on two years of probation after admitting to misconduct in two matters, both involving his use of non-lawyers to provide legal services to clients. One of the

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matters involved conduct which occurred *prior* to respondent's earlier private reproof, while the second matter began four months *after* the reproof period from respondent's prior discipline expired.

In the misconduct that occurred between August 1999 and January 2000, *before* respondent's April 20, 2000 private reproof, respondent admitted that the same non-attorney staff member described in respondent's earlier private reproof signed another client, received \$1,000 in fees from that client, and performed services on that client's behalf. Unfortunately, the client was a defendant in a civil lawsuit, and the non-attorney was understandably not equipped to defend her. Respondent stipulated to violations of former Rules of Professional Conduct, rule 3-110(A), for failure to perform and failing to supervise the same non-attorney staff member. He also stipulated to a violation of former rule 3-700(A)(2), improper withdrawal from a client matter, and former rule 3-700(D)(2), failing to refund an unearned fee.

In the misconduct that began in August 2001, several months *after* his reproof period concluded, and ended in May 2002, respondent and the same non-attorney staff member previously described jointly worked on a client's dissolution matter in which respondent failed to supervise the non-attorney. Respondent stipulated to failing to supervise non-attorney staff in violation of former Rule of Professional Conduct, rule 3-110(A), and failing to return unearned fees in violation of former Rule of Professional Conduct, rule 3-700(D)(2).

The parties stipulate to the authenticity of exhibits one and two, copies of each of respondent's two prior records of discipline.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of 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 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.)

Here, respondent split fees with the non-attorneys at Alliance Solution Network, in violation of former Rules of Professional Conduct, rule 1-320(a). Relevant standards for respondent's fee splitting with non-attorneys include standard 2.8, which requires actual suspension for fee splitting, and standard 1.8(b), which applies due to respondent's two prior records of discipline.

Standard 1.8(b) provides that if a member has two or more prior records of discipline, disbarment is appropriate unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct, if any of the following are true: the Supreme Court ordered actual suspension in any one of the prior disciplinary matters, the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct, or the prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities.

None of these apply here. The Supreme Court did not order actual suspension in either of respondent's prior instances of discipline, and the prior misconduct coupled with the current misconduct does not establish either a pattern of misconduct or an unwillingness to conform to ethical responsibilities, due largely to the . However, since the current misconduct is respondent's third discipline, and because the two prior instances of discipline significantly aggravate respondent's misconduct in this instance, significant discipline is warranted. Specifically, respondent's misconduct warrants a two-year suspension, stayed, with a two-year probation on conditions that include a one-year actual suspension and until he provides evidence of his rehabilitation, to include evidence that he is prepared to practice without sharing legal fees with non-attorneys. Respondent must complete of State Bar Ethics School, and must also comply with California Rules of Court, rule 9.20, and must take and pass the Multistate Professional Responsibility Examination. This level of discipline is consistent with the purposes of attorney discipline, which include protection of the public, the courts, and the legal profession.

Case law is instructive. In *In the Matter of Bragg* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 615, Bragg was found culpable of fee-splitting with a non-attorney over a nine-month period involving several hundred clients, an act that the Review Dept. concluded violated both former Rules of Professional Conduct, rule 1-320, and Business and Professions Code section 6106. Aggravating circumstances included Bragg's aiding the unauthorized practice of law, while mitigating circumstances included the absence of any prior record of misconduct in 29 years of law practice, though Bragg did have a prior agreement in lieu of discipline. The Review Dept. used a standards-based analysis to conclude that Bragg's misconduct warranted a two-year suspension, stayed, and a two-year probation with a one-year actual suspension.

In *In the Matter of Nelson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 178, the Review Dept. relied on a standards-based analysis when it recommended a six-month actual suspension for an attorney with no prior discipline who was culpable of forming a partnership for the practice of law with a non-lawyer, dividing legal fees with the non-lawyer, using the non-lawyer as a "runner" and "capper", and acts of moral turpitude for building a law practice on the illegal payments previously described, improper withdrawal from client matters, failure to pay client funds or return client property upon request, and failing to convey a written settlement offer.

When compared to the instant matter, respondent's misconduct is much less severe than either case. Bragg's misconduct occurred over a longer time-period and included several hundred clients, and Nelson's misconduct involved a broader set of violations that included fee-splitting as well as forming a partnership with a non-lawyer and using the non-lawyer as a "runner" and "capper". However, though respondent's misconduct is far less severe, unlike the Bragg or Nelson, respondent has two prior records of discipline which significantly aggravate his misconduct.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
16-O-17366	ONE	1-300(A)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 21, 2019, the discipline costs in this matter are \$3,857. 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.


17
-25-19

(Do not write above this line.)

In the Matter of: JAMES MARK MEIZLIK	Case Number(s): 16-O-17366
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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.

Date 3-25-19 Respondent's Signature  James M. Meizlik
Print Name

Date Respondent's Counsel Signature Print Name

3-25-19 Deputy Trial Counsel's Signature  William Todd
Print Name

(Do not write above this line.)

In the Matter of: JAMES MARK MEIZLIK	Case Number(s): 16-O-17366
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ACTUAL SUSPENSION ORDER

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

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

On page 13 of the Stipulation, third full paragraph, line 4, "due largely to the" is deleted.

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 15, 2019
Date


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

Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT RUSSELL G. WEINER, NO. 94504 JANICE G. OERRLE, NO. 067015 KAREN GORMAN, NO. 088078 1149 South Hill Street Los Angeles, California 90015-2299 Telephone: (213) 765-1000	Case number(s) 98-0-03840 CONFIDENTIAL kwiktag® 028 805 805	(for Court's use) <p style="text-align: center;">FILED</p> <p style="text-align: center;">MAR 29 2000</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
Counsel for Respondent IN PRO PER	Submitted to <input type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of JAMES MARK HEIZLIK Bar # #62116 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 20, 1974 (date)
- (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 and order consist of 10 pages.
- (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."
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts prior to February 1 for the following membership years:

 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances (for definition, see Standards for Attorney Services for Professional Misconduct, standard 1.2(b)). Facts supporting aggravating circumstances are required.

(1) **Prior record of discipline** (see standard 1.2(f))

(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 under "Prior Discipline".

(2) **Dishonesty:** Respondent's misconduct was 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.

(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.

(8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances (see Standard 1.2(e)). 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 or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to 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 \$ 525.00 on December 22, 1999 in restitution to Lacunion Johnson-Alagheband 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 in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) private reproof (check applicable conditions, if any, below)
- (a) no public disclosure (stipulation prior to filing of charges only)
- (b) public disclosure (Notice of Disciplinary Charges filed)

or

- (2) public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproof:

- (1) Respondent shall comply with the conditions attached to the reproof for a period of one (1) year.
- (2) During the condition period attached to the reproof, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Respondent shall promptly report, and in no event in more than 10 days, to the Membership Records Office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Respondent shall submit written quarterly reports to the Probation Unit of the Office of the Chief Trial Counsel on each January 10, April 10, July 10, and October 10 of the period of probation, except as set forth in the second paragraph of this condition. Under penalty of perjury each report shall state that Respondent has complied with all provisions of the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter or period described in the second paragraph of this condition.

If the first report would cover less than 30 days, then the first report shall be submitted on the next quarter date and cover the extended period. The final report is due no earlier than 20 days before the last day of the period of probation and no later than the last day of probation.

- (5) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 conditions attached to the reproof.
- (6) Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of his/her probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent shall furnish such reports as may be requested by the probation monitor to the probation monitor in addition to quarterly reports required to be submitted to the Probation Unit of the Office of the Chief Trial Counsel. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge his/her duties.
- (7) Within one year of the effective date of the reproof herein, Respondent shall attend the State Bar Ethics School, and shall pass the test given at the end of such session.
- No Ethics School ordered.
- (8) Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year of the effective date of the reproof.
- No MPRE ordered.

(9) The following conditions are attached hereto and incorporated:

Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

Financial Conditions

(10) Other conditions negotiated by the parties:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: James Mark Meizlik

CASE NUMBER(S): 98-O-03840 ET SEQ.

FACTS AND CONCLUSIONS OF LAW.

COUNT ONE

Case No. 98-O-03840

Rules of Professional Conduct, rule 3-110(A)
[Failure to Supervise]

1. Respondent willfully violated Rules of Professional Conduct, rule 3-110(A), by failing to supervise an employee, as follows: On or about October 1, 1997, Luacion A. Johnson- Alagheband ("Alagheband") went to Respondent's office at 6314 Van Nuys Boulevard, Suite 202, Van Nuys, California 91401 ("Respondent's Office") to employ Respondent to file for bankruptcy for her. Prior to said date Alagheband had been referred to Respondent's office by an attorney referral service and had spoken over the telephone to Respondent's then occasional employee, Arthur Splopuk ("Splopuk"), about her case.
2. Respondent's Office in Van Nuys was a satellite office for Respondent. Splopuk leased that office space to Respondent. Splopuk also leased office space in the Van Nuys office building to other attorneys. Splopuk conducted his own legal forms typing and translation business called Legal Protection Services, all at the Van Nuys office building. Respondent paid Splopuk rent, for occasional typing and translation services as an independent contractor, and for reception services. Splopuk was authorized by Respondent to meet with Spanish speaking clients, take information from those clients, and communicate with clients concerning personal injury matters. Splopuk was not authorized to accept bankruptcy clients for him, or to accept money on behalf of Respondent to perform such work. As landlord of the Suite, Splopuk had access to all mail coming to Respondent's Office. Splopuk had business cards bearing his name and the title "legal assistant" in the upper left corner of the card, and Respondent's name, title "Attorney at Law", and the Van Nuys office address in the center of the card. Splopuk provided this card to Alagheband.

3. On or about October 1, 1997, Alagheband paid Splopuk \$175.00 as the "filing fee" for the bankruptcy case. On that date Alagheband also gave to Splopuk her current credit report, financial worksheet, creditors' statements, and other paperwork relevant to the matter. Splopuk instructed Alagheband not to pay any money to her creditors and that Splopuk would call her to come back to review the bankruptcy papers after they were prepared for her to approve or make any corrections.
4. On or about November 14, 1997, Alagheband returned to Respondent's Office and reviewed the bankruptcy papers with Splopuk. Splopuk asked Alagheband to sign some blank forms. Splopuk promised Alagheband he would complete the papers "by the end of December". Alagheband signed the blank forms. On that date Alagheband paid Splopuk an additional \$200.00.
5. On or about December 16, 1997, Alagheband returned to Respondent's Office to review the completed bankruptcy papers and paid Splopuk an additional \$150.00. Splopuk told Alagheband that the papers would be filed "When I get a court date."
6. In or about January 1998 and February 1998, Alagheband called Respondent and left messages for him to contact Alagheband. Splopuk did not give the messages to Respondent. Respondent failed to telephone Alagheband. On or about February 12, 1998, after not receiving any telephone calls from Respondent, Alagheband wrote to Respondent asking for the status of her case and notifying him that if she did not hear from Respondent within five (5) days she required a refund and would employ new counsel. If Splopuk received Alagheband's letter he did not give it to Respondent.
7. On or about March 10, 1998, Alagheband's new counsel, Frank P. Moffitt, wrote to Respondent on behalf of Alagheband and asked in the letter for Alagheband's file and the return of her advanced attorney's fees and costs. Splopuk did not give Respondent any letter from Mr. Moffitt. Respondent failed to respond to Mr. Moffitt's letter.
8. On or about June 21, 1999, the State Bar contacted Respondent about Alagheband's complaint. Thereafter Respondent investigated Alagheband's allegations and attempted to communicate with Mr. Moffitt. Prior to June 21, 1999, Respondent did not know about Alagheband and did not receive money from Splopuk for Alagheband's matter. Respondent demanded Splopuk to return to Alagheband her money and file. Respondent did not have Alagheband's address at that time to return the money to her directly and was unable to reach Mr. Moffitt.
9. On or about December 15, 1999, Alagheband wrote to Respondent again at the State Bar's instruction, asking for the

return of her advanced attorney's fees and costs, and her file. On or about December 22, 1999, Respondent wrote to Alagheband for the first time, returned to her all funds she paid to Splopuk, apologized to her, and informed her that he had never seen her file and he has asked Splopuk for the file but Splopuk says he already returned the file and denies he has any remaining papers.

10. Respondent was not in his Van Nuys Office on a daily basis and did not have procedures in place to ensure Splopuk followed instructions, did not misrepresent to clients, informed Respondent of all clients coming into the office, and turned over all mail, messages, and monies paid by clients for Respondent.

11. Respondent failed to learn from Splopuk that he had accepted Alagheband as a client on behalf of Respondent. Respondent failed to timely obtain from Splopuk advanced attorney's fees and costs paid by Alagheband for Respondent. Respondent failed to obtain from Splopuk Alagheband's papers and property. Respondent failed to perform work on Alagheband's case. Respondent failed to supervise Splopuk's preparation of the bankruptcy papers and legal advice to Alagheband.

12. By failing to supervise Respondent's employee, he did not perform the services for which he was hired by Alagheband, and Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was March 16, 2000.

AUTHORITIES SUPPORTING DISCIPLINE.

The cases that were considered by the parties in determining the appropriate disposition of the pending matter included:

In the Matter of Sullivan (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 608

Vaughn v. State Bar (1972) 6 Cal. 3d 847

Sanchez v. State Bar (1976) 18 Cal. 3d 280

In the Matter of Whitehead (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 354

The above cases involve failure to supervise staff, but are more egregious than the circumstances in contrast to this pending matter where the employee was merely an independent contractor that also had his own legal typing and translation business; a substantial period of time has passed since the misconduct and no further instances of a similar nature have been reported; and Respondent took action to make whole the injured person after being informed of the misconduct of the employee.

In the Matter of
JAMES MARK MEIZLIK
A Member of the State Bar

Case Number(s):
98-0-03840

Law Office Management Conditions

- a. Within _____ days of the effective date of the discipline, Respondent shall develop a law office management/organization plan that meets with the approval of his probation monitor, if one is assigned, or the Probation Unit of the Office of Chief Trial Counsel if no probation monitor is assigned. This plan must include procedures to send periodic status reports to clients, the documentation of telephone messages received and sent, file maintenance, the meeting of deadlines, the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located, and for the training and supervision of support personnel.
- b. Within one year of the effective date of the discipline, Respondent must attend no less than six (6) hours of courses which are California Minimum Continuing Legal Education approved in law office management, attorney/client relations, and/or general legal ethics and which must be approved in advance by Respondent's probation monitor or the Probation Unit of the Office of Chief Trial Counsel. If no probation monitor has been assigned, Respondent must provide satisfactory proof of attendance to the probation monitor or Probation Unit, within said year.
- c. Within one year of the effective date of the discipline, Respondent shall complete the Law Office Management Audit ("LOMA") administered by the Office of Chief Trial Counsel. Within 30 days of the effective date of the discipline, Respondent shall pay the LOMA fees in the amount of \$_____; and execute the LOMA agreement. To complete the LOMA, Respondent shall: 1) abide by all conditions of the LOMA agreement; 2) fully cooperate with the auditor; and 3) fully implement the auditor's recommendations with the time specified by the auditor and for the duration of the condition or probation period.
- d. Within 30 days of the effective date of the discipline, Respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for one (1) year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

3-24-00
Date

James Mark Meizlik
Respondent's signature

James Mark Meizlik
print name

Date

Respondent's Counsel's signature

print name

3/27/00
Date

Karen Gorman
Deputy Trial Counsel's signature

Karen Gorman
print name

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

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 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

3/30/00
Date

Judge A. W. C.
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 30, 2000, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed March 29, 2000**

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:

**JAMES MARK MEIZLIK ESQ
504 S ALVARADO #213
LOS ANGELES CA 90057**

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

Karen Gorman, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 30, 2000.



Julieta E. Gonzales
Case Administrator
State Bar Court

(State Bar Court Case No. 01-O-05075; 02-O-11734 (Cons.))

S115930

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

SUPREME COURT
FILED

AUG - 1 2003

Frederick K. Ohlrich Clerk

DEPUTY

IN RE JAMES MARK MEIZLIK ON DISCIPLINE

It is ordered that JAMES MARK MEIZLIK, State Bar No. 62116, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on March 26, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2004 and 2005.



Acting Chief Justice

kwiktag

228 150 001

<p>Counsel for the State Bar The State Bar of California Office of the Chief Trial Counsel Enforcement Monique T. Miller, No. 212469 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000</p>	<p>Case number(s) 01-0-05075 02-0-11734</p>	<p>(for Court Use) ORIGINAL FILED MAR 20 2003 STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>Counsel for Respondent James Mark Meizlik In Pro Per 504 S. Alvarado St. #213 Los Angeles, CA 90057 Telephone: (323) 464-0316</p>	<p>PUBLIC MATTER</p>	
<p>In the Matter of JAMES MARK MEIZLIK Bar #62116 A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 20, 1974
(date)
- (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 and order consist of 13 pages.
- (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."
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - costs added to membership fee for calendar year following effective date of discipline
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
2004 and 2005
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. "Aggravating Circumstance" definition, see Standards for Attorneys' Functions for Professional Misconduct, standard 1.2(b.) Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case 98-0-03840

(b) date prior discipline effective 4-19-00

(c) Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-110(A)(Failure to Perform).

(d) degree of prior discipline Private Reprimand

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

- (2) Dishonesty: Respondent's misconduct was 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.
- (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.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances (see standard 1.2(e).) 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 or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to 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 in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (9) 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.
- (10) 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.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) No mitigating circumstances are involved.

Additional mitigating circumstances: See Attachment to Stipulation

D. Discipline

1. Stayed Suspension.

- A. Respondent shall be suspended from the practice of law for a period of Two(2) years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
 - iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of Two (2) years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall 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.
- (4) Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (5) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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.

- (6) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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.
- (7) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (8) The following conditions are attached hereto and incorporated:
- Substance Abuse Conditions Law Office Management Conditions
- Medical Conditions Financial Conditions
- (9) Other conditions negotiated by the parties:

- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.

In the Matter of **JAMES MARK MEIZLIK**
A Member of the State Bar #62116

Case Number(s):
01-0-05075 et al.

Law Office Management Conditions

- a. Within ___ days/ ___ months/ ___ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b. Within ___ days/ ~~months~~ 1 year of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than ~~Ten~~ (10) hours of MCLE approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for 1 year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JAMES MARK MEIZLIK

CASE NUMBERS: 01-O-05075; 02-O-11734

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. 01-O-05075 (Pena Matter)

1. In or about August 1999, Juan Pena ("Pena") went to Respondent's office at 6314 Van Nuys Blvd., Suite #202, Van Nuys ("Van Nuys office"), looking for representation in a civil matter entitled Copelco Capital, Inc. v. Juan Carlos Pena (the "Copelco lawsuit"), Los Angeles Superior Court, BC 215106. At the time of employment, Pena remitted \$1,000 for Respondent's legal services to Arthur Splopuk ("Splopuk") who introduced himself to Pena as Respondent's legal assistant.

2. Respondent's Office in Van Nuys was a satellite office for Respondent. Splopuk leased that office space to Respondent. Splopuk also leased office space in the Van Nuys office building to other attorneys. Splopuk conducted his own legal forms typing and translation business called Legal Protection Services, all at the Van Nuys office building. Respondent paid Splopuk rent, for occasional typing and translation services as an independent contractor, and for reception services. Splopuk was authorized by Respondent to meet with Spanish speaking clients, take information from those clients, and communicate with clients concerning personal injury matters. As landlord of the suite, Splopuk had access to all mail coming to Respondent's office. Splopuk had business cards bearing his name and the title "legal assistant" in the upper left corner of the card, and Respondent's name, title "Attorney at Law", and the Van Nuys office address in the center of the card. Splopuk provided this card to Pena.

3. After he hired Respondent to represent him, Pena dealt exclusively with Splopuk. Respondent was not in his Van Nuys office on a daily basis and did not have procedures in place to ensure that Splopuk follow instructions, inform Respondent of all clients coming into the office and turn over all mail, messages, and monies paid by clients to Respondent.
4. In or about August 1999, Splopuk spoke with Copelco's attorney, Susan Kay Breen ("Breen"). Splopuk instructed Breen to contact Pena directly, thus acting in Respondent's stead and as Pena's attorney.
5. Subsequent to August 1999, Respondent received from Splopuk the complaint filed in the Copelco lawsuit and reviewed the complaint on behalf of Pena.
6. Thereafter, Respondent took no action to defend Pena in the suit filed by Copelco Capital, Inc. In or about January 2000, the suit ended in a default judgment against Pena.
7. Respondent did not earn the \$1,000 fees that were advanced to him to represent Pena.
8. On or about February 14, 2002, after Pena had filed a complaint with the State Bar, Respondent wrote to the State Bar that he would refund the unearned fees to Pena.
9. On or about September 25, 2002, Respondent sent Pena a check in the amount of \$1,000.

Legal Conclusion in Case No. 01-O-05075 (Pena Matter)

10. By failing to take any steps to defend Pena in the Copelco lawsuit, 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 supervise a support staff member who made representations that Respondent would defend Pena in the Copelco lawsuit and who acted in Respondent's stead as Pena's attorney, Respondent intentionally, recklessly, or repeatedly failed to supervise his support staff in wilful violation of Rules of Professional Conduct, rule 3-110(A).
14. By failing to inform Pena that he did not file an answer to the complaint in the Copelco lawsuit and by failing to promptly move to vacate the default judgment against Pena, Respondent improperly withdrew from employment with a client in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

15. By failing to promptly refund the \$1,000 unearned fees to Pena, Respondent failed to refund promptly any part of a fee paid in advance that was not earned in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

CASE No. 02-O-11734 (Cabrales Matter)

16. From in or about August 2001 through May 2002, Respondent shared an office located at 2120 West 8th Street, Suite #340 ("8th Street office"), with Gustavo Splopuk ("Gustavo"), a non-attorney who ran a business entitled "Legal Protection Group Services."
17. In or about February 2002, Gloria Cabrales ("Cabrales") went to the 8th Street office, looking for representation in a marital dissolution matter. Cabrales spoke with Gustavo who represented to Cabrales that he was an attorney and gave her a business card bearing his name, his business name and the office's address: "Legal Protection Group Services - Gustavo Splopuk - 2120 West 8th St. Suite #340".
18. At the same meeting in or about February 2002, Gustavo advised Cabrales on the merits of her case and recommended that she settle out of court. When Cabrales did not want to settle out of court, Gustavo recommended Respondent to Cabrales and gave Cabrales a business card bearing Respondent's name, his title and the office's address: "James M. Meizlik - Attorney at Law - 2120 West 8th St. Suite #340".
19. In or about February 2002, Cabrales remitted \$1,163 in advanced attorney's fees to Gustavo for Respondent's legal services.
20. Thereafter, Respondent hand-drafted an Order to Show Cause ("OSC") on behalf of Cabrales and requested that Gustavo prepare and finalize the documents to be filed for Cabrales' signature.
21. On or about February 14, 2002, Gustavo filed a Petition for Dissolution and an OSC for child and spousal support listing Respondent as Cabrales' attorney of record in the matter entitled Gloria Cabrales v. Gabriel Cabrales, Los Angeles Superior Court Case no. ED 029935 ("Cabrales matter").
22. Respondent was not in his 8th Street office on a daily basis and did not have procedures in place to ensure that Gustavo follow instructions, inform Respondent of all clients coming into the office and turn over all mail, messages, and monies paid by clients to Respondent.

23. Respondent failed to supervise Gustavo's preparation of the dissolution papers filed on behalf of Cabrales.
24. In or about March 2002, Cabrales retained new counsel. On or about March 11, 2002, Respondent substituted out of the Cabrales matter.
25. On or about October 17, 2002, Cabrales, dissatisfied with Respondent and Gustavo, wrote to Respondent a letter requesting that he refund the advanced attorney's fees remitted to Gustavo.
26. On or about December 30, 2002, after Cabrales had filed a complaint with the State Bar, Respondent sent Cabrales a check in the amount of \$570.00.

Legal Conclusion in Case No. 02-O-11734 (Cabrales Matter)

26. By failing to supervise a non-attorney member of his legal office staff who made representations that he was an attorney and that Respondent would pursue the marital dissolution matter on behalf of Cabrales, Respondent intentionally, recklessly, or repeatedly failed to supervise his support staff in wilful violation of Rules of Professional Conduct, rule 3-110(A).
27. By failing to promptly refund the advanced attorney's fees paid by Cabrales, Respondent failed to refund promptly any part of a fee paid in advance that was not earned in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

There are no pending proceedings as of March 3, 2003, the disclosure date referred to, on page one, paragraph A.(6).

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Respondent displayed spontaneous candor and cooperation to the State Bar during the disciplinary investigation and proceedings.

Respondent submitted proof of pro bono legal work. From December 2000 through June 2002, Respondent represented several disabled individuals without charge and assisted them in obtaining much needed disability and/or Social Security benefits.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct (the "Standards"):

Standard 1.6(a) provides that where "two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanctions imposed shall be the more or most severe of the different applicable sanctions."

Standard 1.7(a) holds, in part, that where a "member has a record of one prior imposition of discipline ... the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding..." This is in conjunction with factors in aggravation as set forth in Standard 1.2(b).

Standard 2.4(b) provides in part that when an attorney fails to provide services in matters not demonstrating a pattern of misconduct, the discipline shall result in a reproof or suspension, depending on the extent of the misconduct and the extent of the harm to the client.

CASE LAW:

Vaughn v. State Bar (1972) 6 Cal. 3d 847 - In the first matter, the court found that the attorney had commingled his funds with his clients by allowing the client trust account to be seized in satisfaction of a judgment thereby freeing the attorney's personal funds. In the second matter, the attorney failed to supervise his staff which wrongfully garnished the wages of a defendant to pay attorney's fees already collected. The attorney who had no prior discipline received a private reproof.

In the Matter of Whitehead (1991) 1 Cal. State Bar Ct. Rptr. 354, the attorney was found culpable in three client matters, including commingling trust funds with personal funds, failure to supervise associates in a civil matter, failure to respond to correspondence from client's subsequent attorneys, and failure to cooperate with the State Bar. The attorney received one year stayed suspension, with five years probation, on various conditions including 45 days actual suspension. The Court considered in mitigation the attorney's emotional difficulties due to problems with his marriage and a suicidal wife. Respondent had a prior private reproof.

Application:

The misconduct at hand is not as serious as the misconduct in the cases cited above which involved failure to supervise staff. There is no commingling of client funds as in *Vaughn*. However, unlike *Vaughn*, Respondent has a prior record of discipline and should receive more discipline. Unlike

Whitehead which involved three client matters, commingling of client funds and failure to cooperate with the State Bar, Respondent's misconduct consists primarily in failure to supervise his staff in two client matters. Respondent should thus receive less discipline than *Whitehead*.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 25, 2003, the estimated prosecution costs in this matter are approximately \$1,643.86. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. 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.

Date 3/18/03

[Signature]
Respondent's signature

JAMES MARK MEIZLIK
print name

Date ~~3/18/03~~

Respondent's Counsel's signature

print name

Date 3/19/03

Monique T. Miller
Deputy Trial Counsel's signature

MONIQUE T. MILLER
print name

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.

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 135(b), 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 953(a), California Rules of Court.)

Date 3/25/03

Patsy G. Cobb
Pro Tem Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 26, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed March 26, 2003**

in a sealed envelope for collection and mailing on that date as follows:

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

**JAMES MARK MEIZLIK
504 S ALVARADO ST #213
LOS ANGELES CA 90057**

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 26, 2003.



Johnnie Lee Smith
Case Administrator
State Bar Court

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 15, 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:

James M. Meizlik
3250 Wilshire Blvd, Ste 2003
Los Angeles, CA 90010

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

William Todd, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 15, 2019.



Paul Songco
Court Specialist
State Bar Court