



**ORIGINAL**

(Do not write above this line.)

<p><b>State Bar Court of California</b>  <b>Hearing Department</b>  <b>Los Angeles</b>  <b>ACTUAL SUSPENSION</b></p>		
<p>Counsel for the State Bar</p> <p><b>Roy Kim</b>                  Deputy Trial Counsel                  845 S. Figueroa St.                  Los Angeles, CA 90017                  (213) 765-1616</p> <p>Bar # 293815</p>	<p>Case Number(s):                  17-O-06790-CV;                  17-O-06813</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 24pt;"><b>FILED</b></p> <p style="text-align: center; font-size: 18pt;"><i>v.s.</i></p> <p style="text-align: center; font-size: 18pt;"><b>MAR - 4 2019</b></p> <p style="text-align: center;">STATE BAR COURT                  CLERK'S OFFICE                  LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>George Garcia Perez</b>                  1901 1st Ave. Fl. 2                  San Diego, CA 92101-2382                  (619) 929-1849</p> <p>Bar # 226515</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND                  DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:  <b>GEORGE GARCIA PEREZ</b></p> <p>Bar # 226515</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 **October 31, 2003**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **17** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
  - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:  
  
If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline:**
- (a)  State Bar Court case # of prior case:
  - (b)  Date prior discipline effective:
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline:
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.

(Do not write above this line.)

---

- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct. **See page 14.**
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 14.**
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur. **See page 14.**
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony

would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

Pretrial Stipulation, see page 14.

**D. Recommended Discipline:**

- (1)  **Actual Suspension:**

Respondent is suspended from the practice of law for **one (1) year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one (1) year** with the following conditions.

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

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

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

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

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

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

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

- a. Respondent makes restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_ (or reimburses the Client Security Fund to the extent of any payment from the



(Do not write above this line.)

- Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4)  **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

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

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

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

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

(5)  **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

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

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

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

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

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

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

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

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

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

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

**E. Additional Conditions of Probation:**

- (1)  **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.
- (2)  **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.

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

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

(Do not write above this line.)

- (13)  **Other:** Respondent must also comply with the following additional conditions of probation:
- (14)  **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15)  **The following conditions are attached hereto and incorporated:**
- Financial Conditions  Medical Conditions
- Substance Abuse Conditions

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

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

- (1)  **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2)  **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3)  **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.
- For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)
- (4)  **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court,

(Do not write above this line.)

---

rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

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

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



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

IN THE MATTER OF:                               George G. Perez

CASE NUMBERS:                                 17-O-06790 and 17-O-06813

**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-06790 (Complainant: Ricardo Varela)

**FACTS:**

1. On July 27, 2016, Ricardo Varela (“Varela”) hired respondent to represent his minor son Antonio Varela Garcia (“Garcia”) in a personal injury case arising out of a slip-and-fall accident Garcia suffered on July 23, 2016 at a grocery store.
2. Between July 27, 2016 and January 17, 2017, respondent failed to take any substantive steps to resolve Garcia’s personal injury claim, including failing to discuss with Garcia and Varela the merits of Garcia’s claim, request information from the grocery store regarding its insurer, and file a lawsuit on behalf of Garcia. During that period, respondent also failed to respond to Varela’s numerous requests for status updates on his son’s case.
3. On January 17, 2017, Varela sent respondent a letter stating his concerns regarding respondent’s performance. Respondent received the letter but failed to respond.
4. On February 1, 2017, Varela submitted a complaint to the State Bar regarding respondent’s failure to communicate with Garcia and Varela regarding the personal injury claim.
5. On February 23, 2017, the State Bar sent respondent a warning letter advising respondent to resume communication with Varela. Respondent received the letter.
6. Notwithstanding the fact that the time for Garcia to file an action for personal injuries was tolled during the time he was a minor, between January 17, 2017 and March 21, 2017, respondent failed to take any substantive steps to resolve Garcia’s personal injury claim, including failing to discuss with Garcia and Varela the merits of Garcia’s claim, request information from the grocery store regarding its insurer, and file a lawsuit on behalf of Garcia.
7. On March 21, 2017, respondent contacted Varela regarding Garcia’s case. However, thereafter, respondent ceased all communications with Varela and Garcia and failed to respond to numerous phone calls and text messages from Varela.



8. In April 2017, respondent contacted the grocery store's insurer and requested claims information on Garcia's behalf. Thereafter, respondent failed to take any action with regard to Garcia's personal injury claim on his behalf.

9. By ceasing all communications with Varela and Garcia, failing to respond to their phone calls and text messages after March 21, 2017, and failing to take any action with regard to Garcia's personal injury claim on his behalf after April 2017, respondent constructively terminated his representation as of April 30, 2017 and failed to take reasonable steps to avoid reasonably foreseeable prejudice to Garcia's personal injury claim.

10. On October 19, 2017, Varela submitted a second complaint to the State Bar regarding respondent.

11. On February 20, 2018, a State Bar investigator mailed respondent a letter requesting a response to the allegations made against him by Varela by March 9, 2018. Respondent received the letter but failed to submit a written response to the State Bar.

12. On March 14, 2018, the State Bar investigator emailed respondent requesting a response to the allegations made against him by Varela by March 26, 2018. Respondent received the email but failed to submit a written response to the State Bar.

13. On July 6, 2018, the State Bar investigator called respondent and left a voice message requesting a response to the allegations made by Varela. Respondent received the voice message but failed to submit a written response to the State Bar.

14. On August 14, 2018, the State Bar investigator sent respondent a letter requesting a response to the allegations against him made by Varela by August 28, 2018. Respondent received the letter but failed to submit a written response to the State Bar.

15. On August 23, 2018, respondent contacted the State Bar investigator and requested a 30-day extension to provide his response to the allegations made by Varela. Respondent was given an extension to provide his response by September 12, 2018. However, thereafter respondent failed to submit any response to the State Bar investigation.

#### CONCLUSIONS OF LAW:

16. By failing to take substantive steps to resolve Garcia's personal injury claim aside from requesting claims information the grocery store's insurer in April 2017, respondent intentionally, recklessly, and repeatedly failed to perform with competence, in willful violation of former Rules of Professional Conduct, rule 3-110(A).

17. By failing to promptly respond to Varela and provide him with substantive responses and updates on Garcia's personal injury case, despite numerous requests for status updates between July 27, 2016 and March 21, 2017, respondent failed to respond to client inquiries in violation of Business and Professions Code section 6068(m).

18. By ceasing all communications and failing to respond to Varela regarding Garcia's personal injury claim after March 21, 2017, and failing to take reasonable steps to avoid reasonably foreseeable

prejudice to Garcia's case, respondent constructively and improperly withdrew from employment in violation of former Rules of Professional Conduct, rule 3-700(A)(2).

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

Case No. 17-O-06813 (Complainant: Maria Casas)

FACTS:

20. On February 8, 2013, Maria Casas ("Casas") suffered a work related injury and filed a workers' compensation claim.

21. On April 9, 2014, Casas hired respondent to represent her in her workers' compensation claim and to pursue entitlements available to Casas due to her work place injury, including monetary compensation through State Disability Insurance ("SDI").

22. On March 25, 2015, Casas informed respondent she was unwilling to settle the case at that time because she wanted to continue with her medical treatment. Thereafter, Casas called respondent by phone and left several voice messages requesting a status update regarding her claim because she had stopped receiving monetary benefits through SDI. Respondent received the voice messages but failed to respond for approximately six months.

23. In November 2017, Casas requested respondent to settle her case. Thereafter, respondent initiated settlement negotiations and on June 11, 2018, the parties agreed to and signed a Compromise & Release settling the matter.

24. On October 18, 2017, Casas submitted a complaint to the State Bar regarding respondent.

25. On February 2, 2018, a State Bar investigator mailed respondent a letter requesting a response to the allegations made against him by Casas by February 16, 2018. Respondent received the letter but failed to submit a written response to the State Bar.

26. On February 27, 2018, the State Bar investigator mailed respondent a second letter requesting a response to the allegations made against him by Casas by March 12, 2018. Respondent received the letter but failed to submit a written response to the State Bar.

27. On March 14, 2018, the State Bar investigator emailed respondent requesting a response to the allegations made against him by Casas by March 26, 2018. Respondent received the email but failed to submit a written response to the State Bar.

28. On July 6, 2018, the State Bar investigator called respondent and left a voice message requesting a response to the allegations made by Casas. Respondent received the voice message but failed to submit a written response to the State Bar.

29. On August 14, 2018, the State Bar investigator sent respondent a letter requesting a response to the allegations against him made by Casas by August 28, 2018. Respondent received the letter but failed to submit a written response to the State Bar.

30. On August 23, 2018, respondent contacted the State Bar investigator and requested a 30-day extension to provide his response to the allegations made by Casas. Respondent was given an extension to provide his response by September 12, 2018. However, thereafter respondent failed to submit any response to the State Bar investigation.

#### CONCLUSIONS OF LAW:

31. By failing to promptly and substantively respond to Casas' numerous requests for status updates for approximately six months, respondent failed to respond to client inquiries in violation of Business and Professions Code section 6068(m).

32. By failing to provide a substantive response to the State Bar's letters, email and voice message, which respondent received, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent in violation of Business and Professions Code section 6068(i).

#### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent engaged in multiple acts of misconduct by failing to communicate in two client matters, failing to perform legal services competently in Garcia's personal injury case, improperly withdrawing from Garcia's matter, and failing to cooperate and participate in two disciplinary investigations. (See *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555 [multiple acts of misconduct are considered serious aggravation].)

**Indifference Toward Rectification or Atonement for the Consequences of the Misconduct (Std. 1.5(k)):** In the Garcia matter, respondent had previously been issued a warning letter by the State Bar for failing to respond to Varela's status inquiries. However, after receiving the warning letter, and after being given an opportunity to rectify or atone for his misconduct, respondent continued to engage in misconduct by failing to respond to reasonable inquiries Varela made on Garcia's behalf.

#### MITIGATING CIRCUMSTANCES.

**No Prior Discipline (Std. 1.6(a)):** Respondent was admitted to practice in October 31, 2003 and had approximately 11 years of discipline-free practice prior to the instant misconduct. His lack of prior record of discipline is entitled to significant mitigating weight. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [over 10 years of discipline-free practice entitled to significant weight in mitigation].) Further, the fact that respondent's misconduct was limited to two client matters and occurred within a narrow time-frame in relation to his 15-years of discipline-free practice, shows that the misconduct is aberrational and unlikely to recur.

**Pretrial Stipulation (Std. 1.6(e)):** While some of the instant misconduct is easily provable, respondent has cooperated in resolving this matter through a stipulation as to facts, conclusions of law and disposition prior to trial. (*Silva-Vidor v. State Bar* (1989) 49 Cal. 3d 1071, 1079 [where mitigation credit was given for entering into a stipulation as to facts and culpability].)

## AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

In this matter, respondent committed multiple acts of professional 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.”

The most severe sanction applicable to respondent’s misconduct is found in standard 2.7(b) which is applicable to respondent’s misconduct. Standard 2.7(b) provides that “[a]ctual suspension is the presumed sanction for performance, communication, or withdrawal violation in multiple client matters, not demonstrating habitual disregard of client interests.”

The gravamen of respondent’s misconduct concerns his failure to communicate appropriately in two client matters, and failure to perform competently and improperly withdraw in one client matter. However, respondent did not habitually disregard his clients’ interest, as the scope of respondent’s misconduct is limited to two client matters and occurred over approximately 15 months (9 months in the Garcia matter and 6 months in the Casas matter). Further, there is no evidence that his clients were significantly harmed, including Garcia, whose time to file his personal injury action was tolled during his status as a minor. Based on the significant mitigation afforded to respondent for his discipline-free record of practice and his pretrial stipulation, which outweighs the weight of the applicable aggravating circumstances (multiple acts of wrongdoing and indifference), discipline at the lower end of the range prescribed in standard 2.7(b) is appropriate. Accordingly, a thirty (30) day actual suspension and a one (1) year stayed suspension with a one (1) year probation is appropriate discipline to protect the public, maintain the highest professional standards, and preserve public confidence in the legal profession.

The recommended discipline is supported by case law. In *King v State Bar* (1990) 52 Cal. 3d 307, the Supreme Court imposed a three-month actual suspension where an attorney failed to perform legal services competently in two client matters, including failing to take necessary steps to advance his clients' cases, and when his clients inquired about the status of their cases, he blamed the lack of progress on other factors, gave the clients excuses, and failed to accept responsibility for his actions. In mitigation, the Court noted the attorney's over 15 years of discipline-free practice and his willingness to advise his harmed client that he could sue him for malpractice. In aggravation, one client suffered a significant financial loss in the amount of \$84,000 because respondent failed to perform competently on his client's behalf over a five year period. In the other client matter, the client suffered emotional distress because of the attorney's three-year delay in performing. Further, in aggravation, the court ruled that the attorney failed to appreciate the severity of his client's loss. Respondent's misconduct is similar to that in *King* as it concerned performance and communication violations over two client matters. However, respondent's misconduct is far less severe, because it did not involve significant client harm, spanned 15 months compared to five years, and respondent has shown an ability and willingness to conform to his ethical duties and responsibilities by entering into the instant stipulation. Accordingly, respondent's misconduct warrants less severe discipline than imposed in *King*.

## **DISMISSAL**

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
17-O-06813	Five	Former Rules of Professional Conduct, rule 3-110(A)

## **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 8, 2019 the discipline costs in this matter are approximately \$3,857. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.



(Do not write above this line.)

In the Matter of: George G. Perez	Case Number(s): 17-O-06790; 17-O-06813
--------------------------------------	---

### ACTUAL SUSPENSION ORDER

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

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

1. On page 13 of the Stipulation, top of the page, line 2, "willful" is inserted before "violation".

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).)**

March 4, 2019  
Date

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



## CERTIFICATE OF SERVICE

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

I am a 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 March 4, 2019, I deposited a true copy of the following document(s):

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

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

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

George G. Perez  
1901 1st Ave Fl 2  
San Diego, CA 92101-2382

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

Roy S. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 4, 2019.



---

Paul Songco  
Court Specialist  
State Bar Court