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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

Counsel For The State Bar

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Bar # 146853

Case Number(s):
17-O-00185 - CV

For Court use only

PUBLIC MATTER

FILED

JUN 05 2018

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In Pro Per Respondent

Paul S. Jacobson
Law Offices of Paul S. Jacobson
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Bar # 234727

Submitted to: **Settlement Judge**

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

In the Matter of:
PAUL STEPHEN JACOBSON

Bar # 234727

ACTUAL SUSPENSION

PREVIOUS STIPULATION REJECTED

A Member of the State Bar of California
(Respondent)

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 14, 2004**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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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. (Check one option only):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **the two billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

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

- (1) **Prior record of discipline**
 - (a) State Bar Court case # of prior case
 - (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.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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

Additional aggravating circumstances:

Harm, see page 9.

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

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

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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

Additional mitigating circumstances:

No Prior Discipline, see page 9.

Pretrial Stipulation, see page 10.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **60 days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
 - (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
 - (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:

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- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

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ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PAUL STEPHEN JACOBSON

CASE NUMBER: 17-O-00185 - CV

FACTS AND CONCLUSIONS OF LAW.

Paul Stephen Jacobson (“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-00185 (Complainant: Debbie Kuehlem Chin)

FACTS:

1. On June 19, 2013, Debbie Kuehlem Chin (“Kuehlem”) hired respondent to represent her in her dissolution of marriage for the flat fee of \$799. Kuehlem paid that sum to respondent.
2. On June 25, 2013, respondent filed a Petition for Dissolution of Marriage on behalf of Kuehlem in the Superior Court of California, County of Los Angeles (“Superior Court”), titled *Debbie Kuehlem Chin v. David Chin*, LASC Case No. LD065566 (“*Chin v. Chin*”). Respondent listed his official membership address on the Petition.
3. On August 14, 2013, the Superior Court sent a Notice of Status Conference to respondent’s official membership address that stated, in part, that the court ordered respondent to attend a status conference on September 13, 2013 in *Chin v. Chin* unless he filed a Proof of Service of Summons or Request for Dismissal before the hearing date. Respondent received the notice.
4. On September 12, 2013, respondent filed a Notice and Acknowledgement of Receipt in *Chin v. Chin* but did not file a Proof of Service of Summons attaching the notice. As a result, of respondent’s failure to comply with the court’s August 14, 2013 order, the court required respondent to appear.
5. On September 13, 2013, respondent failed to appear for the status conference in *Chin v. Chin*, and the court took the conference off calendar.
6. Between January 16, 2014 and September 15, 2014, respondent and Kuehlem communicated concerning *Chin v. Chin*.
7. On October 2, 2014, respondent filed a Judgment Package, Proof of Service, and Request for Default in *Chin v. Chin*. The documents listed respondent’s official membership address.
8. On October 23, 2014, the Superior Court served notice on respondent at his official membership address that it rejected the Request for Dismissal in *Chin v. Chin*. Respondent received the notice.
9. On December 8, 2014, respondent filed a Preliminary Declaration Regarding Service of Disclosure and Income and Expense Declaration, a Request for Default, and a Waiver of Final Declarations of Disclosure Pursuant to Family Code section 2105(d) in *Chin v. Chin*. The court entered David Chin’s default.
10. On May 21, 2015, respondent updated his official State Bar membership profile with his new address. Respondent did not notify the court in *Chin v. Chin* of his new address to receive service.

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11. On October 26, 2015, the Superior Court served Notice of Family Centered Case Resolution Conference on respondent in *Chin v. Chin* that, inter alia, ordered respondent to appear on February 1, 2016 at 8:30 a.m. The court served the Notice on respondent's prior address, as respondent had yet to provide the court his new address.

12. On December 7 and 15, 2015, and again on January 7, 2016, Kuehlem sent a series of emails to respondent requesting reasonable status reports on the dissolution. Respondent received the emails but did not provide a status report or otherwise communicate with Kuehlem.

13. On February 1, 2016, respondent failed to appear for the Family Centered Case Resolution Conference in *Chin v. Chin*. The Superior Court set an Order to Show Cause ("OSC") re \$250 against respondent, and ordered respondent and Kuehlem to appear on April 15, 2016 at 8:30 a.m. The clerk served the OSC on respondent at his prior address, as respondent had yet to update his address with the court. The U.S. Postal Service returned the OSC to the court.

14. On February 8, 2016 and April 12, 2016, Kuehlem sent emails to respondent requesting reasonable status reports on the dissolution, including the OSC re Sanctions set for April 15, 2016. Respondent received the emails but did not provide a status report or otherwise communicate with Kuehlem.

15. On April 15, 2016, respondent appeared for the OSC re \$250 in *Chin v. Chin*. Respondent filed a declaration under penalty of perjury wherein he stated that he (A) moved his office in July 2015, but failed to notify the court due to "oversight"; (B) did not receive notice of the Family Centered Case Resolution Conference set for February 1, 2016; and (C) requested that the court not grant sanctions against him. The court discharged the OSC re \$250 and set an OSC re Entry of Judgment for June 6, 2016 at 8:30 a.m. Respondent waived notice, but did not inform the client regarding the conference.

16. On June 6, 2016, respondent failed to appear for the OSC re Entry of Judgment held in *Chin v. Chin*. The Superior Court set an OSC re Sanction of \$250 against respondent ordering him to appear on August 1, 2016 at 8:30 a.m. The clerk served the OSC on respondent at his new address. Respondent received the OSC, but did not inform the client regarding the OSC.

17. On June 8, 23 and 30, 2016, and July 5, 7, and 11, 2016, Kuehlem sent a series of emails to respondent requesting reasonable status reports on the dissolution. Respondent received the emails, but did not provide a status report or otherwise communicate with Kuehlem.

18. On August 1, 2016, respondent failed to appear for the OSC re Sanction of \$250 held in *Chin v. Chin*. The Superior Court ordered respondent to pay \$250 to the Superior Court "forthwith" for failure to appear on June 6, 2016. The court set a Trial Setting Conference for September 29, 2016 at 8:30 a.m. and ordered respondent to appear in person. The clerk served the order on respondent at his new official membership address. Respondent received the order, but did not inform the client regarding the order.

19. On September 29, 2016, respondent failed to appear for the Trial Setting Conference held in *Chin v. Chin*. The court set a Default Prove-up for December 21, 2016 at 8:30 a.m., and ordered respondent to appear. The clerk served the order on respondent at his new address, but the U.S. Postal Service returned the order to the court undelivered.

20. On March 8, 2017, respondent filed a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act and an Income and Expense Declaration in *Chin v. Chin*, and paid the sanctions ordered on August 1, 2016.

21. On March 9, 2017, respondent filed a Judgment of Dissolution, Declaration for Default or Uncontested Dissolution, and Notice of Entry of Judgment in *Chin v. Chin*. The court signed the Judgment and discharged the OSC re: Dismissal.

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22. On March 9, 2017, respondent filed the documents to finalize the dissolution and paid the sanction in *Chin v. Chin*. The Superior Court signed the Judgment of Dissolution and Notice of Entry of Judgment, and discharged the OSC re: Dismissal. Thereafter, respondent withdrew from representation of Kuehlem.

CONCLUSIONS OF LAW:

23. By failing to comply with the (A) Notice of Status Conference filed on August 14, 2013 ordering him to either file a Proof of Service of Summons or attend the status conference on September 13, 2013, which he failed to do or appear for; (B) order filed on April 15, 2016 setting an OSC re Entry of Judgment on June 6, 2016, which he failed to appear for; (C) OSC re Sanctions of \$250 filed on June 6, 2016 setting an OSC re Sanctions of \$250 for August 1, 2016, which he failed to appear for; (D) order filed on August 1, 2016 ordering him to appear in-person for a Trial Setting Conference on September 29, 2016, which he failed to pay appear for; and (E) order filed on August 1, 2016 ordering him to pay sanctions of \$250 to the Superior Court "forthwith," which he failed to pay until March 8, 2017, respondent disobeyed or violated orders of the court requiring him to do acts connected with or in the course of his profession which he ought in good faith to have done, in willful violation of Business and Professions Code, section 6103.

24. By failing to respond to approximately 11 emails from Kuehlem requesting reasonable status reports between December 7, 2015 and July 11, 2016, respondent failed to promptly respond to reasonable status inquiries of a client and failed to advise the client of significant events in a matter in which respondent previously agreed to provide legal services, in willful violation of Business and Professions Code, section 6068, subdivision (m).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's failures to obey five separate and distinct court orders or to respond to 11 client inquiries requesting reasonable status reports regarding matters in which respondent previously agreed to provide legal services constitute multiple acts of misconduct.

Significant harm: Respondent's failures to comply with court orders harmed the administration of justice because his failure caused significant delay in the proceedings and consumed additional judicial resources. (see *In the Matter of Wolff* (Review Dept. 2006) 5 Cal. State Bar Ct. Rptr. 1, 13 [failures to perform and abandonment of clients causing substantial disruption of the courts' proceedings and delay in the resolution of the clients' cases constitutes harm]; see also *In the Matter of Reiss* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 206, 217 [wasted judicial time and resources considered aggravating].)

MITIGATING CIRCUMSTANCES.

Extraordinary Good Character (Std. 1.6(f)): Respondent presented 12 references attesting to his good character, professionalism, knowledge, skill, and dedication to his clients. These included five attorneys, each of whom have known respondent for at least five years and are aware of the full extent of his misconduct. One of the attorneys also hired respondent to represent him in that attorney's divorce because that attorney believed respondent would focus on the welfare of the attorney's daughter and not simply the dissolution of the attorney's marriage. Respondent also presented letters from four friends and three clients who were aware of the full extent of his misconduct. Each person attested to respondent's excellent character, generous spirit, concern for others, and trustworthy nature.

No Prior Discipline: Respondent has been a member of the State Bar since December 14, 2004, and had no prior record of discipline between the time of his admission and the time the misconduct began on September 13, 2013. However, this factor warrants only slight mitigation since respondent began practicing law less than nine years prior to the commencement of the misconduct. (See *In the Matter of Aguiluz* (Review Dept. 1992) 2

Cal. State Bar Ct. Rptr. 32, 44 [seven-years worth only slight mitigation]; see also *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [attorney's practice of law for more than 10-years worthy of significant weight in mitigation].)

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

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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 two acts of professional misconduct. Standard 1.7(a) provides that where a member "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

Standard 2.12(a) provides, in relevant part, that actual suspension or disbarment is the presumed sanction for any disobedience or violation of a court order related to either the member's practice of law or the attorney's oath. Respondent failed to do or forbear acts ordered by the Superior Court on six occasions between September 13, 2013 and September 29, 2016. Respondent exacerbated his failures to obey court orders by failing to amend his conduct after the hearing on the first OSC on April 15, 2016 and to respond to 11 written client inquiries requesting reasonable status reports about matter in which respondent previously agreed to provide legal services. In aggravation, respondent committed multiple acts of misconduct and caused harm to the administration of justice. In mitigation, respondent demonstrated good character, entered into a pretrial stipulation and practiced law for less than nine-years without prior discipline. The aggravation and mitigation do not present cause to deviate from adherence to Standard 2.12(a).

Turning to case law, in *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 45-48, Riordan failed to perform with competence by failing to file the appellant's opening brief in a court appointed habeas corpus case for over two years, disobeyed two court orders to file the brief by dates certain, and failed to report the imposition of \$1,000 sanctions for disobeying those orders to the State Bar. The Review Department

found aggravation consisting of multiple acts of misconduct and harm to the administration of justice from the delay juxtaposed against mitigation for 17 years of practice without discipline, slight mitigation for good character, and cooperation with the State Bar by stipulating to facts even though they were not difficult to prove. (*Id.* at 49-50.) The Review Department recommended a six-month stayed suspension and one-year period of probation relying in large part on the lack of client harm and the application of a disciplinary standard for violations of Business and Professions Code, section 6103, which at that time did not mandate actual suspension.

In the instant case, respondent failed to obey five court orders over a three year period, continued to fail to obey court orders after the court dismissed the first OSC on April 15, 2016, and failed to respond to 11 requests for reasonable status reports from his client. In light of respondent's misconduct, the aggravation and mitigation, and the applicable disciplinary standard, discipline more severe than *Riordan* is appropriate. Accordingly, a one year suspension, stayed, with a three-year period of probation with conditions including a 60-day actual suspension, serves to protect the public, courts, and the legal profession, maintain high professional standards by attorneys, and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 23, 2018, the discipline costs in this matter are \$3,758. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)


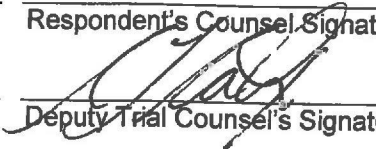
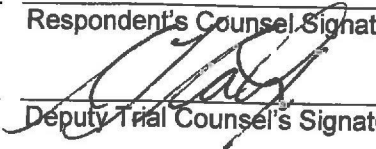
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In the Matter of: PAUL STEPHEN JACOBSON	Case number(s): 17-O-00185 - CV
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SIGNATURE OF THE PARTIES

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

<u>5/24/18</u> Date	 Respondent's Signature	<u>Paul S. Jacobson</u> Print Name
<u>5-29-18</u> Date	 Respondent's Counsel Signature	<u>Charles T. Calix</u> Print Name
<u>5-29-18</u> Date	 Deputy Trial Counsel's Signature	<u>Charles T. Calix</u> Print Name

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In the Matter of: PAUL STEPHEN JACOBSON	Case Number(s): 17-O-00185 - CV
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ACTUAL SUSPENSION ORDER

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

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

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

June 7, 2018
Date


YVETTE D. ROLAND
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a 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 June 5, 2018, 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:

PAUL S. JACOBSON
LAW OFFICE OF PAUL S JACOBSON
801 PARKCENTER DR STE 105
SANTA ANA, CA 92705 - 3526

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

CHARLES T. CALIX, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 5, 2018.



Mazie Yip
Court Specialist
State Bar Court