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State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT

PUBLIC MATTER

<p>Counsel for the State Bar</p> <p>Scott D. Karpf Deputy Trial Counsel 845 S. Figueroa Ave. Los Angeles, CA 90017 (213) 765-1161</p> <p>Bar # 274682</p>	<p>Case Number(s): 17-O-02054; 17-O-05109; 17-O-05295; 17-O-06054; 18-O-11594 (inv); 18-O-11939 (inv); 18-O-12425 (inv); 18-O-13513 (inv); 18-O-14700 (inv)</p>	<p>For Court use only</p> <p>FILED OCT 17 2018 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>David A. Clare 444 W Ocean Blvd Ste 800 Long Beach, CA 90802 (562) 624-2837</p> <p>Bar # 44971</p>	<p>kwiktag® 241 070 296</p> 	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>
<p>In the Matter of: ROBERT EDWARD KEEN</p> <p>Bar # 50871</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **January 5, 1972.**
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **29** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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: **92-O-12367, 94-O-10049. See page 24, and Exhibit 1, 42 pages.**
 - (b) Date prior discipline effective: **March 25, 1995**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 4-100(A), Business and Professions Code, sections 6068(m) and 6106**
 - (d) Degree of prior discipline: **One-year stayed suspension and two-year probation**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
State Bar Court case # of prior case: 01-O-00325. See page 24, and Exhibit 2, 11 pages.
Date prior discipline effective: October 9, 2001
Rules of Professional Conduct/State Bar Act violations: Business and Professions Code, section 6068(m)
Degree of prior discipline: Private reproof

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- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See pages 25 and 26.**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct. **See page 26.**
- (10) **Lack of Candor/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. **See page 24.**
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct. **See pages 25.**
- (13) **Restitution:** Respondent failed to make restitution. **See page 26.**
- (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.

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

Additional mitigating circumstances:

D. Recommended Discipline:

Disbarment

Respondent is disbarred from the practice of law in California and Respondent's name is stricken from the roll of attorneys.

E. Additional Requirements:

- (1) **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 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,

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revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (2) **Restitution (Single Payee):** Respondent must make restitution in the amount of \$ _____, plus 10 percent interest per year from _____, to _____ (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).
- (3) **Restitution (Multiple Payees):** Respondent must make restitution 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>
Loistine Drake	\$10,000	June 22, 2016
Israel Espinoza	\$4,640	April 24, 2017
DiMarco, Araujo and Montevideo	\$27,115.42	June 13, 2017
DiMarco, Araujo and Montevideo	\$9,978.86	January 30, 2018
Jacqueline Maximo	\$3,750	December 15, 2017

- (4) **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: ROBERT EDWARD KEEN

CASE NUMBERS: 17-O-02054; 17-O-05109; 17-O-05295; 17-O-06054;
18-O-11594 (inv); 18-O-11939 (inv); 18-O-12425 (inv);
18-O-13513 (inv); 18-O-14700 (inv)

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. 17-O-02054 (Complainant: Stephanie Maximo)

FACTS:

1. In 2009, Stephanie Maximo was hit by a car while crossing the street. Because she was a minor at the time, in April 2010, her father retained respondent on her behalf to represent her in a personal injury action. At the time of the accident, the driver of the vehicle, Nyoka L. had liability coverage through Infinity Insurance Company ("Infinity").

2. On April 22, 2010, respondent mailed a letter of representation to Infinity, advising the insurer that respondent represented Ms. Maximo.

3. On June 7, 2011, Infinity verbally offered \$8,500 to settle Ms. Maximo's claims. Infinity sent respondent a letter to his membership records address memorializing the \$8,500 settlement offer. Respondent received the letter.

4. Between June 2010 and October 2013, Infinity sent respondent monthly follow-up letters asking for Ms. Maximo's response to the \$8,500 settlement offer. At no time during this three-year and four-month period did respondent communicate the settlement offer to Ms. Maximo. Additionally, respondent failed to respond to Infinity's letters.

5. On February 27, 2012, Infinity mailed Ms. Maximo a letter asking for her response to its \$8,500 settlement offer. Ms. Maximo received the letter. After receiving this letter, Ms. Maximo called respondent on a daily basis to find out the status of her case and left messages for respondent. Respondent received the messages but failed to respond to Ms. Maximo.

6. In mid-2014, Ms. Maximo met with respondent. Ms. Maximo advised respondent that she was aware of Infinity's settlement offer and asked respondent for an update on settlement. Respondent advised Ms. Maximo that he would contact Infinity to follow-up on the matter. However, respondent failed to follow-up with Infinity as promised.

7. In mid-2015, Ms. Maximo again called respondent and left messages for him. Respondent received the messages but failed to respond to Ms. Maximo. Ms. Maximo also attempted to meet with

respondent in his office. However, respondent had relocated his office from Glendale Boulevard to Wilshire Boulevard and had failed to notify Ms. Maximo.

8. Between February 2012 and May 2017, Ms. Maximo left dozens of messages for respondent. Respondent received the messages but failed to return Ms. Maximo's calls.

9. In March 2017, Ms. Maximo filed a complaint with the State Bar.

10. On June 16, 2017, a State Bar Investigator mailed and e-mailed a letter to respondent at his membership records address and e-mail address requesting respondent's response to Ms. Maximo's allegations. The letter required respondent to respond by June 30, 2017. Respondent received the letter and e-mail, but failed to respond.

11. On September 7, 2017, a State Bar Investigator mailed and e-mailed to respondent at his membership records address and e-mail address a second letter asking for a response to the June 16, 2017 inquiry letter, advising respondent that his failure to respond could potentially result in the filing of additional disciplinary charges. The letter required respondent to respond by September 15, 2017. Respondent received the second letter and e-mail, but again failed to respond.

12. Between October 2013 and December 2017, Infinity took no action on the matter. During this same period, respondent failed to do any work on Ms. Maximo's case.

13. On December 7, 2017, Infinity sent respondent a letter advising him that Infinity was denying Ms. Maximo's personal injury claim because respondent failed to protect her claim by filing a civil lawsuit against Infinity's insured. After receiving the letter from Infinity, respondent failed to notify Ms. Maximo that Infinity denied her claim.

14. On January 30, 2018, a State Bar Investigator visited respondent's office at his membership records address on a field assignment. The investigator met with respondent in his office and provided him with a copy of the State Bar's June 16, 2017 letter. The investigator further gave respondent until February 8, 2018 to respond to the allegations and provide proof of work done on behalf of Ms. Maximo. Respondent failed to respond to the letter.

CONCLUSIONS OF LAW:

15. By failing to resolve Ms. Maximo's case by way of settlement with Infinity and failing to file a civil suit against Infinity's at-fault insured before the statute of limitations expired on Ms. Maximo's claims, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

16. By failing to respond to dozens of Ms. Maximo's telephonic inquiries between April 2012 and March 2017, respondent committed a willful violation of Business and Professions Code, section 6068(m).

17. By failing to inform Ms. Maximo that (a) respondent received an \$8,500 offer to settle Ms. Maximo's claims, (b) Respondent relocated his office address from Glendale Blvd. to Wilshire Blvd., and (c) Ms. Maximo's claim was ultimately denied by Infinity, respondent failed to keep Ms. Maximo reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

18. By failing to respond to the State Bar's June 16, 2017 and September 7, 2017 letters, which respondent received, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent in willful violation of Business and Professions Code, section 6068(i).

19. By failing to convey to Ms. Maximo Infinity's monthly, written settlement offers, respondent did not communicate promptly to the client, all amounts, terms and conditions of a written settlement offer in willful violation of Business and Professions Code, section 6103.5 and Rules of Professional Conduct, rule 3-510(A).

Case No. 17-O-05109 (Complainant: Loistine Drake)

FACTS:

20. On October 29, 2010, Loistine Drake was riding a bus when it was struck by an automobile. The driver of the automobile, Spencer J., was found to be at-fault for the accident. Spencer J. was insured by Mercury Insurance Company ("Mercury") at the time of the accident.

21. In October 2011, Ms. Drake hired respondent on a contingency basis to represent her in a personal injury action against Spencer J. Prior to hiring respondent, two other attorneys and their respective firms had represented Ms. Drake in this matter, Bill Hom, and David Glickman. Mr. Hom's office had a lien against any settlement. Mr. Glickman's office did not have a lien.

22. On October 28, 2011, respondent sent Mercury a letter, advising Mercury that respondent had been retained to represent Ms. Drake.

23. On December 9, 2011, Mercury sent a letter to respondent acknowledging receipt of respondent's October 28, 2011 letter and offered to settle the matter for \$2,000. Respondent received the letter.

24. After not receiving a response on their December 9, 2011 offer, Mercury sent six additional letters in 2012 dated January 5th, February 2nd, February 29th, March 29th, April 26th, and May 24th, all following up on their \$2,000 offer to settle Ms. Drake's claims. Respondent received each of Mercury's letters, but did not respond. In addition to sending letters, a Mercury representative left messages for respondent on April 26, 2012 and May 24, 2012. Respondent received the messages, but did not respond to Mercury's phone calls.

25. On October 25, 2012, respondent filed a personal injury lawsuit in the Los Angeles County Superior Court, case no. BC494561, on behalf of Ms. Drake against Spencer J.

26. Between late-February and early-March 2013, Mercury requested discovery from Ms. Drake including responses to general and special interrogatories, production of documents, and a request to set Ms. Drake's deposition.

27. In May 2013, though respondent sent Mercury responses to the special interrogatories, he failed to respond to the other discovery requests. Mercury filed for an Informal Discovery Conference ("IDC") to discuss the outstanding discovery issues. The IDC was held on October 16, 2013. Respondent appeared at the IDC, but no discovery issues were resolved.

28. On April 8, 2014, Mercury filed two motions in the Los Angeles County Superior Court to compel discovery of general interrogatories and production of documents. In addition, each motion requested sanctions against Ms. Drake for discovery violations. A hearing on the motions was set for May 21, 2014. At no time did respondent inform Ms. Drake about the filed discovery and sanctions motions or hearing on the motions.

29. Between May 2013 and May 21, 2014, respondent failed to respond to Mercury's discovery requests for general interrogatories and production of documents, and failed to reply to Mercury's discovery and sanctions motions.

30. On May 21, 2014, the court granted Mercury's discovery motions and imposed sanctions in the amount of \$750 against Ms. Drake for failure to timely respond to discovery. Respondent appeared in court and had notice of the sanctions. Respondent failed to notify Ms. Drake that the court granted Mercury's motions and imposed discovery sanctions against her.

31. In early October 2015, Mercury and respondent spoke and agreed to a settlement of \$9,250 (\$10,000 less the \$750 owed in sanctions). When respondent and Mercury agreed upon \$9,250 to settle all claims and liens, respondent did not have authorization from Ms. Drake to enter into this settlement agreement.

32. On October 12, 2015, Mercury sent respondent a letter memorializing their settlement of Ms. Drake's case for \$9,250. Respondent received the letter.

33. Respondent failed to communicate the \$9,250 proposed settlement amount to Ms. Drake, and failed to notify Ms. Drake when respondent had accepted that settlement amount without Ms. Drake's authority.

34. On June 2, 2016, respondent simulated Ms. Drake's signature on a settlement agreement and returned the signed settlement agreement to Mercury along with a draft of a request for dismissal with prejudice of Los Angeles County Superior Court case no. BC49561 against Spencer J. However, Ms. Drake had not authorized settlement of her claim or dismissal of the civil lawsuit.

35. On June 22, 2016, Mercury sent respondent Bank of America settlement check no. 464639140, dated June 13, 2016. A notice on the check stated that the check would not be cashable after six months from the issue date. The settlement check was made payable to the Law Offices of Robert E. Keen, Loistine Drake, California Hospital Medical Center, and Bill Hom. Respondent received the check but failed to deposit the check into his client trust account ("CTA"), notify Ms. Drake that he received the check or pay Ms. Drake her part of the settlement funds.

36. On June 29, 2016, based on the settlement with Mercury, respondent filed, and the court granted, the request for dismissal with prejudice of Los Angeles County Superior Court case no. BC49561 against Spencer J.

37. On July 13, 2016, Mercury sent Ms. Drake a letter advising her that payment for full settlement of her claims had been sent to respondent on June 22, 2016. Ms. Drake received the letter.

38. Between June 22, 2016 and late-December 2016, respondent failed to deposit the settlement check in his CTA. Consequently, the settlement check became void.

39. On May 12, 2017, Mercury sent respondent a letter enclosing a replacement Bank of America settlement check no. 464656612, dated May 12, 2017, to replace the void settlement check. Respondent received the letter and replacement check but failed to deposit it into his CTA, notify Ms. Drake of the receipt of the replacement settlement check, and pay Ms. Drake her share of the settlement proceeds.

40. On July 6, 2017, Ms. Drake filed a complaint with the State Bar.

41. On September 18, 2017, a State Bar investigator contacted respondent by mail and e-mail to respond to the Ms. Drake's allegations. Respondent was required to provide a response by September 29, 2017. Respondent received the letter and e-mail but failed to respond.

42. On January 30, 2018, a State Bar Investigator visited respondent's membership records address on a field assignment. The investigator met with respondent in his office and provided him with a copy of the State Bar's September 18, 2017 letter. The investigator further gave respondent until February 8, 2018 to respond to the State Bar's letter. Respondent failed to respond to the letter.

43. As of the date of signing this stipulation, respondent has neither deposited the replacement settlement check nor paid Ms. Drake any portion of her share of the settlement funds.

CONCLUSIONS OF LAW:

44. By failing to file responses to two discovery motions including motions for sanctions in Los Angeles County Superior Court case no. BC494561, settling Ms. Drake's claims against Infinity's insured for \$9,250 without Ms. Drake's knowledge or authority, dismissing with prejudice Ms. Drake's Los Angeles County Superior Court case no. BC494561 against Spencer J. without Ms. Drake's knowledge or authority, and failing to respond to numerous letters and phone calls from Mercury, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

45. By receiving from Mercury for the benefit of Ms. Drake on June 22, 2016 Bank of America settlement check no. 464639140, and on May 12, 2017, replacement Bank of America settlement check, no. 464656612, and failing to deposit each settlement check into his CTA, respondent willfully violated the Rules of Professional Conduct, rule 4-100(A).

46. By failing to contact Ms. Drake after receiving June 22, 2016 Bank of America settlement check no. 464639140, and the May 12, 2017, replacement Bank of America settlement check no. 464656612, respondent failed to notify Ms. Drake of respondent's receipt of funds on her behalf, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(1).

47. By failing to respond to the State Bar's September 18, 2017 letter, which respondent received, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent in willful violation of Business and Professions Code, section 6068(i).

48. By failing to keep Ms. Drake reasonably informed of the following significant developments, respondent willfully violated Business and Professions Code, section 6068(m):

- a. On April 8, 2014, the opposing party filed two motions to compel discovery and issue sanctions against Ms. Drake based on respondent's failure to provide discovery responses;
- b. On May 21, 2014, the court granted the opposing party's motions to compel discovery and issued \$750 sanctions against Ms. Drake for discovery violations;
- c. In early October 2015, Mercury offered \$10,000 to settle Ms. Drake's claims;
- d. On October 12, 2015, Mercury refused to waive the \$750 owed in discovery sanctions;
- e. On October 12, 2015, respondent accepted Mercury's offer of \$9,250 to settle Ms. Drake's claims (\$10,000 less \$750 owed for discovery sanctions);
- f. On June 2, 2016, respondent simulated Ms. Drake's name on a settlement agreement;
- g. On or about June 22, 2016, Mercury sent and respondent received Bank of America settlement check no. 464639140 for \$9,250 to settle Ms. Drake's claims.
- h. On June 29, 2016, respondent dismissed with prejudice Ms. Drake's Los Angeles County Superior Court case no. BC494561 against Spencer J.
- i. In or around June 2016 to in or around late-December 2016, respondent failed to negotiate Bank of America settlement check no. 464639140.
- j. In early May 2017, Mercury sent and respondent received replacement settlement check no. 464656612 for \$9,250 because respondent had failed to deposit the prior settlement check before it became void.

49. By failing to promptly convey to Ms. Drake that Mercury made a written offer of settlement for \$9,250 (\$10,000 less the \$750 sanctions) on behalf of the opposing party, respondent willfully violated Business and Professions Code, section 6103.5 and Rules of Professional Conduct, rule 3-510(A).

50. By simulating Ms. Drake's name onto a settlement agreement on June 2, 2016, without Ms. Drake's knowledge, authority, or consent, respondent intentionally committed an act involving moral turpitude or dishonesty, in willful violation of Business and Professions Code, section 6106.

Case No. 17-O-05295 (Complainant: Israel Espinoza)

FACTS:

51. On November 6, 2012, Israel Espinoza was struck by a car while riding a bicycle. The at-fault driver, Maria Z., was represented by Allstate Insurance Co. ("Allstate") at the time of the accident.

52. In mid-November 2012, Mr. Espinoza hired respondent to handle his personal injury case against Maria Z.

53. On October 24, 2014, respondent filed, on behalf of Mr. Espinoza, a civil lawsuit, Los Angeles County Superior Court case no. BC561367, against Maria Z.

54. After the suit was served on Maria Z., Allstate requested discovery from Mr. Espinoza. Respondent received the request. Respondent failed to notify Mr. Espinoza of Allstate's discovery requests and timely respond to those discovery requests.

55. On August 18, 2016, Allstate filed motions to compel responses to requests for admission, general form interrogatories, special interrogatories, and requests for production of documents. In addition, sanctions were requested on each of the four motions to compel based respondent's discovery violations. Respondent failed to notify Mr. Espinoza of Allstate's motions to compel discovery responses.

56. On October 19, 2016, after respondent failed to oppose the motions to compel and impose sanctions, the Court granted each of Allstate's motions and ordered sanctions against Mr. Espinoza in the amount of \$840 for discovery violations. Respondent failed to notify Mr. Espinoza that the court granted Allstate's discovery motions and imposed sanctions against him.

57. In April 2017, respondent received a written offer from Allstate to settle Mr. Espinoza's case in exchange for \$9,500. Respondent failed to notify Mr. Espinoza of this offer. Respondent accepted the offer.

58. On April 11, 2017, respondent simulated Mr. Espinoza's name on a settlement agreement and mailed it back to Allstate along with a draft of a request for dismissal with prejudice of Los Angeles County Superior Court case no. BC561367, against Maria Z. However, Mr. Espinoza had not authorized settlement of his claim or dismissal of the civil lawsuit.

59. Additionally, on April 11, 2017, Allstate issued Bank of America check no. 121427381 payable to Mr. Espinoza, respondent, and the Department of Health Care Services in the amount of \$9,500 for full satisfaction and settlement of Mr. Espinoza's claims against Maria Z.

60. On April 24, 2017, respondent received the check and failed to notify Mr. Espinoza of its receipt. Respondent simulated Mr. Espinoza's signature on the settlement check and deposited it into respondent's client trust account ("CTA"). However, Mr. Espinoza had not authorized the matter be settled and had not authorized respondent to sign the settlement check on his behalf.

61. On April 27, 2017, respondent filed a motion requesting an entry of dismissal in Los Angeles County Superior Court case no. BC561367. On that same date, the Court granted respondent's motion and dismissed Mr. Espinoza's case with prejudice. At no time prior to dismissing Mr. Espinoza's case had Mr. Espinoza authorized respondent to do so.

62. Between November 2012 and October 2017, Mr. Espinoza made dozens of calls to respondent's office to get updates on the status of his case. Respondent received messages from Mr. Espinoza, yet failed to return his calls.

63. On July 19, 2017, Mr. Espinoza filed a complaint against respondent with the State Bar.

64. On October 20, 2017, a State Bar Investigator mailed to respondent's membership records address and e-mailed to respondent's membership records e-mail address a letter, dated October 19,

2017, requesting respondent's response to Mr. Espinoza's allegations of misconduct. The letter directed respondent to respond to the allegations by November 2, 2017. Respondent received the letter and e-mail but failed to respond to either communication.

65. On October 25, 2017, respondent mailed Mr. Espinoza check no. 092246, issued from respondent's CTA, in the amount of \$2,611.50, as full and final settlement of his claim. The check was accompanied by a letter from respondent but failed to include any information or an accounting as to why Mr. Espinoza was receiving that amount. Mr. Espinoza cashed the check.

66. Respondent collected \$3,800 as his share of legal fees. However, respondent was not entitled to any legal fees due to the fact he received the funds based on his failure to obtain his client's consent to the settlement or disposition of settlement funds. Respondent has not made restitution to Mr. Espinoza of the legal fees.

67. On January 30, 2018, a State Bar Investigator visited respondent's membership records address on a field assignment. The investigator met with respondent in his office and provided him with a copy of the October 19, 2017 inquiry letter. The investigator further gave respondent until February 8, 2018 to respond to the allegations and provide proof of work done on behalf of Mr. Espinoza. Respondent failed to reply to the inquiry letter by the due date.

CONCLUSIONS OF LAW:

68. By failing to respond to discovery requests, file responses to Allstate's four discovery motions and oppose the motions for sanctions, settling Mr. Espinoza's claims against Maria Z. for \$9,500 without Mr. Espinoza's knowledge or authority, and dismissing with prejudice Mr. Espinoza's Los Angeles County Superior Court case no. BC561367 against Maria Z. without Mr. Espinoza's knowledge or authority, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

69. By failing to promptly convey to Mr. Espinoza that Allstate made a written offer of settlement for \$9,500 on behalf of the opposing party, respondent willfully violated Business and Professions Code, section 6103.5 and Rules of Professional Conduct, rule 3-510(A).

70. By failing to contact Mr. Espinoza after receiving on April 24, 2017 Bank of America settlement check no. 121427381, respondent failed to notify Mr. Espinoza of respondent's receipt of funds on his behalf, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(1).

71. By settling Mr. Espinoza's case for \$9,500 and sending Mr. Espinoza \$2,611.50 in settlement funds without an accounting to explain why he was receiving that amount of funds, respondent failed to render an appropriate accounting to the client regarding the final distribution of Mr. Espinoza's settlement funds, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

72. By failing to provide a substantive response to the State Bar's October 19, 2017 letter, which respondent received, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent in willful violation of Business and Professions Code, section 6068(i).

73. By failing to respond promptly to dozens of telephonic status inquiries made by Mr. Espinoza between November 2012 and October 2017, in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

74. By failing to keep Mr. Espinoza reasonably informed of the following significant developments, respondent willfully violated Business and Professions Code, section 6068(m):

- a. After respondent filed the suit on October 24, 2014, Allstate served respondent with multiple discovery requests and respondent failed to respond to those requests;
- b. On August 18, 2016, the opposing party filed four motions to compel discovery and issue sanctions based on respondent's failure to provide discovery responses;
- c. On October 19, the court granted the opposing party's motions to compel discovery and issued \$840 in sanctions against Mr. Espinoza for discovery violations;
- d. In April 2017, Allstate offered, and respondent accepted, \$9,500 to settle Mr. Espinoza's claims;
- e. On April 11, 2017, respondent simulated Mr. Espinoza's name on the settlement agreement with Allstate;
- f. On April 24, 2017, respondent received a settlement check from Allstate and simulated Mr. Espinoza's name on the check without his knowledge or prior authorization, and deposited it in respondent's CTA; and
- g. On April 27, 2017, respondent dismissed with prejudice Mr. Espinoza's Los Angeles County Superior Court case no. BC561367 against Maria Z.

75. By simulating Mr. Espinoza's signature on a settlement agreement on April 24, 2017, and on the settlement check in April 2017, without Mr. Espinoza's knowledge, authority, or consent, respondent intentionally committed an act involving moral turpitude or dishonesty, in willful violation of Business and Professions Code, section 6106.

Case No. 17-O-06054 (Complainant: Odilon Lozano)

FACTS:

76. In April 2014, Jorge Gonzalez Lozano ("Jorge") retained respondent to replace another attorney in handling a workers' compensation matter that began as a result of injuries Jorge sustained in the course of his employment with Diesel Dynamics, Inc.

77. On June 20, 2014, respondent filed with the Workers' Compensation Appeals Board ("WCAB"), and served on Jorge's prior attorney, his employer, his employer's insurance carrier, and Jorge's treating physician, a substitution of attorney form and letter of representation naming respondent as Jorge's new counsel. Filing the substitution of attorney document was the only work performed by respondent on Jorge's behalf, and no further steps were taken by respondent on Jorge's case.

78. Between June 2014 and April 2017, respondent failed to do any work on Jorge's case before the WCAB.

79. On April 28, 2017, Jorge passed away. Jorge's wife, who lived in Mexico with their children, appointed Odilon Lozano ("Odilon") as power of attorney to contact respondent's office regarding Jorge's unresolved workers' compensation matter.

80. Odilon left voicemail messages for respondent on June 2, 2017 and June 5, 2017 to inform respondent of Jorge's passing and to discuss Jorge's case. Respondent received the messages but failed to return Odilon's calls.

81. On June 7, 2017, Odilon spoke with Nicole from respondent's office and notified her of Jorge's death. After ascertaining that Odilon was related to Jorge, Nicole notified Odilon that Diesel Dynamics had offered \$50,000 to settle his case, but that the case had lost value since Jorge passed away. Nicole set a meeting for Odilon to meet with respondent and her on June 28, 2017. The meeting was later reset for July 14, 2017.

82. On July 14, 2017, Odilon went to respondent's office for his meeting with respondent and Nicole, but neither person was present. Instead, Odilon met with Christopher Lopez, a WCAB hearing representative, who promised to have Nicole contact him later the same day. However, neither Mr. Lopez nor Nicole called Odilon to discuss Jorge's case.

83. On June 30, 2017 and August 23, 2017, Odilon sent e-mails to respondent's office addressed to respondent and Nicole, threatening to report respondent to the State Bar if respondent failed to return Odilon's outstanding calls and e-mails. The e-mail was sent to rkeenlaw1@gmail.com. Respondent received the e-mails but did not reply to Odilon.

84. On October 9, 2017, Odilon filed a complaint against respondent with the State Bar.

85. On November 14, 2017, a State Bar Investigator mailed and e-mailed a letter to respondent at his membership records address and e-mail address requesting respondent to respond to Odilon's allegations. The letter required respondent to respond by November 28, 2017. Respondent received the letter and e-mail, but failed to respond by the due date.

86. On January 30, 2018, a State Bar Investigator visited respondent's office at his membership records address. The investigator met with respondent and provided him with a copy of the State Bar's November 14, 2017 letter. The investigator further gave respondent until February 8, 2018 to respond to the allegations and provide proof of work completed on behalf of Jorge. On February 6, 2018, respondent sent to the investigator a 5-line response providing no substantive information and attaching no documentation.

CONCLUSIONS OF LAW:

87. By failing to do any work on Jorge's workers' compensation case after filing a notice of representation in June 2014 until Mr. Lozano passed away in April 2017, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

88. By failing to provide a substantive response to the State Bar's November 14, 2017 letter, which respondent received, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent in willful violation of Business and Professions Code, section 6068(i).

89. By failing to respond promptly to five telephonic and two written status inquiries made by Odilon Lozano as power of attorney on behalf of the estate of respondent's former client Jorge Lozano, between June 2017 to August 2017, in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

Case No. 18-O-11594 (Complainant: Lucia Garcia)

FACTS:

90. On March 31, 2013, Lucia Garcia was injured after tripping and falling on a sidewalk in the City of Inglewood.

91. In April 2013, Ms. Garcia hired respondent to represent her in a personal injury case against the City of Inglewood.

92. Between April 2013 and March 2015, respondent took no action on the case and did not attempt to negotiate a settlement on Ms. Garcia's behalf.

93. On March 27, 2015, respondent filed a personal injury lawsuit, Los Angeles County Superior Court case no. 15K03540, on Ms. Garcia's behalf against the City of Inglewood. Respondent failed to serve the complaint on the City of Inglewood until March 2016 and did no other work to advance the case.

94. In March 2016, the City of Inglewood served on respondent requests for discovery. Respondent receive the discovery requests but failed to respond to them.

95. On November 1, 2016, the City of Inglewood filed motions to compel discovery responses. A hearing on the motions was set for April 25, 2017. Respondent failed to notify Ms. Garcia that he had not responded to the discovery requests and that motions to compel discovery had been filed.

96. On March 2, 2017, the Deputy City Attorney ("DCA") handling the case spoke to respondent regarding a settlement of Ms. Garcia's claims. Respondent demanded \$20,000, which the DCA promptly rejected. Respondent then requested \$15,000, which the DCA also rejected. In the same conversation, respondent asked the DCA for a proposed settlement amount. The DCA offered \$7,500, which respondent accepted. When respondent accepted the City of Inglewood's offer for \$7,500 to resolve Ms. Garcia's claims, he did not have Ms. Garcia's authorization or permission to settle her case.

97. On March 7, 2017, the DCA mailed respondent a letter confirming the terms and conditions of the agreed upon settlement regarding Ms. Garcia's case. The letter was mailed to respondent's membership records address. Respondent received the letter.

98. At no time after respondent's March 2, 2017 call with the DCA or after receiving the DCA's March 7, 2017 confirmation letter did respondent contact Ms. Garcia to advise her of the settlement agreement.

99. On April 6, 2017, the DCA sent respondent a settlement agreement to resolve Ms. Garcia's claims. On the same date, respondent simulated Ms. Garcia's name on the settlement agreement and returned it to the City of Inglewood. When respondent signed the settlement agreement, Ms. Garcia had no knowledge of any proposed settlement and had not authorized settlement of her claims.

100. On April 24, 2017, the City of Inglewood issued Bank of America settlement check no. 1980, made payable to "Lucia Garcia and Robert E. Keen APLC" in the amount of \$7,500. The DCA mailed the settlement check to respondent. Respondent received the check. Respondent failed to notify Ms. Garcia that he received the settlement check.

101. On May 3, 2017, the settlement check bearing respondent's signature and a signature purporting to be that of Ms. Garcia was deposited into respondent's client trust account ("CTA"). However, Ms. Garcia had not authorized the matter be settled, did not sign the settlement check, and had not authorized respondent to sign the settlement check on her behalf.

102. On May 19, 2017, respondent filed, and the court granted, a request for dismissal with prejudice of Los Angeles County Superior Court case no. 15K03540. At no time prior to making the motion had Ms. Garcia authorized respondent to dismiss her case against the City of Inglewood.

103. Between April 2013 and May 2017, Ms. Garcia made numerous telephone calls to respondent to check on the status of her case. Respondent received the calls from Ms. Garcia, but failed to respond to her.

104. On July 19, 2018, respondent mailed to Ms. Garcia a check in the amount of \$2,355.83 representing her share of the settlement. Ms. Garcia negotiated the check.

CONCLUSIONS OF LAW:

105. By failing to respond to discovery requests, settling Ms. Garcia's claims against the City of Inglewood for \$7,500 without Ms. Garcia's knowledge or authority, and dismissing with prejudice Ms. Garcia's Los Angeles County Superior Court case no. 15K03540 against the City of Inglewood without Ms. Garcia's knowledge or authority, and failing to do any other work to advance or resolve the case, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

106. By failing to contact Ms. Garcia after receiving the April 24, 2017 Bank of America settlement check no. 1980 from the City of Inglewood, respondent failed to notify Ms. Garcia of respondent's receipt of funds on her behalf, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(1).

107. By failing to respond promptly to multiple telephonic status inquiries made by Ms. Garcia, between April 2013 and May 2017 in a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

108. By failing to keep Ms. Garcia reasonably informed of the following significant developments, respondent willfully violated Business and Professions Code, section 6068(m):

- a. After failing to timely respond to the City of Inglewood's discovery requests, on November 1, 2016, the City of Inglewood filed two motions to compel Ms. Garcia's discovery responses;
- b. On March 2, 2017, the City of Inglewood offered, and respondent accepted, \$7,500 to settle Ms. Garcia's claims;

- c. On April 6, 2017, respondent simulated Ms. Garcia's name on the settlement agreement with the City of Inglewood;
- d. On May 3, 2017, respondent simulated Ms. Garcia's name on a settlement check from the City of Inglewood without her knowledge or authorization, and deposited it in respondent's CTA; and
- e. On May 19, 2017, respondent dismissed with prejudice Ms. Garcia's Los Angeles County Superior Court case no. 15K03540 against the City of Inglewood.

109. By simulating Ms. Garcia's signature on a settlement agreement on April 6, 2017, and on the settlement check on May 3, 2017, without Ms. Garcia's knowledge, authority, or consent, respondent intentionally committed an act involving moral turpitude or dishonesty, in willful violation of Business and Professions Code, section 6106.

Case No. 18-O-11939 (Complainant: Charles H. Stone)

FACTS:

110. On October 19, 2004, Luvia Lemus filed an application with the Workers' Compensation Appeals Board ("WCAB") entitled *Luvia Lemus v. Kola Hotel LLC and AIG Costa Mesa*, case no. ADJ644921.

111. Between October 19, 2004 and December 14, 2005, Ms. Lemus was represented by the Law Office of Beatriz Lopez.

112. Between December 14, 2005 and April 27, 2016, Ms. Lemus was represented by the firm of DiMarco, Araujo and Montevideo.

113. On April 27, 2016, respondent substituted in as Ms. Lemus' attorney of record.

114. On July 19, 2016, WCAB Judge Patricia L. Frisch issued an order approving a Compromise and Release in Ms. Lemus' case for a \$250,000 settlement of all current and future claims. Pursuant to the Compromise and Release, \$37,500 was set aside for the payment of attorney's fees. A check for \$37,500 in attorney's fees was given to respondent as Ms. Lemus' then-current attorney of record, and respondent was instructed to hold the attorney's fees pending distribution of apportioned amounts to each of the prior attorneys.

115. On May 15, 2017, the WCAB issued a Notice of Intention to Distribute Attorney Fees ("NOI"). The NOI divided attorney's fees as follows: Respondent would receive 9,925.68; DiMarco, Araujo and Montevideo would receive \$27,115.42; and Beatriz Lopez would receive \$458.90. Per the NOI, respondent and the prior attorneys had 10 days to object to the amounts apportioned in the NOI. Respondent was served notice of the NOI by mail and facsimile. Respondent received both the mailed and faxed notices.

116. On June 13, 2017, after no objections were made to the NOI within 10 days, the WCAB ordered respondent to distribute attorney's fees to Ms. Lopez and DiMarco, Araujo and Montevideo within 25 days of the order.

117. Respondent failed to distribute attorney's fees to Ms. Lopez and DiMarco, Araujo and Montevideo within 25 days of the order.

118. On August 7, 2017, DiMarco, Araujo and Montevideo filed a Petition for Costs and Sanctions in the WCAB court.

119. On August 14, 2017, the WCAB issued a Notice of Intention to Issue Order for Costs and Sanction ("Sanction Notice"). The Sanction Notice noted respondent's failure to comply with the court's June 13, 2017 order to distribute attorney's fees, and gave respondent notice that unless respondent made an objection showing good cause within 10 days, the court would issue costs and sanctions against respondent. The WCAB served the Sanction Notice on respondent via mail and facsimile. Respondent received both the mailed and faxed copies of the Sanction Notice.

120. Respondent failed to object to the Sanction Notice within 10 days of the August 14, 2017 order and failed to distribute attorney's fees pursuant to the June 13, 2017 order.

121. On January 30, 2018, the WCAB issued an order imposing sanctions per Labor Code sections 5813 and 5814 against respondent in the amount of \$2,500. In addition the court ordered respondent to pay to DiMarco, Araujo and Montevideo the following: a \$6,778.86 penalty, which was 25-percent of the apportioned fees owed from the NOI; \$3,200 in attorney's fees for the time it took the firm to appear at consecutive lien trials on May 15, 2017 and August 14, 2017, which respondent failed to attend; and \$1,600 in attorney's fees for the time it took the firm to research and prepare its costs and sanctions petition.

122. Pursuant to Business and Professions Code section 6068(o)(3), respondent was required to self-report the sanctions order to the State Bar within 30 days of its issuance. However, respondent failed to self-report the sanctions order.

123. At no point prior to signing this stipulation has respondent complied with the WCAB court's June 13, 2017 order to distribute attorney's fees.

124. At no point prior to signing this stipulation has respondent complied with the WCAB court's January 30, 2018 order to pay sanctions, penalties, and costs.

CONCLUSIONS OF LAW:

125. By failing to distribute attorney's fees pursuant to the WCAB court's June 13, 2017 order and failing to pay penalties and costs to DiMarco, Araujo and Montevideo pursuant to the WCAB court's January 30, 2018, respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear, in willful violation of Business and Professions Code, section 6103.

126. By failing to self-report to the State Bar the January 30, 2018 sanctions order within 30 days of its issuance, respondent willfully violated Business and Professions Code section 6068(o)(3).

Case No. 18-O-12425 (Complainant: Hector Vargas)

FACTS:

127. On March 6, 2014, Hector Vargas was injured after another driver, Zequan Y., made a negligent left-hand turn and collided with Mr. Vargas' vehicle. At the time of the collision, Zequan Y. had an automobile insurance policy with Mercury Insurance Group ("Mercury").

128. In June 2015, Mr. Vargas hired respondent to replace his then-current attorneys and pursue a personal injury case against Zequan Y.

129. On June 19, 2015, respondent mailed a letter of representation to Mercury advising Mercury that Mr. Vargas had hired respondent to represent him in his personal injury case.

130. Between July 2015 and October 2017, Mercury mailed 27 letters to respondent conveying an offer to settle Mr. Vargas' claims for \$9,500. Respondent received the letters, but failed to reply to any letter from Mercury and failed to inform Mr. Vargas about Mercury's offer.

131. On March 3, 2016, respondent filed, on behalf of Mr. Vargas, a civil lawsuit, Los Angeles County Superior Court case no. BC612454, against Zequan Y.

132. At no point after filing the civil lawsuit against Zequan Y. on March 3, 2016 up until December 28, 2017 when the lawsuit was dismissed with prejudice, did respondent personally serve Zequan Y. with a copy of the lawsuit.

133. On September 27, 2017, Mercury verbally offered \$15,000 to settle Mr. Vargas' claims. Respondent tentatively agreed to settle Mr. Vargas' claims for this amount.

134. On October 13, 2017, Mercury mailed to respondent a letter confirming a tentative agreement to settle Mr. Vargas' claims for \$15,000. However, when this letter was sent, Mr. Vargas had no knowledge that respondent had entered into a tentative settlement on September 27, 2017 and had not authorized respondent to settle his claims for any amount.

135. On November 7, 2017, respondent simulated Mr. Vargas' name on a settlement agreement resolving Mr. Vargas' claims against Zequan Y. for \$15,000, and returned it to Mercury. When respondent simulated Mr. Vargas' name on the settlement agreement, Mr. Vargas had no knowledge of any proposed settlement and had not authorized settlement of his claims.

136. On November 28, 2017, Mercury issued Bank of America check no. 464660960, in the amount of \$15,000, made payable to "Robert E. Keen Law Office and Adamson/Ahdoot and Hector Vargas" as full and final settlement of Mr. Vargas' claims.

137. On December 13, 2017, a settlement check bearing respondent's signature stamp and a signature purporting to be that of Mr. Vargas was deposited into respondent's client trust account ("CTA"). However, Mr. Vargas had not authorized the matter be settled, did not sign the check, and had not authorized respondent or respondent's office to sign on his behalf.

138. On December 28, 2017, respondent filed a motion requesting an entry of dismissal in Los Angeles County Superior Court case no. BC612454. On that same date, the court granted respondent's

motion and dismissed Mr. Vargas' case against Zequan Y. with prejudice. At no time prior to making said motion had Mr. Vargas authorized respondent to dismiss his case against Zequan Y.

139. In December 2017, respondent mailed Mr. Vargas a check for \$4,261.50, which was his share of the settlement. Mr. Vargas negotiated the check.

CONCLUSIONS OF LAW:

140. By failing to personally serve Zequan Y. with a copy of the lawsuit, settling Mr. Vargas' claims against Zequan Y. for \$15,000 without Mr. Vargas' knowledge or authority, and dismissing with prejudice Mr. Vargas' Los Angeles County Superior Court case no. BC612454 against Zequan Y. without Mr. Vargas' knowledge or authority, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

141. By failing to keep Mr. Vargas reasonably informed of the following significant developments, respondent willfully violated Business and Professions Code, section 6068(m):

- a. Between July 2015 and October 2017, Mercury made monthly offers to settle Mr. Vargas' claims for \$9,500;
- b. After filing the lawsuit on March 3, 2016, respondent failed to ever serve a copy of the civil lawsuit on Zequan Y.;
- c. On October 13, 2017, Mercury offered, and respondent accepted, \$15,000 to settle Mr. Vargas' claims against Zequan Y.;
- d. On November 7, 2017, respondent simulated Mr. Vargas' name on the settlement agreement with Mercury;
- e. On December 13, 2017, respondent simulated Mr. Vargas' name on a settlement check from Mercury and deposited it in respondent's CTA; and
- f. On May 19, 2017, respondent dismissed with prejudice Mr. Vargas' Los Angeles County Superior Court case no. BC612454 against Zequan Y.

142. By failing to promptly convey to Mr. Vargas that Mercury made written settlement offers of \$9,500 and \$15,000 on behalf of the opposing party, respondent willfully violated Business and Professions Code, section 6103.5 and Rules of Professional Conduct, rule 3-510(A).

143. By simulating Mr. Vargas' signature on a settlement agreement on November 7, 2017, and on the settlement check around December 13, 2017, without Mr. Vargas' knowledge, authority, or consent, respondent intentionally committed an act involving moral turpitude or dishonesty, in willful violation of Business and Professions Code, section 6106.

Case No. 18-O-13513 (Complainant: Workers' Compensation Appeals Board)

FACTS:

144. Respondent represented applicant E.C. Martinez in Workers' Compensation Appeals Board ("WCAB") case no. ADJ10199872.

145. On August 28, 2017, WCAB Judge Robin Beth Leviton issued an order directing respondent to pay sanctions, for engaging in tactics that were frivolous or intended to delay the proceedings, to the WCAB General fund in the amount of \$2,000 within 20 days of service of the order.

146. Pursuant to Business and Professions Code section 6068(o)(3), respondent was required to self-report the sanctions order to the State Bar within 30 days of its issuance. However, respondent failed to self-report the sanctions order.

147. Respondent paid the sanctions.

CONCLUSIONS OF LAW:

148. By failing to self-report to the State Bar the August 28, 2017 sanctions order within 30 days of its issuance, respondent willfully violated Business and Professions Code section 6068(o)(3).

Case No. 18-O-14700 (inv) (Complainant: Jacqueline Maximo)

FACTS:

149. In 2009, Jacqueline Maximo was hit by a car while crossing the street. Because she was a minor at the time, in April 2010, her father retained respondent on the her behalf to represent her in a personal injury action. At the time of the accident, the driver of the vehicle, Nyoka L. had liability coverage through Infinity Insurance Company ("Infinity").

150. On April 22, 2010, respondent mailed a letter or representation to Infinity, advising the insurer that respondent represented Ms. Maximo in her personal injury action.

151. On June 7, 2011, Infinity mailed respondent a written settlement offer in the amount of \$2,400 to settle all of Ms. Maximo's claims against Nyoka L. Respondent received the letter, but failed to convey Infinity's settlement offer to Ms. Maximo.

152. On May 13, 2016, respondent filed a civil lawsuit, Los Angeles County Superior Court case no. 16K05845, against Nyoka L. on behalf of Ms. Maximo, but failed to personally serve the lawsuit on Nyoka L.

153. On December 7, 2017, Infinity faxed to respondent a settlement offer letter, advising respondent that Infinity would settle Ms. Maximo's claims against Nyoka L. for \$15,000. Respondent received the letter but failed to convey the written settlement offer to Ms. Maximo.

154. On December 7, 2017, respondent simulated Ms. Maximo's name on a settlement agreement, settling Ms. Maximo's claims against Nyoka L. for \$15,000, and returned it to Infinity.

When respondent simulated Ms. Maximo's name on the settlement agreement, Ms. Maximo had no knowledge of any proposed settlement and had not authorized settlement of her claims.

155. On December 11, 2017, Infinity mailed respondent Regions Bank of Birmingham, Alabama check no. 2011733759 in the amount of \$15,000, made payable to "Jacqueline Maximo and L/O of Robert E. Keen." Respondent received the check but failed to convey to Ms. Maximo that he had received the settlement funds.

156. On December 11, 2017, Infinity mailed to Ms. Maximo a letter advising her that Infinity had sent a \$15,000 check to respondent as full and final settlement of her claims against Nyoka L. Ms. Maximo received said letter. However, at no time prior to receiving this letter had Ms. Maximo given respondent the authorization to settle her case.

157. In mid-December 2017, respondent deposited said settlement check into his client trust account ("CTA"). In order to deposit the check into his CTA, respondent simulated Ms. Maximo's name on the check. At no point had Ms. Maximo authorized respondent to sign the check on her behalf.

158. On March 13, 2018, respondent filed a motion requesting an entry of dismissal in Los Angeles County Superior Court case no. 16K05845. On that same date, the court granted respondent's motion and dismissed Ms. Maximo's case against Nyoka L. with prejudice. At no time prior to making the motion had Ms. Maximo authorized respondent to dismiss her case against Nyoka L.

159. On July 10, 2018, respondent mailed to Ms. Maximo a check in the amount of \$8,375.50 representing her share of the settlement. Ms. Maximo negotiated the check.

160. Respondent collected \$3,750 as his share of legal fees. However, respondent was not entitled to any legal fees due to the fact he received the funds based on his failure to obtain his client's consent to the settlement or disposition of settlement funds. Respondent has not made restitution to Ms. Maximo of the legal fees.

CONCLUSIONS OF LAW:

161. By settling Ms. Maximo's claims against Nyoka L. for \$15,000 without Ms. Maximo's knowledge or authority, and dismissing with prejudice Ms. Maximo's Los Angeles County Superior Court case no. 16K05845 against Nyoka L. without Ms. Maximo's knowledge or authority, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

162. By failing to keep Ms. Maximo reasonably informed of the following significant developments, respondent willfully violated Business and Professions Code, section 6068(m):

- a. After filing the lawsuit on March 3, 2016, respondent or respondent's office failed to personally serve a copy of the civil lawsuit on Nyoka L.;
- b. On December 7, 2017, Infinity offered, and respondent accepted, \$15,000 to settle Ms. Maximo's claims against Nyoka L.;
- c. On December 7, 2017, respondent simulated Ms. Maximo's name on the settlement agreement with Infinity;

- d. In mid-December 2017, respondent simulated Ms. Maximo's name on a settlement check from Infinity and deposited it in respondent's CTA; and
- e. On March 13, 2018, respondent dismissed with prejudice Ms. Maximo's Los Angeles County Superior Court case no. 16K05845 against Nyoka L.

163. By failing to promptly convey to Ms. Maximo that Infinity made a written offer of settlement for \$15,000 on behalf of the opposing party, respondent willfully violated Business and Professions Code, section 6103.5 and Rules of Professional Conduct, rule 3-510(A).

164. By simulating Ms. Maximo's signature on a settlement agreement on December 7, 2017, and on the settlement check around December 13, 2017 without Ms. Maximo's knowledge, authority, or consent, respondent intentionally committed an act involving moral turpitude or dishonesty, in willful violation of Business and Professions Code, section 6106.

165. By failing to contact Ms. Maximo after receiving the Regions Bank of Birmingham, Alabama settlement check no. 201173, respondent failed to notify Ms. Maximo of respondent's receipt of funds on his behalf, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(1).

AGGRAVATING CIRCUMSTANCES.

Prior Records of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline.

In State Bar Court case nos. 92-O-12367 and 94-O-10049, effective March 25, 1995, discipline was imposed as to respondent consisting of a one-year stayed suspension and two-year probation with conditions. In that case, respondent stipulated to violating Business and Professions Code section 6068(m) [failing to respond to client inquiries] in one matter, and violating Business and Professions Code section 6106 [negligent misappropriation of client funds] and Rules of Professional Conduct, rule 4-100(A) [failing to maintain funds in a client trust account] in another matter. The misconduct occurred between September 1991 and December 1993. There were no aggravating factors. In mitigation, the parties stipulated that respondent had no prior record of discipline, his misconduct did not result in harm to his clients, he was candid and cooperative during the State Bar's investigation, and he suffered physical and economic difficulties that were tied to the misconduct. (Exhibit 1 is a certified copy of the prior discipline.)

In State Bar Court case no. 01-O-00325, effective October 9, 2001, discipline was imposed as to respondent of a private reproof with conditions. In that case, respondent stipulated to violating Business and Professions Code section 6068(m) [failing to inform client of significant events]. The misconduct took place between September 2000 and January 2001. In aggravation, respondent had one prior record of discipline. In mitigation, respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary proceedings. (Exhibit 2 is a certified copy of the prior discipline.)

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent has committed at least 40 distinct acts of misconduct including failing to perform with competence, to communicate settlement offers, to notify client of receipt of settlement funds and/or promptly pay out settlement funds, to inform clients of significant case events, to obey court orders, to self-report sanctions, and has committed multiple acts of moral turpitude including simulating clients' names on settlement agreements and settlement checks

without the clients' knowledge or authorization, amongst others. Multiple acts of misconduct is a significant aggravation factor.

Pattern of Misconduct (Std. 1.6(c)): In each of respondent's prior disciplines, respondent committed misconduct by failing to communicate with clients and failing to inform clients of significant events. Now, seven of respondent's current matters, which span from 2009 to 2017, also include failures to communicate and inform clients of significant events. However, respondent's misconduct has also escalated in that his cases display remarkable similarities. In five of the current matters, respondent accepted representation of new clients, delayed advancing their claims against the other parties' insurance companies, filed civil lawsuits just before the statute of limitations were set to expire but failed to work on the cases or respond to discovery, and then continued to delay the cases until he unilaterally, and without authority, agreed to settle the matters. Respondent then simulated his client's name on settlement agreements and checks without the clients' knowledge or authorization, and sent the client an unaccounted for amount of the settlement proceeds, though in some cases, did not send the clients any settlement funds. In a sixth matter, respondent attempted to do the same but failed to file a civil lawsuit before the statute of limitations expired, and thus, the client's claim was rejected. Such pattern of serious misconduct is egregious aggravation. (*In the Matter of Valinotti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555; see also *Twohy v. State Bar* (1989) 48 Cal.3d 763, 780.)

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):

Case no. 17-O-02054 – Respondent's failure to file a civil case to protect Stephanie Maximo's statutory rights and failure to respond to either Ms. Maximo's or Infinity's communications regarding Infinity's \$8,500 offer to settle her case resulted in no action being taken and Infinity closing Ms. Maximo's claim.

Case no. 17-O-05109 – Respondent dismissed with prejudice Loistine Drake's civil suit against Spencer J. without Ms. Drake's authorization, thereby depriving Ms. Drake the ability to fully pursue her rights and causing her harm. In addition, by failing to respond to Mercury's discovery requests in a timely manner, thereby causing Mercury to file motions to compel discovery responses, Ms. Drake would not have been sanctioned by the Court for \$750. Lastly, respondent's failure to deposit either of Mercury's settlement checks and pay Ms. Drake what is owed to her as part of the settlement has resulted in Ms. Drake being deprived of her use of her share of the settlement proceeds for over 18 months.

Case no. 17-O-05295 – Respondent dismissed with prejudice Israel Espinoza's civil suit against Maria Z. without Mr. Espinoza's authorization, thereby depriving Mr. Espinoza the ability to fully pursue his rights and causing him harm. In addition, by failing to respond to Mercury's discovery requests in a timely manner, thereby causing Mercury to file motions to compel discovery responses, Mr. Espinoza would not have been sanctioned by the Court for \$840. Lastly, by failing promptly pay Mr. Espinoza his share of settlement funds, Mr. Espinoza was deprived of use of those funds for five months.

Case no. 17-O-06054 – After being hired in Jorge Lozano's workers' compensation case in 2014, respondent failed to progress Jorge's case before Jorge passed away on April 28, 2017. Respondent subsequently failed to file for death benefits on behalf of Jorge's heirs and failed to contact Odilon Lozano despite Odilon's repeated attempts to follow up on Jorge's case. Consequently, respondent's failures to act competently have denied Jorge's heirs any recovery in his case.

Case no. 18-O-11594 (inv) – Respondent dismissed with prejudice Lucia Garcia's civil suit against the City of Inglewood without Ms. Garcia's authorization, thereby depriving Ms. Garcia the ability to fully

pursue her rights and causing her harm. In addition, respondent's failure pay Ms. Garcia what is owed to her as part of the settlement has resulted in Ms. Garcia being deprived of her use of her share of the settlement proceeds for over 14 months.

Case no. 18-O-11939 (inv) – Respondent received \$37,500 in a lump sum of attorneys' fees, which was to be allocated between respondent and Luvia Lemus' two prior attorneys. The court ordered that respondent serve checks on the other attorneys within 25 days of its June 13, 2017 order. Respondent failure obey the court's order has significantly harmed the prior attorneys by depriving them of their portions of earned attorneys' fees for over 13 months. The court also ordered additional costs to be paid to DiMarco, Araujo and Montevideo based on respondent's failure to appear at two lien trials. Respondent's failure to obey the court's order to pay said costs has also significantly harmed the said firm by depriving them of costs the firm spent in preparing for the lien trials.

Case no. 18-O-12425 (inv) – Respondent dismissed with prejudice Hector Vargas' civil suit against Zequan Y. without Mr. Vargas' authorization, thereby depriving Mr. Vargas the ability to fully pursue his rights and causing him significant harm.

Case no. 18-O-14700 (inv) - Respondent dismissed with prejudice Jacqueline Maximo's civil suit against Nyoka L. without Ms. Maximos's authorization, thereby depriving Ms. Maximo the ability to fully pursue her rights and causing her harm. Also, by failing to promptly pay Ms. Maximo her share of settlement funds, Ms. Maximo was deprived of use of those funds for eight months.

Indifference (Std. 1.5(k)): On January 30, 2018, a State Bar Investigator made a field visit to respondent's office and met with respondent to discuss his failure to reply to the State Bar's inquiry letters in four of the above-named cases. The State Bar Investigator asked respondent multiple times during that interview why he had not replied to the State Bar's inquiry letters, and respondent's only response was to shrug his shoulders and remain silent which displayed respondent's lack of insight, recognition of wrongdoing, and seriousness of misconduct.

Failure to Make Restitution (Std. 1.5(m)): In four of the matters, respondent has failed to pay out settlement funds to his clients or pay earned attorney's fees to the involved parties. Respondent's failure to make his victims of misconduct whole is an aggravating factor. (*In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 417.)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney

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

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

In this matter, respondent is alleged to have committed multiple acts of misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

Standard 1.8(b) is applicable because respondent has 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 in the following circumstances, 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:

1. Actual suspension was ordered in any one of the prior disciplinary matters;
2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or
3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities.

In these matters, respondent has two prior records of discipline and has not presented compelling mitigation that might warrant deviating from the discipline outlined in Standard 1.8(b). Neither of respondent's priors involved actual suspension, but respondent does show a pattern of misconduct in his failures to communicate with clients. (*Twohy v. State Bar* (1989) 50 Cal.3d 763, 780; *In the Matter of Kaplan* (Review Dept. 1996) 3 Ca. State Bar Ct. Rptr. 647, 564, fn. 15.) Seven of the current matters involve Business and Professions Code, section 6068(m) violations. Additionally, respondent's current acts of misconduct show a disturbing escalation of respondent's misdeeds. In his two prior records of disciplines, respondent was found culpable of only four acts of misconduct including failing to communicate with clients or inform them of significant events, failing to maintain property in his client trust account, and negligently misappropriating client funds. Now, with over 40 acts of misconduct in nine matters, respondent's misconduct has escalated significantly. Respondent accepted representation of clients, referred them to treating physicians, and then ignored their calls for updates until respondent has reached a settlement on their cases, without their authorization. Respondent simulated his clients' names on settlement agreements and checks, dismissed civil cases without his clients' approval or authorization, failed to inform the clients of settlements, receipt of funds, and failed to promptly pay out settlement funds when owed. Respondent has failed to participate in any meaningful way with the State Bar to investigate the allegations in its mission to protect the public. Respondent's behavior, both past

and present, clearly demonstrates a pattern of misconduct and that respondent is unwilling or unable to conform to the high ethical responsibilities required of attorneys. Accordingly, disbarment protects the public, the courts, and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.



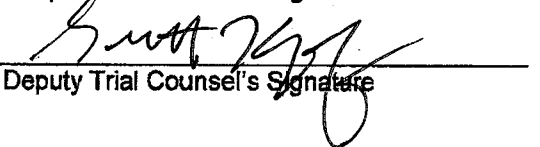
Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of July 31, 2018, the discipline costs in this matter are \$11,966. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: ROBERT EDWARD KEEN	Case Number(s): 17-O-02054; 17-O-05109; 17-O-05295; 17-O-06054; 18-O-11594 (inv); 18-O-11939 (inv); 18-O-12425 (inv); 18-O-13513 (inv); 18-O-14700 (inv)
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>9-12-18</u> Date	 Respondent's Signature	<u>Robert Edward Keen</u> Print Name
<u>9/18/18</u> Date	 Respondent's Counsel Signature	<u>David A. Clare</u> Print Name
<u>9/20/18</u> Date	 Deputy Trial Counsel's Signature	<u>Scott D. Karpf</u> Print Name

(Do not write above this line.)

In the Matter of: ROBERT EDWARD KEEN	Case Number(s): 17-O-02054; 17-O-05109; 17-O-05295; 17-O-06054; 18-O-11594 (inv); 18-O-11939 (inv); 18-O-12425 (inv); 18-O-13513 (inv); 18-O-14700 (inv)
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DISBARMENT ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See Rules Proc. of State Bar, rule 5.58(E) & (F).) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)

Respondent Robert Edward Keen is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

July 17, 2018
Date

Yvette D. Roland
YVETTE D. ROLAND
Judge of the State Bar Court

State Bar Office

court order which is effective 3/26/95

original date: MAR 02 1995

Handwritten signature

order

**SUPREME COURT
FILED**

FEB 23 1995

**Robert Wandruff Clerk
P. QUINN**

DEPUTY

(State Bar Court Case No. 92-0-12367; 94-0-10049 (Cons.))

S 043880

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

IN RE ROBERT EDWARD KEEN ON DISCIPLINE

It is ordered that Robert Edward Keen be suspended from the practice of law for one year, that execution of 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 Regarding Stipulation filed October 26, 1994, as modified by its order filed November 2, 1994. It is further ordered that he take and pass the California 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 and shall be added to and become part of the membership fee for the next calendar year. (Bus. & Prof. Code section 6140.7.)

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

Witness my hand and the seal of the Court this

day of FEB 23 1995 A.D. 19

By **P. QUINN** Clerk

Deputy Clerk

Handwritten signature of Robert F. Wandruff

Acting Chief Justice

F I L E D

NOV 02 1994

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

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**THE STATE BAR COURT
OF THE STATE BAR OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of)	CASE NO. 92-O-12367-CEV
ROBERT EDWARD KEEN,)	94-O-10049-CEV
Bar No. 50871,)	MODIFICATION ORDER
A Member of the State Bar.)	

The Order Regarding Stipulation as to Facts and Disposition filed October 26, 1994, is hereby MODIFIED, sua sponte, to include the following modifications to the parties' Stipulation as to Facts and Disposition filed October 19, 1994 ("stipulation"):

1. On page 2 of the Stipulation, the "X" in the box next to "Form Disp 200: Statement Supporting Dismissal of All Charges" is deleted.
2. On page 2 of the Stipulation, the "X" in the box next to "Form Prob 360: Education and Law Office Management" is deleted.
3. In the caption on page 3 of the Stipulation, "Et al." is deleted and in its place is inserted "94-O-10049."
4. On page 21 of the Stipulation, the "X" in the box next to "Form Prob. 360: Education and Law Office Management" is deleted.

Within document filed to
Judge on 11/02/94
STATE BAR COURT CLERK'S OFFICE
By [Signature]

1 5. On page 21 of the Stipulation, all language under the
2 heading "Further Recommendations:" is deleted and in its place
3 is inserted the following language:

4 It is further recommended that Respondent be ordered
5 to take and pass the California Professional
6 Responsibility Examination given by the Committee of
7 Bar Examiners of the State Bar of California within
8 one (1) year from the effective date of the Supreme
Court's order and furnish satisfactory proof of such
to the Probation Unit of the Office of Trials within
said year.

9 6. On page 28 of the Stipulation, the "X" in each box under
10 the heading "Commencement of Suspension" is deleted.

11 7. On page 30 of the stipulation, under the heading "Courses
12 on Law Office Management," the following language is added at
13 line 9, after the words "completion of each course.":

14 However, if Respondent does not complete the
15 requisite number of hours of course(s) on law office
16 management before the submission of his last
17 quarterly report (see page 24, Form Tri 311), he must
18 submit a further report no later than the date on
which his probation expires furnishing satisfactory
evidence of completion of any such course(s) as
required by this probation condition.

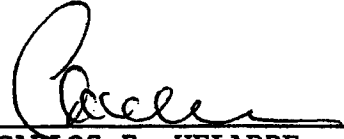
19 8. On page 31 of the Stipulation, the last four lines under
20 the heading "Law Office Management Plan to Be Submitted to
21 Probation Unit," are deleted and in their place is inserted the
22 following language:

23 However, if Respondent was not engaged in the
24 practice of law during the reporting period, he shall
25 so state in the quarterly probation report.
26 Respondent's failure to state in the quarterly
27 probation report either that he has implemented the
28 law office management plan in his law practice and
continues to follow the procedures set forth in the
plan, or that he was not engaged in the practice of
law during the reporting period, shall be a violation
of probation.

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Any objection to this Modification Order must be filed within 15 days of its service. If no timely objection is filed, the stipulation as modified remains approved, and the Clerk of the State Bar Court is directed to transmit the record in this matter to the Supreme Court without further delay.

DATED: November 2, 1994.



CARLOS E. VELARDE
Judge of the State Bar Court

DECLARATION OF SERVICE

[Rule 242, Trans. Rules Proc.; Code Civ. Proc., § 1013a(1)]

I am a Deputy Court Clerk of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. In the City and County of Los Angeles, on the date shown below, I deposited a true copy of the following document(s)

MODIFICATION ORDER FILED NOVEMBER 02, 1994

in a sealed envelope as follows:

- [X] with first-class postage thereon fully prepaid in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

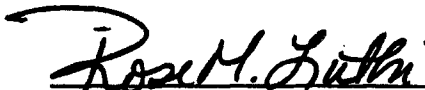
**LINDSAY K. SLATTER, A/L
SLATTER & SLATTER
123 JEWELL STREET
SANTA CRUZ CA 95060-1717**

- [] by certified mail, , with a return receipt requested, in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

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

WILLIAM STRALKA, ESQ., Office of Trials

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Los Angeles, California, on November 4, 1994.



ROSE M. LUTHI
Deputy Court Clerk
State Bar Court

PUBLIC MATTER


<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">FILED</p> <p style="text-align: center;">OCT 26 1994 <i>FE</i></p> <p style="text-align: center;">STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p><u>ROBERT EDWARD KEEN,</u></p> <p style="text-align: center;">No. <u>50871,</u></p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA</p>	<p>CASE NO: 92-O-12367-CEV 94-O-10049 -CEV</p> <p>ORDER REGARDING STIPULATION (<input type="checkbox"/> First Amended <input type="checkbox"/> Second Amended) AS TO FACTS AND DISPOSITION</p>

A fully executed Stipulation as to Facts and Disposition pursuant to rules 405-407, Transitional Rules of Procedure of the State Bar of California, consisting of 34 pages, approved by the parties, was submitted to the State Bar Court in the above-captioned case(s). The Stipulation is attached to this order and is incorporated by reference herein. Unless a party withdraws or modifies the stipulation pursuant to rule 407(c), Transitional Rules of Procedure of the State Bar of California, this order shall be effective 15 days from the service of this order. After consideration of this stipulation, the Court hereby orders:

- The above mentioned case numbers are hereby consolidated for the purposes of ruling upon this stipulation.
- Modifications to the stipulation are attached:
 - the parties having no objection.
 - the parties having agreed on the record on _____.
 - any party must object within 15 days of the service of this order to the stipulation, as modified by the Court, or it shall become effective; if any party objects, the Stipulation shall be deemed rejected.
- It appearing that this stipulation and all attachments are fair to the parties and consistent with adequate protection of the public, the stipulation is approved and the disposition is:
 - ordered.
 - recommended to the California Supreme Court.
 - further discussion attached.
- After due consideration of this stipulation and all attachments, it is rejected:
 - for the reasons discussed with the parties in previous conference(s).
 - for the reasons attached to this order.
- It is further recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

DATED: October 25, 1994

When returned, please send to
STATE BAR COURT CLERKS OFFICE
By: *h*



Carlos E. Velarde, Judge of the State Bar Court

- SECTION THREE: FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

- SECTION FOUR: FORM DISP 200: STATEMENT SUPPORTING DISMISSAL OF ALL CHARGES
 - FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES
 - FORM DISP 210: ADMONITION
 - FORM DISP 220: PRIVATE REPROVAL
 - FORM DISP 230: PUBLIC REPROVAL
 - FORM DISP 240: SUSPENSION, INCLUDES NO ACTUAL SUSPENSION
 - FORM DISP 250: ACTUAL SUSPENSION
 - FORM DISP 260: PROFESSIONAL RESPONSIBILITY EXAMINATION
 - FORM DISP 270: REGARDING FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

- FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR
 - FORM PROB 320: RESTITUTION
 - FORM PROB 330: PROTECTION OF CLIENT FUNDS
 - FORM PROB 340: MENTAL HEALTH TREATMENT
 - FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT
 - FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
 - FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION
 - FORM PROB 380: FURTHER CONDITIONS OF PROBATION

- SECTION FIVE: APPROVAL OF PARTIES

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p>OCT 19 1994</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p><u>ROBERT EDWARD KEEN</u></p> <p>No. <u>50871</u></p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S). 92-0-12367 Et al.</p> <p>STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA) <input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED</p>

SECTION ONE. GENERAL AGREEMENTS AND WAIVERS.

A. PARTIES.

1. The parties to this stipulation as to facts and disposition, entered into under rules 405-407, Transitional Rules of Procedure of the State Bar of California (herein "Rules of Procedure"), are the member of the State Bar of California, captioned above (hereinafter "Respondent"), who was admitted to practice law in the State of California on January 5, 1972 and the Office of the Chief Trial Counsel, represented by the Deputy Trial Counsel of record whose name appears below.

2. If Respondent is represented by counsel, Respondent and his or her counsel have reviewed this stipulation, have approved it as to form and substance, and has signed FORM STIP 400 below.

3. If Respondent is appearing in propria persona, Respondent has received this stipulation, has approved it as to form and substance, and has signed FORM STIP 400 below.

B. JURISDICTION, SERVICE AND NOTICE OF CHARGE(S), AND ANSWER. The parties agree that the State Bar Court has jurisdiction over Respondent to take the action agreed upon within this stipulation. This stipulation is entered into pursuant to the provisions of rules 405-407, Rules of Procedure. No issue is raised over notice or service of any charge(s). The parties waive any variance between the basis for the action agreed to in this stipulation and any charge(s). As to any charge(s) not yet filed in any matter covered by this stipulation, the parties waive the filing of formal charge(s), any answer thereto, and any other formal procedures.

C. AUTHORITY OF EXAMINER. Pursuant to rule 406, Rules of Procedure, the Chief Trial Counsel has delegated to this Deputy Trial Counsel the authority to enter into this stipulation.

D. PROCEDURES AND TRIAL.

In order to accomplish the objectives of this stipulation, the parties waive all State Bar Court procedures regarding formal discovery as well as hearing or trial. Instead, the parties agree to submit this stipulation to a judge of the State Bar Court.

E. PENDING PROCEEDINGS.

Except as specified in subsection J, all pending investigations and matters included in this stipulation are listed by case number in the caption above.

F. EFFECT OF THIS STIPULATION.

1. The parties agree that this stipulation includes this form and all attachments.
2. The parties agree that this stipulation is not binding unless and until approved by a judge of the State Bar Court. If approved, this stipulation shall bind the parties in all matters covered by this stipulation and the parties expressly waive review by the Review Department of the State Bar Court.
3. If the stipulation is not approved by a State Bar Court judge, the parties will be relieved of all effects of the stipulation and any proceedings covered by this stipulation will resume.
4. The parties agree that stipulations as to proposed discipline involving suspension, are not binding on the Supreme Court of California. Pursuant to Business and Professions Code sections 6078, 6083-6084, and 6100, the Supreme Court must enter an order effectuating the terms and conditions of this stipulation before any stipulation for suspension, actual or stayed, will be effective.

G. PREVIOUSLY REJECTED STIPULATIONS IN PROCEEDINGS OR INVESTIGATIONS COVERED BY THIS STIPULATION.

Unless disclosed by the parties in subsection I, there have been no previously rejected or withdrawn stipulations in matters or investigations covered by this stipulation.

H. COSTS OF DISCIPLINARY PROCEEDINGS. (Check appropriate paragraph(s).)

- 1. The agreed disposition is eligible for costs to be awarded the State Bar. (Bus. & Prof. Code, §§ 6086.10 and 6140.7.) Respondent has been notified of his or her duty to pay costs. The amount of costs assessed by the Office of Chief Trial Counsel will be disclosed in a separate cost certificate submitted following approval of this stipulation by a hearing judge. The amount of costs assessed by the State Bar Court will be disclosed in a separate cost certificate submitted upon finalization of this matter.
- 2. The agreed disposition is not eligible for costs to be awarded the State Bar.

I. SPECIAL OR ADDITIONAL AGREEMENTS AS TO SECTION ONE.

- Respondent has been advised of pending investigations, if any, which are not included in this stipulation.
- FORM STIP 120 is attached, stating further general agreements and waivers.

SECTION TWO. STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW WARRANTING THE AGREED DISPOSITION.

- The parties have attached FORM STIP 130 and agree that the same warrants the disposition set forth in this stipulation.

SECTION THREE. STATEMENT OF FACTS, FACTORS OR CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION.

The parties agree that the following attachment(s) constitute the facts and circumstances considered mitigating, aggravating or otherwise bearing on the agreed disposition:

- FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

SECTION FOUR. AGREED DISPOSITION

Based on the foregoing and all attachments, the parties agree that the appropriate disposition of all matters covered by this stipulation is [Check appropriate disposition(s); attach schedule(s) if indicated]:

- DISMISSAL OF ALL CHARGES [FORM DISP 200]
- DISMISSAL OF CERTAIN CHARGES [Attach FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES]
- ADMONITION [Attach FORM DISP 210: ADMONITION]
- PRIVATE REPROVAL [Attach FORM DISP 220: PRIVATE REPROVAL]
- PUBLIC REPROVAL [Attach FORM DISP 230: PUBLIC REPROVAL]
- SUSPENSION ENTIRELY STAYED [Attach FORM DISP 240: RECOMMENDATIONS FOR STAYED SUSPENSION]
- ACTUAL SUSPENSION [Attach FORM DISP 250: RECOMMENDATIONS FOR ACTUAL SUSPENSION]
- ADDITIONAL PROVISIONS:
- FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION
- FORM DISP 270: FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

IN THE MATTER OF	CASE NO(S). 92-0-12367
<u>ROBERT EDWARD KEEN</u>	Et al.
A Member of the State Bar.	

ATTACHMENT TO: STIPULATION DECISION

ADDITIONAL AGREEMENTS AND WAIVERS

- FORM TRI 121: WAIVER OF RIGHT TO PETITION FOR RELIEF FROM ASSESSED COSTS
- FORM TRI 122: WAIVER OF ISSUANCE OF NOTICE TO SHOW CAUSE
- FORM TRI 123: STATEMENT OF AUTHORITIES SUPPORTING DISCIPLINE
- FORM TRI 124: PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING
- FORM TRI 125: ADDITIONAL AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1
- FORM TRI 126: RESOLUTION OF PROCEEDING
- FORM TRI 127: ESTIMATION OF COSTS
- FORM TRI 128: WAIVER OF REVIEW

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
[X] 1149 South Hill Street
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IN THE MATTER OF

Case No(s). 92-0-12367
Et al.

ROBERT EDWARD KEEN

A Member of the State Bar.

ATTACHMENT TO: STIPULATION DECISION

**WAIVER OF RIGHT TO PETITION FOR RELIEF
FROM ASSESSED COSTS**

 X Respondent acknowledges that this Stipulation is a compromise of disputed allegations and that a petition for relief from costs pursuant to Transitional Rules of Procedure, rule 462, alleging special circumstances or other good cause shall not be based upon the timing of this Stipulation, any aspects of the negotiation process in this case, nor the degree of discipline agreed upon by the parties hereto.

Parties'
Initials.

JKW PAGE 8

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IN THE MATTER OF

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Et al.

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ATTACHMENT TO: STIPULATION DECISION

WAIVER OF ISSUANCE OF NOTICE TO SHOW CAUSE

It is agreed by the parties that investigative matters designated as case number(s) 92-0-12367 and 94-0-10049 shall be incorporated into the within Stipulation. The parties waive the issuance of a Notice to Show Cause and the right to a formal hearing and any other procedures necessary with respect to these investigative matters in order to accomplish the objectives of this Stipulation.

Parties'
Initials

HL SKM PAGE 9

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IN THE MATTER OF
ROBERT EDWARD KEEN

Case No(s). 92-0-12367
Et al.

A Member of the State Bar.

ATTACHMENT TO: STIPULATION DECISION

WAIVER OF REVIEW AND APPEAL

The parties agree that if this Stipulation is approved by the Court without modification, or modified in a manner to which the parties do not object within fifteen (15) days after the modification, each party expressly waives its rights of reconsideration and review of this Stipulation under the procedure and waive the provisions of rules 952, 952.5 and 953 of the California Rules of Court, and agree that the Supreme Court of California may immediately order the agreed discipline and conditions.

The parties agree that the Court may include in its Order Approving Stipulation all provisions necessary to implement the waivers herein.

Parties'

Initials

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IN THE MATTER OF	CASE NO(S). 92-0-12367
<u>ROBERT EDWARD KEEN</u>	94-0-10049
A Member of the State Bar.	

ATTACHMENT TO: STIPULATION DECISION

**STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION**

CASE NO. _____

COUNT _____

INVESTIGATION MATTER

92-0-12367

1. On September 29, 1991 Hector Mendez and Jaroslava Mendez (hereinafter the "Mendezes") were injured as a result of a traffic accident. The Mendezes turned the matter over to V.A. EXPRESS, an attorney service where Hector Mendez was employed.
2. A retainer agreement was signed by the Mendezes employing Mildred Escobado as the attorney for both personal injury claims.
3. Escobado received a substitution of attorney form and released the Mendezes file to Respondent in November 1991.
4. In January 1992 the name of Respondent was entered as payee on the medical payment checks issued for the personal injury claim in place of attorney Escobado.
5. The Mendezes did not in fact sign a substitution of attorney form or any authorization for Respondent to take over their personal injury matter.

INVESTIGATION MATTER

94-0-10049

The Bank of America in compliance with section 6091.1 of the Business and Professions Code reported the following check from Respondent's Client Trust Account number 1664-7-05015 as "NSF":

1. Check #1902, dated November 11, 1993 in the amount of \$6,133.33 was presented for payment at a time when the account balance was \$3,320.45.

The Bank of America reported the following checks from Respondent's Client Trust Account number 1664-9-30788 as "NSF" checks:

1. Check #9951, dated December 27, 1993 in the amount of \$2,250.00 was presented for payment at a time when the account balance was \$1,716.10.

2. Check #9871, dated December 8, 1993 in the amount of \$2,750.00, was presented for payment at a time when the account balance was \$2,499.97.

3. Check #9853, dated November 30, 1993 in the amount of \$1,919.00 was presented for payment at a time when the account balance was \$331.63.

4. Check #9625, dated October 15, 1993 in the amount of \$2,243.34, was presented for payment at a time when the account balance was \$331.63.

All checks were cashed by the bank at the time they were presented by the payees.

Respondent negligently misappropriated funds from his Client Trust Accounts by failing to supervise his employees' control over Respondent's Client Trust Accounts.

Respondent committed the above-described acts in wilful violation of his oath and duties as an attorney under disciplinary case law and/or California Rules of Professional Conduct 4-100(A).

Parties'

Initials

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IN THE MATTER OF	CASE NO(S). 92-0-12367
<u>ROBERT EDWARD KEEN</u>	Et al.
A Member of the State Bar.	

ATTACHMENT TO: STIPULATION DECISION

**STATEMENT OF FACTS AND CIRCUMSTANCES
BEARING ON THE AGREED DISPOSITION**

A. AGGRAVATING CIRCUMSTANCES:

- 1. Respondent has a record of prior discipline. (Std. 1.2 (b)(i).)¹ Supporting facts: _____

- 2. Respondent's misconduct evidences multiple acts of wrongdoing. (Std. 1.2 (b)(ii).) Supporting facts: _____

- 3. Respondent's misconduct evidences\demonstrates a pattern of misconduct. (Std. 1.2 (b)(ii).) Supporting facts: _____

- 4. Respondent's misconduct was surrounded or followed by bad faith, dishonesty, concealment, overreaching or other circumstances defined by Standard 1.2 (b)(iii). Supporting facts: _____

¹ References to "Standards" are to the "Standards for Attorney Sanctions for Professional Misconduct: (See Transitional Rules of Procedure of the State Bar of California, Division V.)

Parties'
Initials

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5. Respondent's misconduct harmed significantly client(s), the public or the administration of justice. (Std. 1.2 (b)(iv).) Supporting facts: _____

6. Respondent demonstrated indifference to rectifying the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: _____

7. Respondent demonstrated indifference to atoning for the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: _____

8. Respondent displayed a lack of candor and cooperation to any victim(s) of misconduct. (Std. 1.2 (b)(vi).) Supporting facts: _____

9. Respondent displayed a lack of candor and cooperation to the State Bar during disciplinary investigation or proceedings. (Std. 1.2 (b)(vi).) Supporting facts: _____

B. MITIGATING CIRCUMSTANCES:

1. Respondent has no record of prior discipline over many years of practice, coupled with present misconduct not deemed serious. (Std. 1.2 (e)(i).) Supporting facts: Respondent has been in practice since January 5, 1972 and has no prior record of discipline.

2. Respondent acted in good faith. (Std. 1.2 (e)(ii).) Supporting facts: _____

3. Respondent's misconduct did not result in harm to the client(s) or person(s) who were the objects of misconduct. (Std. 1.2 (e)(iii).) Supporting facts: The charges all involve mishandling of client funds. All clients received all of the funds due to them in a timely manner.

4. Respondent suffered extreme emotional difficulties at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts: _____

5. Respondent suffered extreme physical disabilities at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts: _____

6. Respondent displayed spontaneous candor and cooperation to the victim(s) of misconduct. (Std. 1.2 (e)(v).) Supporting facts: _____

Parties'

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- 7. Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. (Std. 1.2 (e)(v).) Supporting facts: Respondent provided records relating to all investigation charges and was candid and cooperative in explaining the circumstances leading to the misconduct charged.
- 8. Respondent presented an extraordinary demonstration of good character as set forth in Standard 1.2 (e)(vi). Supporting facts: _____
- 9. Respondent promptly took objective steps to spontaneously demonstrate remorse which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: _____
- 10. Respondent promptly took objective steps to spontaneously demonstrate recognition of the wrongdoing acknowledged, which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: _____
- 11. Considerable time has passed since Respondent's misconduct, followed by convincing proof of subsequent rehabilitation (Std. 1.2 (e)(viii)). Supporting facts: _____
- 12. Excessive delay occurred in conducting this disciplinary proceeding, which delay is not attributable to Respondent and which delay was prejudicial to Respondent. (Std. 1.2 (e)(ix).) Supporting facts: _____

Parties'

Initials

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[x] 13. Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows: In imposing discipline, the State Bar has considered substantial mitigating circumstances, including Respondent's many years of practice without prior discipline; physical disability resulting from injuries sustained in a serious automobile accident, a respiratory/bronchial infection which led to pneumonia in December of 1993, abrupt relocation from his longterm residence in November of 1993 due to his lessor's mortgage default, and prolonged recovery during the period of misconduct, as a direct cause of his failure to properly supervise banking and accounting activities of his staff; lack of harm to clients or others; and his candor and cooperation with the State Bar in the course of investigation.

Parties'

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IN THE MATTER OF

CASE NO(S). 92-0-12367

ROBERT EDWARD KEEN

Et al.

A Member of the State Bar.

ATTACHMENT TO: STIPULATION DECISION

SUSPENSION, INCLUDES NO ACTUAL SUSPENSION

[Fill in the blanks as appropriate and check boxes at left for all language that is intended to be included in the stipulation, deleting words or phrases that are not appropriate. When designating numbers for the amount of suspension or probation, please spell out the number and include the arabic numerals in parenthesis provided.]

It is recommended that Respondent be suspended from the practice of law for a period of One (1) ~~days // months /~~ years that the execution of such suspension be stayed, that Respondent be placed upon probation for a period of Two (2) ~~days / months /~~ years and that Respondent be ordered to comply with the attached conditions of probation.

Parties'

Initials

JKS WAS PAGE 21

CONDITIONS OF PROBATION:

- FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR
- FORM PROB 320: RESTITUTION
- FORM PROB 330: PROTECTION OF CLIENT FUNDS
- FORM PROB 340: MENTAL HEALTH TREATMENT
- FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT
- FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
- FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION
- FORM PROB 380: FURTHER CONDITIONS OF PROBATION

FURTHER RECOMMENDATIONS:

- It is further recommended that the California Supreme Court order Respondent to take and pass the California Professional Responsibility Examination administered by the Committee of Bar Examiners of the State Bar of California within one (1) year/ _____ () months/ _____ () years of the effective date of the order of the Supreme Court (Segretti v. State Bar (1976) 15 Cal.3d 878, 890-891) and furnish satisfactory proof of such passage to the Probation Unit, Office of Trials, within said time.

Parties'
Initials

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IN THE MATTER OF

ROBERT EDWARD KEEN

A Member of the State Bar.

CASE NO(S). 92-0-12367
Et al.

ATTACHMENT TO: STIPULATION DECISION

STANDARD CONDITIONS OF PROBATION¹ - GENERAL

- COND. 310. That during the period of probation, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California;
- COND. 410. That during the period of probation, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, in writing, to the Probation Unit, Office of Trials, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, Respondent shall file said report on the due date next following the due date after said effective date):
- (a) in Respondent's first report, that Respondent has complied with all provisions of the State Bar Act, and Rules of Professional Conduct since the effective date of said probation;
 - (b) in each subsequent report, that Respondent has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;
 - (c) provided, however, that a final report shall be filed covering the remaining portion of the period of probation following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof;

¹ If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

Parties'

Initials

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COND. 600. MAINTENANCE OF OFFICIAL MEMBERSHIP ADDRESS.

- COND. 610. That Respondent shall promptly report, and in no event in more than ten days, to the membership records office of the State Bar and to the Probation Unit, Office of Trials, 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;

**STANDARD CONDITIONS OF PROBATION:
ASSIGNMENT OF PROBATION MONITOR**

COND. 510. ASSIGNMENT OF PROBATION MONITOR:

- That Respondent shall be referred to the Probation Unit, Office of Trials, for assignment of a probation monitor. Respondent shall promptly review the terms and conditions of Respondent's probation with the probation monitor to establish a manner and schedule of compliance consistent with these terms of probation. During the period of probation, Respondent shall furnish such reports concerning Respondent's compliance as may be requested by the probation monitor. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge Respondent's duties pursuant to rule 611, Rules of Procedure of the State Bar;

COND. 550. AUTHORITY OF PROBATION MONITOR TO QUESTION RESPONDENT:

- That subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit, Office of Trials, and any probation monitor assigned under these conditions of probation which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with these terms of probation;

Parties'
Initials

PK WFS MS PAGE 24

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IN THE MATTER OF

Case No. 92-0-12367
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ATTACHMENT TO: STIPULATION DECISION

PROBATION FINAL REPORT

Respondent shall file his/her final report no earlier than twenty (20) days before the date on which the term of probation expires and no later than the date on which probation expires.

IN THE MATTER OF	CASE NO(S). 92-0-12367
<u>ROBERT EDWARD KEEN</u>	Et al.
A Member of the State Bar.	

ATTACHMENT TO: STIPULATION DECISION

**STANDARD CONDITIONS OF PROBATION:¹
PROTECTION OF CLIENTS' FUNDS**

COND. 700. PROTECTION OF CLIENTS' FUNDS.

COND. 710. That if Respondent is in possession of clients' funds, or has come into possession thereof during the period covered by each quarterly report, Respondent shall file with each report required by these conditions of probation a certificate from a Certified Public Accountant or Public Accountant certifying:

(a) That Respondent has kept and maintained such books or other permanent accounting records in connection with Respondent's practice as are necessary to show and distinguish between:

- (1) Money received for the account of a client and money received for the attorney's own account;
- (2) Money paid to or on behalf of a client and money paid for the attorney's own account;
- (3) The amount of money held in trust for each client;

(b) That Respondent has maintained a bank account in a bank authorized to do business in the State of California at a branch within the State of California and that such account is designated as a "trust account" or "clients' funds account";

(c) That Respondent has maintained a permanent record showing:

- (1) A statement of all trust account transactions sufficient to identify the client in whose behalf the transaction occurred and the date and amount thereof;

¹ If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

Parties'

Initials

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- (2) Monthly total balances held in a bank account or bank accounts designated "trust account(s)" or "clients' funds account(s)" as appears in monthly bank statements of said account(s)'
 - (3) Monthly listings showing the amount of trust money held for each client and identifying each client for whom trust money is held;
 - (4) Monthly reconciliations of any differences as may exist between said monthly total balances and said monthly listings, together with the reasons for any differences;
- (d) That Respondent has maintained a listing or other permanent record showing all specifically identified property held in trust for clients.

Parties' Initials

YKS PAGE 27

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ATTACHMENT TO: STIPULATION DECISION

NON-RECEIPT OF CLIENT FUNDS

In the event that Respondent did not possess any clients' funds and is not presently in possession of any clients' funds during the period covered by each quarterly report, Respondent shall so state under penalty of perjury in each quarterly report required by these conditions to be filed with the Probation Unit, Office of Trials.

Parties' initials

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IN THE MATTER OF	CASE NO(S). 92-0-12367
ROBERT EDWARD KEEN	Et al.
A Member of the State Bar.	

ATTACHMENT TO: STIPULATION DECISION

COMMENCEMENT AND EXPIRATION OF PROBATION¹

COMMENCEMENT OF PROBATION

- That the period of probation shall commence as of the date:
 - On which the order of the Supreme Court in this matter becomes effective.
 - _____
 - _____
 - _____

COMMENCEMENT OF SUSPENSION

- That the period of actual suspension shall commence on _____.
- That the period of suspension shall commence as of the date:
 - on which the order of the Supreme Court in this matter becomes effective.
 - _____
 - _____
 - _____

EXPIRATION OF PROBATION

That at the expiration of the period of this probation if Respondent has complied with the terms of probation, the order of the Supreme Court suspending Respondent from the practice of law for a period of One (1) ~~days/month(s)/year(s)~~ shall be satisfied and the suspension shall be terminated.

¹ If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

Parties'

Initials

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IN THE MATTER OF

CASE NO(S). 92-0-12367

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ATTACHMENT TO: STIPULATION DECISION

FURTHER CONDITIONS OF PROBATION:¹

- FORM TRI 381: MODIFICATION OF PROBATION, RULE 951(c) OF THE CALIFORNIA RULES OF COURT
- FORM TRI 382: ALCOHOL/DRUG ABUSE CONDITIONS OF PROBATION
- FORM TRI 383: MENTAL HEALTH CONDITIONS OF PROBATION
- FORM TRI 384: ADDITIONAL CONDITIONS OF PROBATION
- FORM TRI 385: STATE BAR ETHICS SCHOOL
- FORM TRI 386: STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE
- FORM TRI 387: COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER
- FORM TRI 388: EARLY INACTIVE ENROLLMENT

¹ If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

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IN THE MATTER OF

Case No(s). 92-0-12367

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ATTACHMENT TO: STIPULATION DECISION

ADDITIONAL CONDITIONS OF PROBATION¹

LAW PRACTICE MANAGEMENT SECTION OF THE STATE BAR

That Respondent shall join the Law Practice Management Section of the State Bar of California and shall pay whatever dues and costs are associated with such enrollment for a period of one (1) year. Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit, Office of Trials, in the first quarterly report that is due.

COURSES ON LAW OFFICE MANAGEMENT

That Respondent complete 30 hours of California Minimum Continuing Legal Education-approved course(s) on law office management within 2 ~~month(s)~~ year(s) from the date on which the disciplinary order in this matter becomes effective. Completion of the State Bar Ethics School or an Ethics School course will not satisfy this requirement. Respondent shall furnish satisfactory evidence of completion of the course(s) to the Probation Unit, Office of Trials, in the next quarterly report that is due following completion of each course. Respondent agrees that the course hours required by this condition are in addition to any requirement he/she must meet in compliance with the State Bar Minimum Continuing Legal Education Program.

¹If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

LAW OFFICE MANAGEMENT PLAN TO BE SUBMITTED TO PROBATION UNIT

- Respondent shall develop a law office management/organization plan that meets with the approval of the Probation Unit, Office of Trials, within 90 days/~~weeks/months~~ from the date on which the disciplinary order in this matter becomes effective. This plan will include procedures to send periodic status reports to clients, documentation of telephone messages received and sent, file maintenance, procedures for meeting deadlines, calendaring system, procedures to withdraw as attorney whether of record or not when clients cannot be contacted or located, and procedures for the training and supervision of support personnel. Respondent shall state in each quarterly probation report that he/she has implemented the law office management plan in his/her law practice and continues to follow the procedures set forth in the plan. Failure to so state in a quarterly report shall be a violation of probation and shall be excused only if Respondent was not engaged in the practice of law during the reporting period, in which case he/she shall so state in the quarterly probation report.

CONTINUING LEGAL EDUCATION COURSES

- That Respondent complete _____ hours of California Minimum Continuing Legal Education-approved courses in attorney-client relations and/or legal ethics within _____ month(s)/year(s) from the date on which the disciplinary order in this matter becomes effective. Completion of the State Bar Ethics School or an Ethics School course will not satisfy this requirement. Respondent shall furnish satisfactory evidence of completion of the courses to the Probation Unit, Office of Trials, in the next quarterly report that is due following completion of each course. Respondent agrees that the course hours required by this condition are in addition to any requirement he/she must meet in compliance with the State Bar Minimum Continuing Legal Education Program.

OTHER

Parties' Initials

YKS WB

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IN THE MATTER OF

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Et al.

ROBERT EDWARD KEEN,

A Member of the State Bar.

ATTACHMENT TO: STIPULATION DECISION

STATE BAR ETHICS SCHOOL

Within one (1) year from the date on which the disciplinary order in this matter becomes effective, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 1149 South Hill Street, Los Angeles) and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

EXCLUSION:

It is not recommended that Respondent attend Ethics School since he/she attended Ethics School on _____ [date] in connection with case number _____.

It is not recommended that Respondent attend Ethics School since he/she is required to do so by _____ [date] in connection with case number _____.

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IN THE MATTER OF

Case No(s). 92-0-12367
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ATTACHMENT TO: STIPULATION DECISION

**STATE BAR ETHICS SCHOOL CLIENT TRUST
ACCOUNT RECORD-KEEPING COURSE**

Within one (1) year from the date on which the disciplinary order in this matter becomes effective, Respondent shall attend the State Bar Ethics School Client Trust Account Record-Keeping Course, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 1149 South Hill Street, Los Angeles) and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

EXCLUSION:

It is not recommended that Respondent attend Ethics School Client Trust Account Record-Keeping Course since he/she attended Ethics School on _____ [date] in connection with case number _____.

It is not recommended that Respondent attend Ethics School Client Trust Account Record-Keeping Course since he/she is required to do so by _____ [date] in connection with case number _____.

SECTION FIVE. APPROVAL OF PARTIES.

The parties and all counsel of record hereby approve the foregoing stipulation and all attachments, and the parties agree to be bound by all terms and conditions stated and the agreed disposition.

DATE: 10-19-94

William F. Stralka
Deputy Trial Counsel
WILLIAM F. STRALKA

DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

DATE: 10/14/94

Robert Edward Keen
Respondent
ROBERT EDWARD KEEN

DATE: 9-27-94

Lindsay Kohut Slatter
Respondent's attorney
LINDSAY KOHUT SLATTER

DATE: _____

Respondent's Counsel

DATE: _____

Respondent's Counsel

DECLARATION OF SERVICE

[Rule 242, Trans. Rules Proc.; Code Civ. Proc., § 1013a(1)]

I am a Deputy Court Clerk of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. In the City and County of Los Angeles, on the date shown below, I deposited a true copy of the following document(s)

**ORDER REGARDING STIPULATION FILED OCTOBER 26, 1994, &
STIPULATION AS TO FACTS AND DISPOSITION FILED OCTOBER
19, 1994**

in a sealed envelope as follows:

[X] with first-class postage thereon fully prepaid in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

**LINDSAY K. SLATTER, ESQ.
SLATTER & SLATTER
123 JEWELL STREET
SANTA CRUZ CA 95060-1717**

[] by certified mail, , with a return receipt requested, in a facility regularly maintained by the United States Postal Service at Los Angeles, California, addressed as follows:

[X] in an interoffice mail facility regularly maintained by the State Bar of California addressed as follows:

WILLIAM STRALKA, ESQ., Office of Trials

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Los Angeles, California, on October 26, 1994.




**ROSE M. LUTHI
Deputy Court Clerk
State Bar Court**



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

ATTEST September 11, 2018

State Bar Court, State Bar of California,
Los Angeles

By 
Clerk

<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL WILLIAM COX, NO. 58998 1149 S. HILL STREET LOS ANGELES, CA 90015</p>	<p>Case number(s) 01-O-00325</p> <p style="text-align: center; font-size: 2em;">CONFIDENTIAL</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center; font-size: 1.2em;">MV^s</p> <p style="text-align: center; font-size: 1.2em;">OCT - 9 2001</p> <p style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent ROBERT EDWARD KEEN</p> <p>IN PRO PER</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>REPROVAL <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of ROBERT EDWARD KEEN</p> <p>Bar # 50871</p> <p>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 January 5, 1972
(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 9 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 reproval)
 - case ineligible for costs (private reproval)
 - costs to be paid in equal amounts 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."

(8) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

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

(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 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) 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) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

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 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) Within ten (10) days of any change, Respondent shall report to the Membership Records Office 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.
- (4) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (5) 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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the monitor.
- (6) 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.
- (7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- No Ethics School ordered.
- (8) 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 required to be filed with the Probation Unit.
- (9) 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.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (11) Other conditions negotiated by the parties:
SEE ATTACHED.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT EDWARD KEEN

CASE NUMBER: 01-O-00325

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.

Facts

1. On or about June 14, 2000, Alvaro Ale-Chavez ("Chavez") employed Respondent to represent him in an immigration matter in which the Immigration and Naturalization Service ("INS") was seeking his removal.
2. Respondent represented Chavez at two hearings and was ordered to return on September 18, 2000 for a status conference.
3. On the Friday prior to appearance date, Respondent felt that he would be too ill to appear and made arrangements with another attorney, Gustavo Ceballos ("Ceballos") to appear on his behalf.
4. On the morning of the hearing, Ceballos failed to locate Chavez at the coffee shop where Chavez had been instructed to meet with Respondent. Ceballos went to the court and entered his appearance. However, Chavez did not appear and was ordered deported in absentia. Chavez states that he waited at the designated place; however he was not contacted. He did not believe that he could go to court without an attorney, so he went home and called Respondent's office. Chavez states that Respondent's paralegal, Rolando Santana informed him that everything would be taken care of.
5. Respondent took no further action in the matter. He did not inform Chavez of the court's action, nor of any further legal steps that could be taken.

6. Chavez was not aware of what had taken place until he received a notice from the INS informing him that he was to be deported on January 30, 2001.

Conclusions of Law

By failing to inform Chavez of what had taken place at the court in his absence and of any further legal steps that might be taken in the matter, Respondent failed to inform his client of significant developments in a matter in which Respondent had agreed to provide legal services in violation of section 6068(m) of the Business and Professions Code.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A(6), was August 30, 2001.

AUTHORITIES SUPPORTING DISCIPLINE.

Clients have the right to expect that attorneys will reasonably supervise the progress of cases for which they accept responsibility. The fact that the file was misplaced, or that there was misconduct by an employee, cannot excuse the failure to maintain an information system that permits a lawyer to periodically check the status of his or her cases. The failure to have such a system resulted in culpability for failing to keep the client reasonably informed of significant events. *In the Matter of Sullivan* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr 608.

When a client learned independently that the client's case might be endangered by a statutory deadline, and contacted the attorney regarding that potential problem, the attorney breached the duty to communicate with the client by not having an office system in place to assure that such calls would be brought to the attorney's attention. *In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47.

AGGRAVATING CIRCUMSTANCES

On March 25, 1995, in State Bar Case Number 92-O-12367, the Supreme Court ordered (S043880) that the Respondent be suspended from the practice of law for one year, stayed, on condition that he be on probation of two years. He

was ordered to take and pass the MPRE.

MITIGATING CIRCUMSTANCES.

Respondent displayed spontaneous candor and cooperation to the State Bar during the disciplinary proceedings. (Standard 1.2(e)(v).)

OTHER CONDITIONS NEGOTIATED BY THE PARTIES

Because of Respondent's age and the fact that he took and passed the Multi-State Professional Responsibility Examination in 1995, the parties agree that the requirement that he take and pass the MPRE should be waived.

Respondent shall attend State Bar Ethics School, and he shall receive MCLE credit for attending and for taking and passing the examination given at the conclusion of the session.

Date 9/25/01

Bert Edward Keen
Respondent's signature

BERT EDWARD KEEN
print name

Date _____

Respondent's Counsel's signature _____

print name _____

Date 9-27-01

William Cox
Deputy Trial Counsel's signature

WILLIAM COX
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 reproval, 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 reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date 10-04-01

Pam W. Baughman
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 October 9, 2001, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING PRIVATE REPROVAL, filed October 9, 2001**

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:

**ROBERT EDWARD KEEN ESQ
339 GLENDALE BLVD
LOS ANGELES, CA 90026**

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

WILLIAM JOHN COX, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 9, 2001.



Milagro del R. Salmeron
Case Administrator
State Bar Court



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

ATTEST September 11, 2018
State Bar Court, State Bar of California,
Los Angeles

By *[Signature]*
Clerk

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 17, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

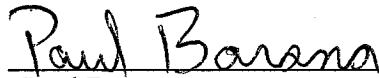
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID ALAN CLARE
DAVID A CLARE, ATTORNEY AT LAW
444 W OCEAN BLVD STE 800
LONG BEACH, CA 90802

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

SCOTT D. KARPFF, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 17, 2018.



Paul Barona
Court Specialist
State Bar Court