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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel for the State Bar Esther Fallas Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1071 Bar # 307348	Case Number(s): 18-N-12054	For Court use only PUBLIC MATTER FILED ✓ JUL 12 2018 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Larry S. Greenfield 867 Bringham Avenue, #1 Los Angeles, CA 90049 (310) 617-7122 Bar # 93917	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: STEVEN KARLTON WEN-HAO KOP Bar # 91354 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 **January 15, 1980**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **10** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



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

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

- (1) **Prior record of discipline:**
- (a) State Bar Court case # of prior case: **9-O-14632; 10-O-00938; 10-O-04423; and 10-O-06136. See page 7, and Exhibit 1, 57 pages.**
 - (b) Date prior discipline effective: **September 14, 2011.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 4-100(A).**
 - (d) Degree of prior discipline: **One-year stayed suspension, with a three-year probation with conditions.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:

State Bar Court case # of prior case 11-O-10036 and 11-O-12223. See page 7, and Exhibit 1, 57 pages.

Date prior discipline effective: June 22, 2012.

Rules of Professional Conduct/State Bar Act violations: Rules of Professional Conduct, rule 3-700(D)(2) and 3-700(A)(2).

Degree of prior discipline: One-year stayed suspension, with a four-year probation with conditions, including a 30-day actual suspension.

State Bar Court case # of prior case 16-O-15704. See pages 7-8, and Exhibit 1, 57 pages.

Date prior discipline effective November 3, 2017.

Rules of Professional Conduct/State Bar Act violations: Business and Professions Code, section 6068(k).

Degree of prior discipline Two-year stayed suspension, with a two-year probation with conditions, including a six-month actual suspension.

- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (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.

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

Additional mitigating circumstances:

Prefiling Stipulation, see page 8.

D. Recommended Discipline:

Disbarment

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

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7. On December 18, 2017, Probation mailed respondent a letter to respondent's membership records address. Probation notified respondent that it rejected respondent's 9.20 compliance declaration because respondent checked both boxes for items two through four. Pursuant to the instruction, respondent was to answer each question by checking one box; if neither option was correct, respondent was to attach a declaration under penalty of perjury explaining his situation. The letter reminded respondent that his 9.20 compliance declaration was due on December 13, 2017.

8. On December 19, 2017, Probation emailed respondent. Probation informed respondent that on December 15, 2017, Probation received his rule 9.20 declaration. Probation instructed respondent to file a compliant declaration with the State Bar Court.

9. On February 14, 2018, Probation emailed and mailed respondent a letter to his membership records addresses. Probation reminded respondent that he had not filed a complaint rule 9.20 declaration. Probation reminded respondent that his declaration was originally due by December 13, 2017.

10. On March 27, 2018, respondent filed a compliant rule 9.20 declaration, 104 days after the due date of December 13, 2017.

CONCLUSIONS OF LAW:

11. By filing his Rule 9.20 declaration with the State Bar Court 104 days after the deadline ordered by the Supreme Court, respondent failed to file a timely declaration of compliance with California Rules of Court, rule 9.20, in conformity with the requirements of rule 9.20(c), with the clerk of the State Bar Court by December 13, 2017 as required by Supreme Court order number S243410, in willful violation of California Rules of Court, rule 9.20.

AGGRAVATING CIRCUMSTANCES.

Prior Record of discipline (Std. 1.5 (a)): Respondent has three prior records of discipline.

On September 14, 2011, in case numbers 09-O-14632; 10-O-00938; 10-O-04423; and 10-O-06136, the Supreme Court suspended respondent for one year, stayed, placed him on three years of probation and ordered him to take the MPRE within one year. The order took effect September 14, 2011. In four matters, respondent stipulated that he misused client trust account funds for personal expenses by depositing his clients' settlement checks in his CTA account, and then used the money to pay personal expenses, in violation of Rules of Professional Conduct, rule 4-100(A).

On June 22, 2012, in case numbers 11-O-10036 and 11-O-12223, the Supreme Court suspended respondent for one year, stayed, and placed him on four years of probation with a 30-day actual suspension. Respondent stipulated to two counts of misconduct in two cases. In the first matter, respondent stipulated that respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in violation of Rules of Professional Conduct, rule 3-700(A)(2). In a second matter, respondent stipulated that he failed to refund unearned fees in violation of Rules of Professional Conduct 3-700(D)(2).

On November 3, 2017, in case number 16-O-15704, the Supreme Court suspended respondent for six months and placed him on probation for two years. The Supreme Court ordered respondent to pass the Multistate Professional Responsibility Examination and either complete State Bar Ethics School

or complete six hours of Minimum Continuing Legal Education approved courses in legal ethics. Respondent stipulated that he failed to comply with the conditions attached to his disciplinary probation in an earlier matter. In that matter, respondent failed to submit five quarterly reports by their due dates; failed to provide timely proof of payment of restitution owed to former clients by the due date; failed to report address and telephone changes to the State Bar within ten days; and failed to comply with conditions of probation in respondent's prior disciplinary matter, all in violation of Business and Professions Code, section 6068(k).

Exhibit 1 is a true and correct copy of the prior discipline and the parties have stipulated to the authenticity of the document.

MITIGATING CIRCUMSTANCES.

Prefiling 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 Spauth* (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 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).)

Rule 9.20(d) states, "... A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation." Standard 1.8(b) states that if a member has two or more prior records of discipline, disbarment is appropriate if a) actual suspension was ordered in any of the priors, b) the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct or c) the prior matters coupled with the current record demonstrate the members unwillingness or inability to conform to ethical responsibilities. Disbarment is appropriate unless the most compelling mitigating circumstances clearly predominate if the misconduct underlying the prior discipline occurred during the same period as the current misconduct. Thus, under standard 1.8(b), the sanction in the present matter must be disbarment unless respondent has compelling mitigation that clearly predominates.

Respondent violated the Supreme Court's order to comply with rule 9.20 because he failed to file the declaration of compliance with the State Bar Court by December 13, 2017. Instead, respondent filed his compliance declaration on March 27, 2018, 104 days late. His multiple prior records of discipline aggravate his misconduct, while the only mitigating factor is respondent's agreement to a pre-filing stipulation. On balance, the mitigation is not sufficiently compelling to warrant discipline less than disbarment.

Additionally, case law on violations of rule 9.20 supports disbarment. (See *Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131 ["disbarment is generally the appropriate sanction for willful violation of rule 955 [now rule 9.20]"]; *In the Matter of Babero* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 322; *Lydon v. State Bar* (1988) 45 Cal.3d 1181; *Powers v. State Bar* (1988) 44 Cal.3d 337; *In the Matter of Esau* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 131.) Additionally, though respondent now enters a pre-filing stipulation, there are no other mitigating factors, and the mitigation here is not sufficiently compelling to justify discipline less than disbarment. Therefore, for the reasons previously cited, the appropriate level of discipline for respondent's violation of Rules of Court, rule 9.20, is disbarment. This discipline will also serve the primary purposes of attorney discipline, which include protection of the public, the courts, and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 22, 2018, the discipline costs in this matter are \$2,744. 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.)

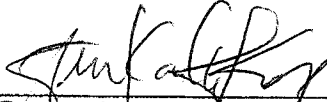
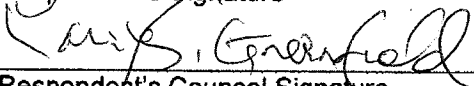
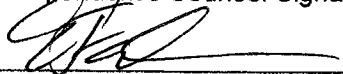
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In the Matter of: STEVEN KARLTON WEN-HAO KOP	Case number(s): 18-N-12054
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SIGNATURE OF THE PARTIES

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>June 29, 2018</u> Date	 Respondent's Signature	<u>Steven Karlton Wen-Hao Kop</u> Print Name
<u>June 29, 2018</u> Date	 Respondent's Counsel Signature	<u>Larry S. Greenfield</u> Print Name
<u>July 2, 2018</u> Date	 Deputy Trial Counsel's Signature	<u>Esther Fallas</u> Print Name

(Do not write above this line.)

In the Matter of: STEVEN KARLTON WEN-HAO KOP	Case Number(s): 18-N-12054
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DISBARMENT ORDER

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


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

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

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

7/12/18

Date



DONALD F. MILES
Judge of the State Bar Court

(State Bar Court Nos. 09-O-14632 (10-O-00938; 10-O-04423; 10-O-06136))

S193618

SUPREME COURT
FILED

IN THE SUPREME COURT OF CALIFORNIA AUG 15 2011

En Banc

Frederick K. Ohlrich Clerk

Deputy

In re STEVEN KARLTON WEN-HAO KOP on Discipline

The court orders that Steven Karlton Wen-Hao Kop, State Bar Number 91354, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. Steven Karlton Wen-Hao Kop must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 21, 2011; and
2. At the expiration of the period of probation, if Steven Karlton Wen-Hao Kop has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Steven Karlton Wen-Hao Kop must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and 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).)

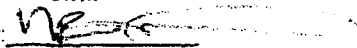
Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If Steven Karlton Wen-Hao Kop 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.

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

Witness my hand and the seal of the Court this

day of AUG 15 2011 20

Clerk

By: 
Deputy

CANTIL-SAKAUYE

Chief Justice

**State Bar Court of California
Hearing Department
Los Angeles
STAYED SUSPENSION**

<p>Counsel For The State Bar</p> <p>Cindy McCaughey Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 213/765-1491</p> <p>Bar # 222126</p>	<p>Case Number(s): 09-O-14632 10-O-00938 10-O-04423 10-O-06136</p>	<p>For Court use only</p> <p>FILED</p> <p>APR 21 2011 <i>MC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Steven Karlton Wen-Hao Kop 3400 Irvine Ave, Ste. 116 Newport Beach, CA 92660</p> <p>Bar # 91354</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Steven Karlton Wen-Hao Kop</p> <p>Bar # 91354</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted January 15, 1980.
- (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."

(Do not write above this line.)

- (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):
 - Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012 and 2013. (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 [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(Do not write above this line.)

- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. Respondent was involved in a serious motorcycle collision and the rehabilitation process interfered with his ability to properly oversee his CTA.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

(Effective January 1, 2011)

Stayed Suspension

(Do not write above this line.)

Additional mitigating circumstances

While hospitalized for his injuries, Respondent's general operating account was closed due to a bank error. Because of Respondent's physical condition, he was delayed in re-establishing a separate general account.

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 present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of three years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

(1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(Do not write above this line.)

- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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 checked="" 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 within one year. **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) **Other Conditions:**

(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop	Case Number(s): 09-O-14632 10-O-00938 10-O-04423 10-O-06136
---	---

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Steven Karlton Wen-Hao Kop

CASE NUMBER(S): 09-O-14632; 10-O-00938; 10-O-04423; 10-O-06136

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 Nos. 09-O-14632; 10-O-11938; 10-O-04423; 10-O-16136 (State Bar Investigation)

FACTS:

1. At all times relevant herein, Respondent maintained a client trust account at Bank of America in Santa Monica, California, Account No. xxxxx-x1188¹
2. On February 18, 2010, Respondent deposited into his client trust account a settlement check issued by Progressive Casualty Insurance Company, payable to Juan Lopez, Desert Regional Medical Center and Respondent in the amount of \$15,000.
3. On March 17, 2010 Respondent deposited into his client trust account a settlement check issued by Progressive Casualty Insurance Company, payable to Juan Lopez and Respondent in the amount of \$15,000.
4. Between March 2009 and April 2010, with Respondent's consent and knowledge, Respondent's client trust account was directly debited by Citysearch, AT&T and Los Angeles Athletic Club for Respondent's personal expenses.
5. Between January 2010 and May 2010, Respondent repeatedly issued client trust account checks to pay for personal expenses.

CONCLUSIONS OF LAW:

6. By authorizing his client trust account to be directly debited for personal expenses and using client trust account funds to pay personal expenses, Respondent misused client trust account funds kept by Respondent in a bank account labeled "Trust Account" "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-110(A).

¹ The account number is excluded to protect the account from identity theft.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 11, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.2(a) provides in relevant part that willful misappropriation “shall result in disbarment” unless the amount involved is insignificant, in which case “the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.” Standard 2.2(b) provides in relevant part that commingling of funds or misappropriation not involving a willful act “shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.”

However, in applying the seemingly mandatory language of the standards, the Supreme Court makes clear that, “where appropriate” imposition of a lower level of discipline lower of discipline than that specified by the standard is proper, “even when the standard expressly provides for a minimum discipline irrespective of mitigating circumstances.” *In Re Van Sickle* (2006) 4 Cal. State Bar Ct. Rptr 980.

In *Edwards v. State Bar* (1990) 52 Cal.3d 28, an attorney was found culpable of commingling funds and willful misappropriation. The Supreme Court found two years’ actual suspension “excessive.” (Id. at p. 39.) The Edwards Court expressly rejected an inflexible interpretation of the language of standard and instead reasoned, “[t]his standard [2.2(a)] correctly recognizes that willful misappropriation is grave misconduct for which disbarment is the usual form of discipline. In requiring that a minimum of one year of actual suspension invariably be imposed, however, the standard is not faithful to the teachings of this court's decisions. [Citation.] The standard's one-year minimum should be regarded as a guideline, not an inflexible mandate.” (Id. at p. 38.)

Shortly after *Edwards*, in *Dudugjian v. State Bar* (1991) 52 Cal.3d 1092, the Supreme Court likewise rejected the Review Department’s application of standard 2.2(b) as requiring three months’ actual suspension. The *Dudugjian* Court agreed with the findings of culpability, but concluded that public reproof was the appropriate discipline under the facts of the case based upon a number of mitigating factors.

In this case, the parties submit a deviation from the mandatory language of the standards is likewise appropriate and a stayed suspension is a proper level of discipline. Respondent has a long discipline-free membership with the State Bar but during the time of the instant misconduct, Respondent suffered debilitating physical injuries which provide a basis of explanation for the aberrational misconduct. Because of this, the purposes attorney discipline, as set forth in Standard 1.3, of protecting the public and maintaining confidence in the legal profession will be met.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-14632 [10-O-00938; 10-O-04423; 10-O-6136]	Two	6106 B&P
09-O-14632 [10-O-00938; 10-O-04423; 10-O-6136]	Three	6068(i) B&P

COSTS OF DISCIPLINARY PROCEEDINGS.


Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 14, 2010, the prosecution costs in this matter are \$6,106.00. 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.

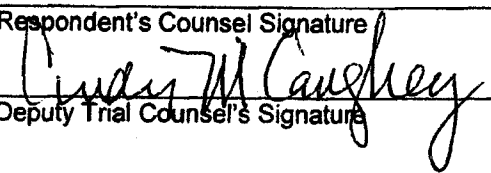
(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop	Case number(s): 09-O-14632 10-O-00938 10-O-04423 10-O-06136
---	---

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.

3/29/2011  Steven Karlton Wen Hao Kop
Date Respondent's Signature Print Name

4/1/2011  Cindy McCaughey
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop	Case Number(s): 09-O-14632 10-O-00938 10-O-04423 10-O-06136
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STAYED 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.)**

Date

04-20-11


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 21, 2011, 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:

STEVEN KARLTON WEN-HAO KOP
LAW OFFICE OF STEVEN K KOP
3929 W 5TH ST SPC 9
SANTA ANA CA 92703

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:


by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

CYNTHIA MCCAUGHEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 21, 2011.



Angela Carpenter
Case Administrator
State Bar Court

PUBLIC MATTER

FILED

FEB 07 2011

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

1 STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 2 JAMES E. TOWERY, No. 74058
 CHIEF TRIAL COUNSEL
 3 RUSSELL G. WEINER, No. 94504
 DEPUTY CHIEF TRIAL COUNSEL
 4 NANCY J. WATSON, No. 89753
 ASSISTANT CHIEF TRIAL COUNSEL
 5 DANE C. DAUPHINE, NO. 121606
 SUPERVISING TRIAL COUNSEL
 6 MONIQUE T. MILLER, No. 212469
 DEPUTY TRIAL COUNSEL
 7 1149 South Hill Street
 Los Angeles, California 90015-2299
 8 Telephone: (213) 765-1486

9

10

STATE BAR COURT

11

HEARING DEPARTMENT - LOS ANGELES

12

13

In the Matter of:

) Case Nos. 09-O-14632;
) [10-O-00938; 10-O-04423;
) 10-O-06136]

14

STEVEN KARLTON WEN-HAO KOP,
No. 91354,

15

16

A Member of the State Bar

) NOTICE OF DISCIPLINARY CHARGES

17

NOTICE - FAILURE TO RESPOND!

18

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

19

20

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Steven Karlton Wen-Hao Kop ("Respondent") was admitted to the practice of law in
4 the State of California on January 15, 1980, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case Nos. 09-O-14632; 10-O-00938; 10-O-04423; 10-O-06136
8 Rules of Professional Conduct, rule 4-100(A)
[Misuse of Client Trust Account]

9 2. Respondent willfully violated Rules of Professional Conduct, rule 4-100(A), by
10 misusing funds kept by Respondent in a bank account labelled "Trust Account," "Client's Funds
11 Account" or words of similar import, as follows:

12 3. At all times relevant herein, Respondent maintained a client trust account at Bank of
13 America, in Santa Monica, California, Account No. xxxxx-x1188¹ (the "CTA").

14 4. Between in or about March 2009 and April 2010, with Respondent's consent and
15 knowledge, Respondent's CTA was directly debited by Citysearch, AT&T, and Los Angeles
16 Athletic Club for Respondent's personal expenses, as follows:

17 <u>Date Posted</u>	<u>Debit Amount</u>	<u>Payee</u>
18 03/11/09	\$1,019.90	Citysearch
19 04/16/09	\$490.28	LA Athletic Club
20 05/11/09	\$179.27	AT&T
21 05/11/09	\$370	AT&T
22 05/18/09	\$20	LA Athletic Club
23 05/19/09	\$1,521.80	Citysearch
24 06/30/09	\$2,000	Citysearch
25 07/14/09	\$311.04	AT&T
26 07/16/09	\$70	LA Athletic Club
27 08/12/09	\$365.98	AT&T

28 ¹ The account number is excluded to protect the account from identity theft.

1	08/17/09	\$289.61	LA Athletic Club
2	09/10/09	\$200	AT&T
3	10/16/09	\$524.80	LA Athletic Club
4	11/16/09	\$182	LA Athletic Club
5	11/23/09	\$300	AT&T
6	03/17/10	\$2,227.94	LA Athletic Club
7	04/19/10	\$182	LA Athletic Club
8	05/17/10	\$182	LA Athletic Club

9 5. Between in or about January 2010 and May 2010, Respondent repeatedly issued CTA
10 checks to pay for personal expenses, including but not limited to the following:

11	<u>Date Issued</u>	<u>Check #</u>	<u>Amount</u>	<u>Payee</u>
12	01/02/10	#2236	\$200	Respondent, for "petty cash"
13	01/05/10	#2237	\$3,800	Respondent, for "petty cash/payroll"
14	01/07/10	#2239	\$900	Respondent, for "petty cash"
15	01/05/10	#2247	\$2,500	Tom Ferlauto , for "office rent"
16	02/12/10	#2251	\$400	Respondent, for "petty cash"
17	02/23/10	#2262	\$26	DMV, for "ID"
18	02/24/10	#2263	\$1,700	Tom Ferlauto, for "Feb. 2010 office rental"
19	03/23/10	#2273	\$250	Respondent, for "petty cash"
20	03/24/10	#2274	\$400	Respondent, for "petty cash"
21	03/24/10	#2275	\$800	Thomas Ferlauto, for "balance Feb.10 rent"
22	04/07/10	#2281	\$600	Respondent, for "petty cash"
23	04/17/10	#2285	\$1,100	Respondent, for "petty cash"
24	04/30/10	#2291	\$816.75	Brenda Calvillo, for "payroll"
25	05/20/10	#2299	\$550	Respondent, for "petty cash"
26	05/26/10	#2302	\$750	Bobbi Jo Sievers, for "legal assistance"

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1 written response to the State Bar investigation or otherwise cooperate in the state Bar's
2 investigation.

3 18. By not providing a written response to the State Bar's investigation or otherwise
4 cooperating with the State Bar's investigation, Respondent failed to cooperate and participate in
5 a disciplinary investigation pending against Respondent.

6 **NOTICE - INACTIVE ENROLLMENT!**

7 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
8 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
9 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
10 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
11 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
12 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
13 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
14 RECOMMENDED BY THE COURT.**

15 **NOTICE - COST ASSESSMENT!**

16 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
17 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
18 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
19 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
20 PROFESSIONS CODE SECTION 6086.10.**

21 Respectfully submitted,

22 THE STATE BAR OF CALIFORNIA
23 OFFICE OF THE CHIEF TRIAL COUNSEL

24 DATED: February 7, 2011

25 By: Monique T. Miller

26 MONIQUE T. MILLER
27 Deputy Trial Counsel
28

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 09-O-14632 [10-O-00938; 10-O-04423; 10-O-06136]

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 4872 7739, at Los Angeles, on the date shown below, addressed to:

**STEVEN KARLTON WEN-HAO KOP
KOP LAW GROUP
3400 IRVINE AVENUE SUITE 116
NEWPORT BEACH, CA 92660**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

STATE BAR COURT-HEARING DEPARTMENT-LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: February 7, 2011

Signed: *Camelia I. Escobar*
Camelia I. Escobar
Declarant



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

ATTEST June 25, 2018

State Bar Court, State Bar of California,
Los Angeles

By _____
Clerk

SUPREME COURT
FILED

MAY 23 2012

Frederick K. Ohlrich Clerk

(State Bar Court Nos. 11-O-10036 (11-O-12223))

S200198

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

In re STEVEN KARLTON WEN-HAO KOP on Discipline

The court orders that Steven Karlton Wen-Hao Kop, State Bar Number 91354, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

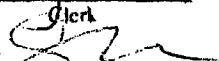
1. Steven Karlton Wen-Hao Kop is suspended from the practice of law for the first 30 days of probation;
2. Steven Karlton Wen-Hao Kop must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2011; and
3. At the expiration of the period of probation, if Steven Karlton Wen-Hao Kop has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are 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-third of the costs must be paid with his membership fees for each of the years 2013, 2014 and 2015. If Steven Karlton Wen-Hao Kop 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.

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

Witness my hand and the seal of the Court this

23rd day of May 2012

By 
Deputy

CANTIL-SAKAUYE

Chief Justice

(Do not write above this line.)

ORIGINAL

**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**

Counsel For The State Bar

Robert J. Melone
1149 South Hill Street
Los Angeles, CA 90015-2299
Telephone: (213) 765-1276

Bar # 270556

Case Number(s):
11-O-10036
11-O-12223

For Court use only

FILED

DEC 19 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Handwritten initials

PUBLIC MATTER

In Pro Per Respondent

Steven Karlton Wen-Hao Kop
3929 W 5th St Spc 9
Santa Ana, CA 92703
(949) 214-6046

Bar # 91354

Submitted to: **Settlement Judge**

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

In the Matter of:
Steven Karlton Wen-Hao Kop

Bar # 91354

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 January 15, 1980.
- (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 13 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."

(Effective January 1, 2011)

Actual Suspension

(Do not write above this line.)

- (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: 2013, 2014, and 2015. (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 [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case 09-O-14632, et al.
 - (b) Date prior discipline effective September 14, 2011.
 - (c) Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 4-100(A)
 - (d) Degree of prior discipline One year stayed suspension with three years probation.
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(Effective January 1, 2011)

Actual Suspension

(Do not write above this line.)

- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment, pg. 4.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

None.

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. See Attachment, pg. 4.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ 1,000 on in November 2010 and \$200 in December 2010 in restitution to Raymond Gomez for Francisco Bustos without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. See Attachment, pg. 4
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(Effective January 1, 2011)

Actual Suspension

(Do not write above this line.)

- (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:

None.

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 present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution 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 four 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 30 days.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution 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 learning and ability in the general law, pursuant to standard 1.4(c)(ii), 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.

(Do not write above this line.)

- (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: See Attachment, pg. 4.
- (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**

(Do not write above this line.)

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: See Attachment, pg. 4.

- (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:** See Attachment, pg. 4.

(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop - #91354	Case Number(s): 11-O-10036 11-O-12223
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Francisco and Lazara Bustos	\$4,100	June 5th, 2010

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than four (4) years from the effective date of the discipline order.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

10. On June 7, 2010, Respondent applied for engagement as special litigation counsel in U.S. Bankruptcy Court case number 6:09-bk-14497 on behalf of Gyurec.

11. On or about July 9, 2010, Respondent filed a notice of appeal from a bankruptcy court order granting relief from bankruptcy stay on behalf of Gyurec in U.S. District Court, case number 5:10-cv-01016.

12. On July 13, 2010, the night before a hearing in Gyurec's bankruptcy case (case number 6:09-bk-14497), Gyurec cut off Respondent's phone and virtual office. Respondent countered by telling Mr. Gyurec that he was withdrawing from all of the cases he in which he represented Gyurec, Sciarratta, and Doffo. Thereafter, Respondent performed no further services on their behalf.

13. Thereafter, Respondent never formally withdrew from representation or substituted out as attorney of record in any of Gyurec's, Sciarratta's, or Doffo's cases.

14. On or about September 14, 2010, U.S. District Court, case number 5:10-cv-01016 was dismissed because Respondent failed to file an opening brief.

CONCLUSIONS OF LAW:

15. By failing to properly withdraw from representation of Gyurec, Sciarratta, and Doffo, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case No. 11-O-12223 (Complainant: Francisco Bustos)

FACTS:

1. On or about June 5, 2010, Lazara and Francisco Bustos (the "Bustoses") paid Respondent \$5,300 to represent them in their bankruptcy filing, and to evaluate a lawsuit against their mortgage lender to attempt to stave off foreclosure on their home.

2. Respondent did not file a bankruptcy petition on behalf of the Bustoses, did not file suit against the Bustoses mortgage lender, and did not provide any other legal services of value to them.

3. Respondent did not earn any portion of the \$5,300 the Bustoses paid him.

4. On October 20, 2010, the Bustoses obtained a judgment against Respondent in small claims court for \$5,053.80 for the unearned fees. Respondent knew of the judgment. Respondent made two payments to the Bustoses totaling \$1,200; thereafter, Respondent made no additional payments to the Bustoses.

CONCLUSIONS OF LAW:

5. By not paying the Bustoses the balance of the unearned fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 3, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct, the primary purposes of disciplinary proceedings and imposing sanctions for professional misconduct are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

Pursuant to Standard 1.7(a), if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Pursuant to Standard 2.4(b) Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Finally, Standard 2.10 states that culpability of a member of a violation of any provision of the Business and Professions Code not specified in the standards or of a wilful violation of any Rule of Professional Conduct not specified in the standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

The Supreme Court gives the Standards "great weight," and will reject a recommendation consistent with the Standards only where the Court entertains "grave doubts" as to its propriety. (*In re Naney* (1990) 51 Cal. 3d 186, 190; *see also In re Silvertown* (2005) 36 Cal. 4th 81, 91.) Further, although the Standards are not mandatory, it is well established that the Standards may be deviated from only when there is a compelling, well-defined reason to do so. (*See Aronin v. State Bar* (1990) 52 Cal. 3d 276, 291; *see also Bates v. State Bar* (1990) 52 Cal. 3d. 1056, 1060, fn. 2.)

The State Bar recognizes that the Standards should not be applied in a talismanic fashion. (*Gary v. State Bar* (1988) 44 Cal. 3d 820, 828.) However, Respondent bears the burden to demonstrate that the State Bar should deviate from the Standards.

In the case at bar, the stipulated discipline of one (1) year stayed suspension, four (4) years probation with conditions, and thirty (30) days actual suspension is consistent with the Standards for Attorney Sanctions for Professional Misconduct.

AGGRAVATING CIRCUMSTANCES

Multiple/Pattern of Misconduct

The current misconduct acknowledged by Respondent evidences multiple acts of wrongdoing.

MITIGATING CIRCUMSTANCES

Candor and Cooperation

Respondent's stipulation herein to the facts, his culpability, and his discipline is a mitigating circumstance. (In the Matter of Spaith (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 96, 106, fn. 13.)

Severe Financial Stress

Respondent is entitled to significant mitigation for financial hardship. Respondent's financial pressures most likely resulted from a motorcycle accident in which he was severely injured. Thus, the financial pressure was beyond his control and entitled to greater mitigating weight.

ADDITIONAL CONDITIONS OF PROBATION

Ethics School

Respondent is not required to 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 as a condition of probation because he has an existing obligation to do so as a condition of probation in case number 09-O-14632.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES

Multistate Professional Responsibility Examination

Respondent is not required to provide passage of the Multistate Professional Examination, administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, because he has an existing obligation to do so as a condition of probation in case number 09-O-14632.

Fee Arbitration

Within 60 days of the effective date of discipline, Respondent will submit proof to the Office of Probation that he contacted complainant E. Daniel Gyurec and offered to go to State Bar approved fee arbitration to resolve the issue of advanced legal fees paid to Respondent by Mr. Gyurec, or funds paid to third parties by Mr. Gyurec on Respondent's behalf as advanced legal fees. The aforementioned proof will contain E. Daniel Gyurec's original signature and a statement indicating his acceptance or rejection of the offer of State Bar approved fee arbitration.

A list of State Bar approved fee arbitration programs is available at:
<http://www.calbar.ca.gov/Attorneys/MemberServices/FeeArbitration/ApprovedPrograms.aspx>

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 3, 2011, the prosecution costs in this matter are \$2,797. 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.

RESTITUTION

Respondent waives any objection to payment by the State Bar Client Security Fund upon a claim for the principal amount of restitution set forth herein.


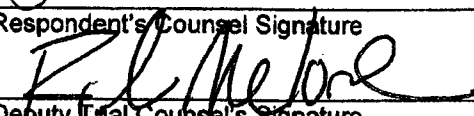
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In the Matter of: Steven Karlton Wen-Hao Kop - #91354	Case number(s): 11-O-10036 11-O-12223
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SIGNATURE OF THE PARTIES

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.

November 24, 2011 Date	 Respondent's Signature	Steven Karlton Wen-Hao Kop Print Name
Date 12/1/11	 Deputy Trial Counsel's Signature	Print Name Robert J. Melone Print Name

(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop - #91354	Case Number(s): 11-O-10036 11-O-12223
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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.

Page 4: The box for paragraph (1) (a) is deemed checked; and
Page 5: The box for paragraph (10) [Financial Conditions] is deemed checked.

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.)**

12/19/11
Date


DONALD F. MILES
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 Case Administrator 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 December 19, 2011, I deposited a true copy of the following document(s):

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

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:

**STEVEN KARLTON WEN-HAO KOP
3929 W 5TH ST SPC 9
SANTA ANA, CA 92703**

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

ROBERT MELONE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2011.



Tammy Cleaver
Case Administrator
State Bar Court



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

ATTEST June 25, 2018

State Bar Court, State Bar of California,
Los Angeles

By *[Signature]*
Clerk

S243410

IN THE SUPREME COURT OF CALIFORNIA **SUPREME COURT FILED**

En Banc

OCT 04 2017

In re STEVEN KARLTON WEN-HAO KOP on Discipline

Jorge Navarrete Clerk

Deputy

The court orders that Steven Karlton Wen-Hao Kop, State Bar Number 91354, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Steven Karlton Wen-Hao Kop is suspended from the practice of law for the first six months of probation;
2. Steven Karlton Wen-Hao Kop must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 16, 2017; and
3. At the expiration of the period of probation, if Steven Karlton Wen-Hao Kop has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Steven Karlton Wen-Hao Kop must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Steven Karlton Wen-Hao Kop must also comply with California Rules of Court, rule 9.20 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 this order. Failure to do so may result in disbarment or suspension.

Costs are 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.

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

Witness my hand and the seal of the Court this

_____ day of OCT 04 2017 20____
Month

By: 
Deputy

CANTIL-SAKAUYE

Chief Justice

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION PUBLIC MATTER		
Counsel For The State Bar Caitlin M. Elen-Morin Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1653 Bar # 272163	Case Number(s): 16-O-15704	For Court use only <div style="text-align: center;"> FILED JUN 16 2017 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Steven Karlton Wen-Hao Kop 8630 E. Rosewood St. Tucson, AZ 85710-1706 (949) 536-1714 Bar # 91354	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Steven Karlton Wen-Hao Kop Bar # 91354 A Member of the State Bar of California (Respondent)	(Continued from previous section)	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **January 15, 1980**.
- (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 13 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".

(Do not write above this line.)

- (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: (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 11-O-10036 and 11-O-12223 (See attachment, pages 9-10)
 - (b) Date prior discipline effective **June 22, 2012**.
 - (c) Rules of Professional Conduct/ State Bar Act violations: **3-700(A)(2); 3-700(D)(2)**
 - (d) Degree of prior discipline **One-year stayed suspension, four years' probation with conditions, including a thirty day actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
 - (a) State Bar Court case # of prior case: 09-O-14632, 10-O-00938, 10-O-04423, and 10-O-06136
 - (b) Date prior discipline effective: September 14, 2011
 - (c) Rules of Professional Conduct/State Bar Act violations: 4-100(A)
 - (d) Degree of prior discipline: One-year stayed suspension, three years' probation with conditions.
- (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 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 attachment, page 10.
- (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 [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.

(Do not write above this line.)

- (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 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.
- (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:

Prefiling stipulation, see attachment, page 10.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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 (2) 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 **six months**.
- 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

(Do not write above this line.)

- 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: **Respondent resides in another jurisdiction. A comparable alternative to Ethics School is provided in Section F(5) below.**

(Do not write above this line.)

- (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:** As a further condition of probation, because respondent resides out of state, respondent must either 1) attend a session of State Bar Ethics School, pass the test given at the end of that session, and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of the discipline herein; or 2) complete six (6) hours of live, in-person, or live online-webinar Minimum Continuing Legal Education ("MCLE") approved courses in legal ethics offered through a certified MCLE provider in Arizona or California and provide proof of same satisfactory to the Office of Probation within one (1) year of the effective date of discipline.

6. On May 13, 2014, Cheung called respondent and left a voicemail message advising respondent that his April 10, 2014 quarterly report had not been received. Respondent received the voicemail.
7. On July 22, 2014, Cheung called respondent and advised respondent that his April 10, 2014 quarterly report had not been received. Respondent stated that he sent the April 10, 2014 quarterly report via FedEx and would email it to Cheung.
8. During the July 22, 2014 telephone call between respondent and Cheung, respondent informed Cheung that he recently moved. However, respondent did not update his membership records address at that time.
9. On September 16, 2014, respondent updated his membership records address to 1313 15th St., Suite 2, in Miami Beach, Florida 33139, despite having informed Cheung on July 22, 2014, that he had recently moved.
10. On September 26, 2014, respondent untimely filed a quarterly report, which had been due on April 10, 2014.
11. On October 15, 2014, Cheung called respondent and advised him that she had not received his quarterly report which was due October 10, 2014. Respondent stated that he thought he had hand delivered it before he departed for Miami, Florida.
12. On January 26, 2015, Cheung attempted to contact respondent at his membership records telephone number. Cheung reached a recording that stated the person she was trying to reach was unavailable and she was unable to leave a voicemail message. Respondent did not update his membership records telephone number until March 20, 2015.
13. On January 26, 2015, Cheung called respondent at an alternative telephone number, (949) 287-4393, and left a message advising respondent that his October 10, 2014, and January 10, 2015, quarterly reports had not been received. Cheung also sent respondent an email regarding the same. Respondent received the voicemail message and the email.
14. On January 27, 2015, respondent emailed Cheung and requested a copy of the quarterly report form.
15. On January 27, 2015, Cheung responded to respondent's email of the same date in which respondent requested a copy of the quarterly report form. Cheung provided respondent with a copy of the quarterly report form and advised respondent that his October 10, 2014, and January 10, 2015, quarterly reports were due immediately. Respondent replied that he would provide the reports as soon as possible.
16. On January 30, 2015, respondent emailed Cheung and advised that he would be at the State Bar on February 2, 2015, to submit his quarterly reports and to pay his annual dues. Cheung replied, on January 30, 2015, and advised respondent that he needed to submit his January 10, 2015 and October 10, 2014 quarterly reports on that date.
17. On February 2, 2015, respondent untimely filed two quarterly reports, which been due on October 10, 2014 and January 10, 2015, respectively.

18. On June 29, 2015, respondent emailed Cheung to request a quarterly report form because his printed copies were located in California and he was "out of state."

19. On November 24, 2015, respondent updated his membership records address to reflect an address located at 3620 S. Saguaro Shadows Dr., in Tucson, Arizona, despite having informed Cheung on June 29, 2015 that he was "out of state."

20. On January 13, 2016, respondent reimbursed CSF in the amount of \$6,423.33 for the restitution paid to Francisco and Lazara Bustos.

21. On August 19, 2016, Cheung mailed a letter to respondent at his membership records address, 3620 S. Saguaro Shadows Dr., in Tucson, AZ 85730, notifying respondent that he was out of compliance with probation because he had failed to timely comply with probation because he failed to timely file his first quarterly report, which was due October 10, 2012, failed to timely file four quarterly reports, which were due April 10, 2013, April 10, 2014, October 10, 2014, and January 10, 2015, respectively, failed to submit proof of payment of restitution in the Francisco and Lazara Bustos matter, and failed to timely report all changes of information, including current office address and telephone number or other address for State Bar purposes. A courtesy copy of this letter was also sent to respondent's membership records email address. Neither the letter nor the email was returned as undeliverable. Respondent received the letter and the email.

22. On August 19, 2016, respondent untimely filed a quarterly report, which had been due on October 10, 2012.

23. On August 25, 2016, CSF informed respondent, via email, that his January 13, 2016 reimbursement, in the amount of \$6,423.33, regarding Francisco and Lazara Bustos, was deficient by \$124.16. The email was not returned as undeliverable. Respondent received the email.

24. On August 30, 2016, respondent fully paid the remaining balance of \$124.16 in restitution in the Francisco and Lazara Bustos matter to CSF, 69 days late.

CONCLUSIONS OF LAW:

25. By failing to timely submit five quarterly reports by their due dates of October 10, 2012, April 10, 2013, April 10, 2014, October 10, 2014, and January 10, 2015; failing to provide timely proof of payment of restitution owed to former clients to the OP by June 22, 2016; and failing to report to the OP all changes of information, including current office address and telephone number, or other address for State Bar purposes within ten days of any change, respondent failed to comply with the conditions attached to respondent's disciplinary probation in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

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

Effective June 22, 2012, in case nos. 11-O-10036 and 11-O-12223 (S200198), the California Supreme Court ordered as to respondent discipline consisting of a one-year stayed suspension, four years' probation with conditions, including a 30-days' actual suspension. Respondent stipulated to engaging in

misconduct in several client matters, consisting of violating Rules of Professional Conduct 3-700(A)(2) [improper withdrawal] and 3-700(D)(2) [failure to refund unearned fees]. The misconduct occurred in October 2010. In aggravation, there were multiple acts of misconduct. In mitigation, respondent was cooperative with the State Bar in the proceedings, made partial restitution to a client (the Bustos'), and during the misconduct he had experienced severe financial hardship.

Effective September 24, 2011, in case nos. 09-O-14632, 10-O-00938, 10-O-04423, and 10-O-06136 (S193618), the California Supreme Court ordered as to respondent discipline consisting of a one-year stayed suspension and three years' probation. Respondent stipulated to engaging in misconduct in several matters consisting of violating Rules of Professional Conduct 4-100(A) [commingling]. The misconduct occurred between March 2009 through May 2010. Respondent's misconduct was mitigated by his discipline free record, his cooperation with the State Bar, and severe financial hardship and emotional difficulties respondent suffered at the time. There were no aggravating factors.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent engaged in nine acts of misconduct in violation of the conditions of his probation in case nos. 11-O-10036 and 11-O-12223 (S200198) by untimely filing five quarterly reports, failing to provide timely proof restitution to the Office of Probation, and failed to timely update his membership records address and telephone information on three separate occasions.

MITIGATING CIRCUMSTANCES.

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

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

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).)

The applicable Standard in this case is Standard 2.14 which states: "Actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders."

Standard 1.8(b) provides that disbarment is appropriate where a member has two or more prior records of discipline and "[a]ctual suspension was ordered in any one of the prior disciplinary matters; the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or the prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities."

However, Standard 1.8(b) should not be applied even though respondent has two prior records of discipline which includes a 30-days' actual suspension. The Review Department has instructed that "merely declaring that an attorney has [two or more prior] impositions of discipline, without more analysis, may not adequately justify disbarment in every case. (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.) Even in the absence of compelling mitigation, the Supreme Court has not in every instance ordered disbarment pursuant to Standard 1.7(b) (predecessor to Standard 1.8(b)). (*Conroy v. State Bar* (1991) 53 Cal.3d 495.) Here, although respondent has a prior 30-days' actual suspension, that fact alone does not render this case appropriate for disbarment, particularly where there is no demonstrated pattern of misconduct, no demonstrated unwillingness or inability to conform to ethical responsibilities, and respondent belatedly complied with the terms of his disciplinary probation in the instant case.

Here, respondent engaged in nine violations of his probation by failing to timely submit five quarterly reports, failing to provide timely proof restitution to the Office of Probation, and failing to timely update his membership records address and telephone information on three separate occasions. The conditions of respondent's probation required strict compliance. Although respondent paid the ordered restitution and provided proof thereof, albeit late, and submitted his outstanding quarterly reports, again late, there is no demonstrated unwillingness or inability to conform to ethical responsibilities. Additionally, respondent's prior records of discipline, involving misconduct consisting of improper withdrawal, failure to refund unearned fees, and commingling, do not demonstrate a pattern of misconduct in the present matter.

Still, respondent's misconduct in failing to comply with the conditions of his probation does warrant application of Standard 1.8(a). Standard 1.8(a) provides that where an attorney has a record of discipline, "the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Respondent's misconduct is aggravated by his two prior records of discipline and his multiple acts of wrongdoing. In mitigation, respondent has entered into a pretrial stipulation. The aggravation outweighs the mitigation. In light of respondent's failure to comply with his probationary conditions

and given the aggravation and mitigation, a two-year stayed suspension, two years' probation with conditions, including a six-months' actual suspension is appropriate to protect the public, the courts, and the legal profession; maintain the highest professional standards, and preserve public confidence in the legal profession.

Case law supports this level of discipline. In *Conroy v. State Bar* (1990) 51 Cal.3d 799, the attorney had received a private reproof with conditions, one of which was that he take and pass the Professional Responsibility Exam ("PRE") within one year of the effective date of the reproof. The attorney failed to timely take and pass the PRE. However, he did tardily take and pass the PRE at the next opportunity, which was found to be mitigating. The attorney defaulted at the Hearing Department. The misconduct was aggravated by the attorney's prior record of discipline, failure to cooperate in a State Bar proceeding and failure to appreciate the seriousness of the charges and reproof conditions. The Supreme Court imposed discipline as to the attorney consisting of a one-year stayed suspension, one year probation with conditions, including 60-days' actual suspension.

Like the attorney in *Conroy*, respondent has failed to strictly comply with all the conditions of his probation. Unlike *Conroy*, respondent received some mitigation for entering into the instant prefiling stipulation. However, respondent's misconduct is more serious than that in *Conroy* as respondent engaged in more violations of his probation. Respondent's aggravation is also more severe as respondent has two prior records of discipline and engaged in multiple acts of misconduct. Therefore, the discipline in the instant matter should be more severe than in *Conroy*. Accordingly, a two-year stayed suspension, two years' probation with conditions, including six months' actual suspension imposes progressive discipline that will best serve the goals of protection of the public, the courts, and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 5, 2017, the discipline costs in this matter are \$3,139. 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


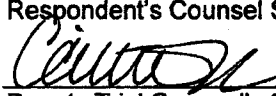
Respondent may not receive MCLE credit for completion of State Bar Ethics School or six hours of MCLE courses in legal ethics. (Rules Proc. of State Bar, rule 3201.6)

(Do not write above this line.)

In the Matter of: Steven Karlton Wen-Hao Kop	Case number(s): 16-O-15704
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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>June 9, 2017</u> Date	<u></u> Respondent's Signature	<u>Steven Karlton Wen-Hao Kop</u> Print Name
<u>6-9-17</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Caitlin M. Elen-Morin</u> Print Name

(Do not write above this line.)

In the Matter of: Steven Kariton Wen-Hao Kop	Case Number(s): 16-O-15704
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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 16, 2017
Date

Cynthia Valenzuela
CYNTHIA VALENZUELA
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 Case Administrator 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 16, 2017, 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:

**STEVEN KARLTON WEN-HAO KOP
STEVEN K. KOP
8630 E ROSEWOOD ST
TUCSON, AZ 85710 - 1706**

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

CAITLIN M. ELEN-MORIN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 16, 2017.



Paul Barona
Case Administrator
State Bar Court



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

ATTEST June 25, 2018

State Bar Court, State Bar of California,
Los Angeles

By *[Signature]*
Clerk

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 12, 2018, I deposited a true copy of the following document(s):

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

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

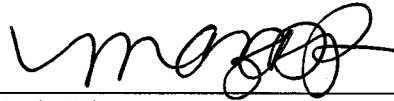
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LARRY S. GREENFIELD
867 BRINGHAM AVE # 1
LOS ANGELES, CA 90049

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

ESTHER FALLAS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 12, 2018.



Mazie Yip
Court Specialist
State Bar Court