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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel for the State Bar Abraham M. Bagheri Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1216 Bar # 294113	Case Number(s): 17-O-03480-YDR 17-O-05065	For Court use only <div style="text-align: center;"> FILED SEP 13 2018  STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Anthony P. Radogna Law Offices of Anthony Radogna 1 Park Plz Ste 600 Irvine, CA 92614 - 5987 Bar # 261859	<h1 style="margin: 0;">PUBLIC MATTER</h1>	
In the Matter of: PETER LEONARDO LAGO Bar # 77092 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 21, 1977.**
- (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 **18** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

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(Effective July 1, 2018)



- (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. One-half of the costs must be paid with Respondent's membership fees for each of the following years: 2020, 2021.
- 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.

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- (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 page 14.)
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. (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.
- (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. **See pages 14-15.**
- (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 Record of Discipline, see page 14.
Pretrial Stipulation, see page 14.**

D. Recommended Discipline:

- (1) **Actual Suspension:**

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

- Respondent must be suspended from the practice of law for the first **six months** 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 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,

- (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.

- (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, 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: PETER LEONARDO LAGO

CASE NUMBER: 17-O-03480-YDR; 17-O-05065

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-03480 (Complainant: Devin Derham-Burk)

FACTS:

1. On September 2, 2010, respondent completed a form entitled, "Attorney CM/ECF Registration," ("ECF form") on which he stated that he was "a member in good standing of the bar with the Federal Courts for the Northern District of California" and submitted the ECF form to the United States District Court for the Northern District of California ("Northern District") to register as an electronic filer with the Northern District.

2. On September 2, 2010, respondent was not a member of the bar with the Northern District because admission in the Northern District requires a member to file a Petition for Bar Membership ("petition") with the clerk of the Northern District, but respondent failed to file the petition with the clerk.

3. The Northern District received respondent's ECF form and issued him a CM/ECF account on November 9, 2010, enabling respondent to electronically file documents with the Northern District.

4. Federal Civil Local Rule 11-1 requires attorneys who practice in the Northern District to be members of the bar of the Northern District.

5. On August 26, 2015, respondent signed and filed a document entitled, "Declaration of Peter L. Lago in Support of Opposition to Trustees Motion to Dismiss" in bankruptcy case no. 14-54580 in the Northern District in which respondent declared under penalty of perjury that he was "...licensed to practice before all of the courts in the State of California, and in the United States District Court for the Northern District of California."

6. On August 26, 2015, respondent was not admitted to the bar of, or permitted to practice law in, the Northern District.

7. Between August 31, 2015 to April 3, 2017, respondent filed 43 bankruptcies on behalf of his clients in the Northern District when he was not admitted to the bar of, or permitted to practice law in, the Northern District.

8. On August 11, 2016, respondent signed and filed a document entitled "Declaration of Peter L. Lago in Further Support of Debtor's Motion to Re-Convert Case Back to a Chapter 13" in bankruptcy case no. 15-43324 in the Northern District in which respondent declared under penalty of perjury that he was "...licensed to practice law in the US Bankruptcy Court, Northern District of California."

9. On August 11, 2016, respondent was not admitted to the bar of, or permitted to practice law in, the Northern District.

10. On May 18, 2017, during respondent's appearance in bankruptcy case no. 16-51986 in the Northern District, the bankruptcy judge advised respondent that he was not admitted in the Northern District and that he would not be able to appear on behalf of the debtor until he became admitted in that district.

11. On May 24, 2017, respondent was admitted to the Northern District.

CONCLUSIONS OF LAW:

12. By filing 43 bankruptcy petitions for debtors between August 31, 2015 to April 3, 2017 in the Northern District without being admitted to the bar of, or permitted to practice law there, when to do so was in violation of Federal Civil Local Rule 11-1(a) of the Northern District, respondent willfully violated Rules of Professional Conduct, rule 1-300(B).

13. By falsely stating under penalty of perjury in "Declaration of Peter L. Lago in Support of Opposition to Trustees Motion to Dismiss," submitted in bankruptcy case no. 14-54580, that he was licensed to practice law in the Northern District, when he was grossly negligent in not knowing he was not admitted to practice law in the Northern District, respondent willfully violated Business and Professions Code, section 6106.

14. By falsely stating under penalty of perjury in "Declaration of Peter L. Lago in Further Support of Debtor's Motion to Re-Convert Case Back to a Chapter 13," submitted in bankruptcy case no. 15-43324, that he was licensed to practice law in the Northern District, when he was grossly negligent in not knowing he was not admitted to practice law in the Northern District, respondent willfully violated Business and Professions Code, section 6106.

Case No. 17-O-05065 (Complainant: Antonio de Jesus Aguilar)

FACTS:

15. On December 19, 2015, Antonio de Jesus Aguilar ("Mr. Aguilar") retained respondent to file a Chapter 7 bankruptcy on his behalf and agreed to pay respondent a total of \$2,885 which included \$2,500 in attorney's fees, a \$335 court filing fee and a \$50 online credit report fee.

16. On December 19, 2015, Mr. Aguilar made an initial payment of \$1,500 to respondent, and on December 30, 2015, Mr. Aguilar made an additional \$1,385 payment to him.

17. Respondent failed to deposit the \$335 court filing fees and \$50 online credit report fee into respondent's client trust account because he intended to immediately file Mr. Aguilar's bankruptcy.

18. Instead, on April 27, 2016, respondent deposited \$600 of his client's funds directly into his business account of which \$385 was to be allocated towards paying court costs and the credit report fee.

19. In March 2016, respondent experienced health difficulties, did not immediately file Mr. Aguilar's bankruptcy, and misplaced Mr. Aguilar's file.

20. On July 15, 2016, respondent's business account balance dipped to \$0.88.

21. Thereafter, respondent's business account dipped to \$36.71 and \$77.24 on August 12, 2016 and December 2, 2016, respectively.

22. Respondent took no steps to ensure that he was not using funds belonging to Mr. Aguilar for his own purposes.

23. On or about November 29, 2016, respondent gave Mr. Aguilar's file to his receptionist who failed to place Mr. Aguilar's file in the appropriate folder for processing and did not see the file again until February 8, 2017.

24. On February 10, 2017, respondent obtained Mr. Aguilar's credit report.

25. From June 10, 2017 through and including November 20, 2017, respondent failed to file the bankruptcy or perform any services for Mr. Aguilar.

26. During the course of Mr. Aguilar's representation, respondent failed to maintain a complete record of Mr. Aguilar's payment to respondent.

27. Respondent failed to file the Chapter 7 bankruptcy petition on Mr. Aguilar's behalf at any time during the course of the representation.

28. On November 20, 2017, Mr. Aguilar requested that respondent refund all of the unearned fees Mr. Aguilar paid him.

29. Respondent refunded \$1,635 to Mr. Aguilar on December 11, 2017 and \$1,250 to Mr. Aguilar on January 27, 2018.

CONCLUSIONS OF LAW:

30. By failing to file a Chapter 7 bankruptcy petition for Mr. Aguilar and failing to supervise the work of a subordinate non-attorney employee, respondent recklessly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

31. By failing to deposit \$385 in filing fees and costs into his client trust account on behalf of his client, Mr. Aguilar, respondent willfully violated Rules of Professional Conduct, rule 4-100(A).

32. By failing to maintain a complete record of his client's funds, failing to preserve records of those funds for a period of no less than five years after final distribution of those funds, and failing to render an accounting to Mr. Aguilar, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

33. By grossly negligently using \$384.12 of his client's funds for his own purposes that he was required to hold on behalf of his client, respondent misappropriated his client's funds and willfully violated Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (See Std 1.5(b)): Respondent committed several acts of misconduct across two separate matters.

Significant Harm to Client (See Std 1.5(j)): Respondent's failure to file a bankruptcy for his client for over two years resulted in an effective abandonment of his client which deprived him of \$2,885 for approximately two years.

MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline. Respondent has been a member of the State Bar since December 21, 1977. Although respondent's misconduct is serious, he is entitled to mitigation for having practiced law for approximately 38 years without a prior record of discipline prior to the misconduct herein. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49. [more than 17 years of practice without prior discipline was a significant mitigating factor despite attorney's serious misconduct].)

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

Good Character (Std. 1.6(f)): Respondent's good character has been attested to by 12 individuals who are aware of his misconduct and who still hold him in high regard, lauding his integrity, honesty, competence, dedication to his clients, and his community/civic involvement. Seven attorneys provided character letters, six of whom have known respondent for approximately thirty years, and one of whom has known respondent for 14 years. One attorney recalled that respondent mentored him. Another attorney witnessed respondent's pro bono legal advice to low income clients and witnessed respondent's attitude of service and compassion. Two attorneys are aware of respondent's active involvement with his local church where respondent collects donations, volunteers, participates in the church choir, and performs weekly readings at mass.

A pastor from a local church attested to respondent's hard work, dedication, and competence as part of the church ministry.

A city council member for the City of Downey stated that respondent's record of service in the community is immeasurable because of respondent's involvement in community events and pro bono legal fairs. The council member was also aware of respondent's ministry work at his local church.

Respondent's former landlord witnessed respondent's good character, honesty, and high integrity while respondent was a tenant in the landlord's building.

Respondent's legal secretary and paralegal hold respondent in high regard and believe respondent provides significant service to his community and to those who do not have the financial means to hire an attorney. They also attest to respondent's honesty and compassion.

The individuals represent a wide range of references from the general and legal communities and each is aware of the misconduct. As such, respondent is entitled to credit in mitigation for good character. (See generally *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592 [significant weight in mitigation accorded to three character witnesses due to their familiarity with respondent and their knowledge of his good character, work habits, and professional skills].)

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).)

Std. 1.7(a) requires that the most severe sanction be imposed when a member has committed two or more acts of misconduct for which different sanctions are specified by the Standards. The most severe sanction is found in Standard 2.11 which provides that disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, correction, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the extent of the misconduct and the degree of harm to the client or clients. Here, the extent of the misconduct is significant and directly related to the practice of law because respondent, on two occasions, falsely stated under penalty of perjury that he was licensed to practice law in the Northern District, and thereafter, filed 43 bankruptcies in the Northern District despite not being authorized to practice law there. In addition, the degree of harm respondent caused is great as respondent deprived his

client of \$2,885 for over two years when he failed to perform any of the services for which he was hired and thereafter misappropriated \$384.12 of his client's funds.

While respondent's conduct is mitigated by 38 years of a discipline free practice at the time the misconduct began, by evidence of good character, and a pretrial stipulation, it is significantly aggravated by the multiple acts of egregious misconduct in two matters. On balance, the aggravation outweighs the mitigation. Given the gravity of the misconduct, a six-month actual suspension is the appropriate level of discipline.

Case law is in accord. In *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, the court imposed a one-year actual suspension for Silva-Vidor's misconduct in 14 client matters including failure to return unearned fees, failure to perform competently, failure to communicate with her client, failure to hold her clients' funds in a client trust account, failure to render an accounting to her client, failure to properly withdraw from employment, misappropriation of \$760, acts of moral turpitude with three clients, unauthorized practice of law over three years, and violation of her duty to support the Constitution. The court found that Silva-Vidor's severe financial and emotional problems were significant mitigating factors.

Like Silva-Vidor, respondent engaged in the unauthorized practice of law, failed to perform competently, failed to return unearned fees, failed to hold his clients' funds in a client trust account, failed to render an accounting to his client, and misappropriated his client's funds. However, respondent committed an act of moral turpitude in one client matter and two acts of moral turpitude in a second matter, whereas Silva-Vidor committed acts of moral turpitude in three client matters. Respondent also filed 43 bankruptcies before the Northern District and made two false statements under penalty of perjury in the Northern District when he was not admitted to practice law. Although, Silva-Vidor received mitigation for financial and emotional problems, respondent's mitigation of 38-year history of no prior discipline, good character, and pretrial stipulation are greater than that of Silva-Vidor. Moreover, respondent's misconduct is slightly less aggravated than Silva-Vidor's misconduct.

On balance, and in light of the aggravating and mitigating factors, a six-month actual suspension on the terms and conditions set forth herein is appropriate to protect the public, the courts, and the legal profession, maintain high professional standards by attorneys, and preserve public confidence in the legal profession.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any discrepancy between the Notice of Disciplinary Charges filed in this matter and the factual statements and conclusions of law set forth in this stipulation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of August 21, 2018, the discipline costs in this matter are approximately \$4,910. 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.

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

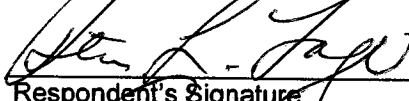
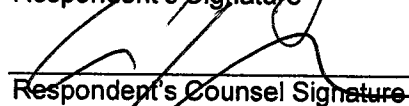

Respondent may not receive MCLE credit for completion of: **State Bar Ethics School or State Bar Client Trust Accounting School ordered as a condition of his suspension.** (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: PETER LEONARDO LAGO	Case Number(s): 17-O-03480-YDR 17-O-05065
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SIGNATURE OF THE PARTIES

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

<u>8/30/18</u> Date	 Respondent's Signature	<u>Peter Leonardo Lago</u> Print Name
<u>8-30-18</u> Date	 Respondent's Counsel Signature	<u>Anthony Radogna</u> Print Name
<u>8-30-18</u> Date	 Deputy Trial Counsel's Signature	<u>Abraham Bagheri</u> Print Name

(Do not write above this line.)

In the Matter of: PETER LEONARDO LAGO	Case Number(s): 17-O-03480-YDR 17-O-05065
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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.
1. On page 15 of the Stipulation, last paragraph, line 4, "correction" is deleted, and in its place is inserted "corruption".
 2. On page 15 of the Stipulation, third full paragraph, line 2, "failed to return unearned fees" is deleted.
 3. On page 16, third full paragraph, line 5, "also" is deleted.

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

September 13, 2018
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
Judge Pro Tem 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 September 13, 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:

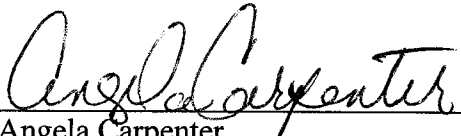
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ANTHONY P. RADOGNA
LAW OFFICES OF ANTHONY RADOGNA
1 PARK PLZ STE 600
IRVINE, CA 92614 - 5987

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

Abraham M. Bagheri, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 13, 2018.



Angela Carpenter
Court Specialist
State Bar Court