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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<p>Counsel for the State Bar</p> <p><b>Terese E. Laubscher</b>                      Deputy Trial Counsel                      845 S. Figueroa St.                      Los Angeles, CA 90017                      (213) 765-1239</p> <p>Bar # 272207</p>	<p>Case Number(s):  <b>SBC-18-O-10871-YDR</b>  <b>SBC-18-O-11559</b></p>	<p>For Court use only</p> <p style="font-size: 24pt; text-align: center;"><b>PUBLIC MATTER</b></p> <p style="text-align: center; font-size: 18pt;"><b>FILED</b>    <b>MAR 18 2019</b></p> <p style="text-align: center;">STATE BAR COURT                      CLERK'S OFFICE                      LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Daniela Koiman</b>                      Law Office Of Daniela Koiman                      23679 Calabasas Rd # 1017                      Calabasas, CA 91302                      (818) 577-0327</p> <p>Bar # 170482</p>	<p style="text-align: center;">kwiktag® 241 071 970</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>
<p>In the Matter of:  <b>DANIELA KOIMAN</b></p> <p>Bar # 170482</p> <p>A Member of the State Bar of California                      (Respondent)</p>	<p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **June 6, 1994**.
- (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 **19** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with Respondent's membership fees for each of the following years: the first two (2) billing cycles following the effective date of the Supreme Court Order.
- If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
- Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
- Costs are entirely waived.

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

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

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

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.

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- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct. **See attachment at page 16.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**No Prior Record of Discipline, see attachment at page 15.**  
**Extreme Physical Difficulties, see attachment at page 15.**  
**Pretrial Stipulation, see attachment at page 16.**

**D. Recommended Discipline:**

- (1)  **Actual Suspension:**

Respondent is suspended from the practice of law for **one (1) year**, the execution of that suspension is stayed, and Respondent is placed on probation for **two (2) years** with the following conditions.

- Respondent must be suspended from the practice of law for the first **sixty (60) days** of the period of Respondent's probation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**E. Additional Conditions of Probation:**

- (1)  **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional

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Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

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

Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

**d. Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

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



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- (12)  **Minimum Continuing Legal Education (MCLE):** Within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete \_\_\_\_\_ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in **SELECT ONE** \_\_\_\_\_ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (13)  **Other:** Respondent must also comply with the following additional conditions of probation:
- (14)  **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15)  **The following conditions are attached hereto and incorporated:**
- Financial Conditions  Medical Conditions
- Substance Abuse Conditions

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

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

- (1)  **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2)  **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because \_\_\_\_\_.
- (3)  **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

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

- (4)  **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

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

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

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

IN THE MATTER OF:                      DANIELA KOIMAN

CASE NUMBERS:                         SBC-18-O-10871, SBC-18-O-11559

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 18-O-10871 (Complainant: Yaniv Amar)

**FACTS:**

1. On January 30, 2012, Yaniv Amar hired respondent to represent him in immigration court removal proceedings and to file an application for U visa benefits. The retainer agreement provided that legal fees of \$1,500 will be paid in two installments of \$750, and that court appearances will be billed at a rate of \$600 per appearance.
2. On September 11, 2014, the U.S. Immigration Court mailed a notice to respondent regarding a June 23, 2015 master hearing in Mr. Amar's removal proceeding. Respondent received the notice.
3. In September 2014, Mr. Amar paid respondent \$600 to appear at the June 23, 2015 master hearing.
4. On October 10, 2014, Mr. Amar's U visa was approved. Respondent notified Mr. Amar of the U visa approval in October 2014.
5. On December 4, 2014, respondent mailed a request to the Immigration and Customs Enforcement attorney requesting a joint motion to dismiss the proceeding without prejudice due to Mr. Amar's U visa approval. Respondent did not follow up to confirm receipt or take any other steps thereafter to have Mr. Amar's removal proceeding terminated.
6. On June 23, 2015, respondent failed to appear at Mr. Amar's master hearing in immigration court. The immigration judge issued a decision the same date ordering Mr. Amar deported in absentia. Respondent received the decision. Respondent did not inform Mr. Amar that she had failed to appear at the hearing or of the deportation order.
7. Respondent did not provide Mr. Amar with an accounting for the \$600 advanced fee or a return of the \$600 in unearned fees after the termination of her employment in July 2015.
8. In December 2017, Mr. Amar hired Leon Hazany to assist him with obtaining a green card, believing that respondent had fully resolved his removal proceeding. Mr. Hazany informed Mr. Amar that there was a removal order issued against Mr. Amar on June 23, 2015. Mr. Hazany obtained the immigration court documents and informed Mr. Amar that respondent had failed to appear at his June

23, 2015 hearing and that he had been ordered deported in absentia. Mr. Amar paid additional legal fees totaling \$3,800 to Mr. Hazany to reopen the proceedings, inform the court of his U visa approval, and terminate the deportation order.

9. In January 2019, respondent provided Mr. Amar with an accounting and return of \$600 in unearned fees.

#### CONCLUSIONS OF LAW:

10. By failing to ensure that Mr. Amar's removal proceeding was dismissed after his U visa approval, and by failing to appear at Mr. Amar's June 23, 2015 master hearing, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence with willfull violation of Rules of Professional Conduct, former rule 3-110(A).

11. By failing to return promptly to Mr. Amar any part of the \$600 advanced fee, respondent willfully violated Rules of Professional Conduct, former rule 3-700(D)(2) and rule 1.16(e)(2).

12. By failing to render an appropriate accounting to Mr. Amar regarding the advanced fee respondent received for legal services to be performed, respondent willfully violated Rules of Professional Conduct, former rule 4-100(B)(3) and rule 1.15(d)(4).

13. By failing to inform Mr. Amar that respondent had failed to appear at Mr. Amar's June 23, 2015 hearing, and by failing to inform Mr. Amar that an in absentia deportation order had been issued against him, respondent failed to keep Mr. Amar reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willfull violation of Business and Professions Code section 6068(m).

#### Case No. 18-O-11559 (Complainant: Eyal Segalovich)

#### FACTS:

14. On April 25, 2016, Eyal Segalovich hired respondent to represent him in obtaining an I-918 U visa and paid respondent \$500 in cash.

15. On July 7, 2016, Mr. Segalovich provided respondent with an I-918 Supplemental B attachment signed by Gardena Police Officer Mike Saffell on February 10, 2016 in support of his U visa application. Respondent sent Mr. Segalovich a text on the same date confirming she received the document.

16. On August 3, 2016, Mr. Segalovich sent respondent a text message asking her to take care of his U visa application as soon as possible. Respondent did not reply.

17. Between August 3 and September 7, 2016, Mr. Segalovich called respondent multiple times to inquire about the status of his U visa application, but did not receive a call back.

18. On September 7, 2016, Mr. Segalovich sent a text message to respondent asking when his U visa application would be ready for submission. Respondent received the text but did not reply.

19. On September 20, 2016, Mr. Segalovich sent a text message to respondent asking about the status of his U visa application.

20. On September 21, 2016, respondent replied to Mr. Segalovich's September 20, 2016 text by stating, "Hi Eyal. Emergency. I haven't forgotten you." Mr. Segalovich replied and again asked respondent what the status was of his case and asked why respondent had not returned his calls. Respondent received the text but did not reply.

21. On October 10, 2016, Mr. Segalovich sent respondent two text messages asking about the status of his U visa application.

22. On October 11, 2016, respondent replied to Mr. Segalovich by text message and stated that she would get back to Mr. Segalovich after the holiday.

23. In late October 2016, respondent and Mr. Segalovich had a conversation about the fact that Officer Saffell's Supplemental B attachment needed to be redone on a more recently updated version of the United States Citizenship and Immigration Services ("USCIS") form. Mr. Segalovich agreed to obtain a new attachment from the Garden Police Department using the most recently updated USCIS form.

24. On January 5, 2017, Mr. Segalovich provided respondent with an updated I-918 Supplemental B attachment signed by Gardena Police Officer Mike Saffell on January 4, 2017 in support of his U visa application. Respondent confirmed receipt by text message to Mr. Segalovich on January 5, 2017.

25. On March 3, 2017, Mr. Segalovich sent a text message to respondent asking about the status of his U visa application. Respondent received the text but did not reply.

26. On March 14, 2017, Mr. Segalovich sent respondent a text message asking respondent to return his calls. Respondent received the text but did not reply or call Mr. Segalovich back.

27. On June 12, 2017, Mr. Segalovich sent respondent a text message requesting a call back. Respondent replied stating that she was "at immigration" and could not call back.

28. On June 14, 2017, Mr. Segalovich sent respondent a text message asking for a call from respondent. Respondent replied back and told Mr. Segalovich she was available by text. Mr. Segalovich then sent a text message asking respondent for the status of his U visa application and his case number. Respondent received the text but did not reply or provide the requested information.

29. On July 18, 2017, Mr. Segalovich sent respondent a text message requesting the status of his U visa application. Respondent replied and stated she was waiting to hear back from USCIS.

30. On July 24, 2017, Mr. Segalovich sent respondent a text message requesting the status of his U visa application. Respondent received the text but did not reply.

31. On July 25, 2017, Mr. Segalovich sent respondent a text message asking for his case number so he could check on the status of his U visa application himself. Respondent received the text but did not reply.

32. On August 17, 2017, Mr. Segalovich sent respondent two text messages asking respondent to return his calls and provide him with his case number. Respondent received the calls and text but did not reply.

33. On August 18, 2017, Mr. Segalovich sent respondent a text message asking respondent why she would not answer her phone. Respondent received the text but did not reply.

34. On January 10, 2018, Mr. Segalovich sent respondent a text message stating that if he did not hear back from her, he planned to file a complaint with the State Bar of California. Respondent replied that day and stated that she would scan Mr. Segalovich a copy of his file. Mr. Segalovich replied and stated that he's been waiting six months and would like a receipt for the \$500 payment he made to her, a copy of all his documents, and his case number. Respondent stated she would have her assistant do it "tomorrow."

35. On January 11, 2018, Mr. Segalovich sent respondent a text message asking for his case number. Respondent sent a text message back stating that she was not able to find it.

36. On January 24, 2018, respondent's assistant sent Mr. Segalovich an email stating that respondent was in the hospital for a back injury and would call Mr. Segalovich back on Monday.

37. On February 12, 2018, Mr. Segalovich sent respondent a text message asking for the status of his U visa and stating that he had been waiting for over two years. Respondent replied with a text message stating, "I know."

38. In May 2018, Mr. Segalovich hired a new attorney, Estreya Kapuya, to submit a U visa application on his behalf.

39. On May 15, 2018, Mr. Segalovich sent respondent a text message asking for the return of his file because he had retained a new attorney. Respondent received the text message but did not reply.

40. On May 16, 2018, Ms. Kapuya sent an email to respondent asking for the return of Mr. Segalovich's file.

41. On June 11, 2018, respondent sent Mr. Segalovich's client file to Ms. Kapuya, which included Mr. Segalovich's completed I-918 U visa application.

42. Respondent prepared Mr. Segalovich's I-918 U visa application but failed to properly submit the application to the USCIS office in Vermont.

43. In January 2019, respondent provided Mr. Segalovich with an accounting of the legal services performed, including legal research, consultations with police, review of psychiatric reports, and preparation of Mr. Segalovich's I-918 U visa application.

#### CONCLUSIONS OF LAW:

44. By failing to properly submit Mr. Segalovich's U visa application to USCIS, respondent intentionally failed to perform legal services with competence with willfull violation of Rules of Professional Conduct, former rule 3-110(A).

45. By failing to promptly release to Mr. Segalovich his client file following his request on January 10, 2018, respondent willfully violated Rules of Professional Conduct, former rule 3-700(D)(1).

46. By failing to render an appropriate accounting to Mr. Segalovich regarding the advanced fee received for legal services to be performed, respondent willfully violated Rules of Professional Conduct, former rule 4-100(B)(3) and rule 1.15(d)(4).

47. By failing to respond promptly to Mr. Segalovich's reasonable status inquiries between April 25, 2016 and May 15, 2018 which respondent received in a matter in which she had agreed to provide legal services, respondent willfully violated Business and Professions Code section 6068(m).

#### **AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent engaged in multiple acts of misconduct in two client matters over the course of four years, which include respondent's failures to perform with competence, failure to release a client file, failures to promptly return an unearned fee, failures to render accountings, and failures to communicate with the clients.

**Significant Harm to Clients (Std. 1.5(j)):** Respondent's misconduct caused significant harm to her clients. One client was ordered deported in absentia due to respondent's failure to perform and was unaware of his status for two and a half years. The client had to hire new counsel and pay \$3,800 in additional legal fees to have the deportation proceeding terminated. Another client had his U visa application delayed for two years as a result of respondent's failures to perform and communicate, and has had to hire new counsel to resume the U visa application process.

#### **MITIGATING CIRCUMSTANCES.**

**No Prior Discipline:** Respondent was admitted to practice in California on June 6, 1994. Respondent practiced law in California since 1994 without any record of misconduct. Respondent is entitled to significant mitigating credit for her twenty (20) years of practice without discipline prior to the misconduct. (*Friedman v. State Bar* (1990), 50 Cal. 3d 235, 245 [20 years of discipline free practice is "highly significant" mitigation].)

**Extreme Physical Difficulties:** In November 2012 and December 2013, respondent was involved in two automobile accidents which aggravated a herniated disc and left respondent with severe back pain. Starting in November 2012, respondent sought treatment from several orthopedic surgeons and was administered epidurals and physical therapy. At the time of the misconduct herein, respondent was suffering from severe low back pain which at times left her unable to walk or stand for longer than a few minutes. In October 2016, respondent underwent surgery which included the removal of a herniated nucleus pulposus, but it was not successful in alleviating her pain. According to respondent, respondent's medical treatments, pain, and physical disability impacted her ability to practice law during 2016 and 2017. Finally, in February 2018, respondent underwent disc replacement surgery. In January 2019, respondent's orthopedic surgeon, Dr. Alexandre Rasouli, M.D., reported that respondent's disc replacement combined with post-operative physical therapy was successful in alleviating her pain, that respondent is no longer limited in her daily activities, and that no further surgical interventions are anticipated. (*In the Matter of Broderick* (Review Dept. 1994), 3 Cal. State Bar Ct. Rptr. 138, 150 [emotional difficulties that cause misconduct warrant mitigation if the attorney no longer suffers from the difficulty].)

**Extraordinary Good Character (Std. 1.6(f)):** Twelve character references attested to respondent's good character. Eleven of the character references have knowledge of the full extent of the underlying misconduct. The character references include attorneys, clients, colleagues, and friends of respondent. The character references have known respondent an extended period of time ranging from 10 to 39 years. Eight of the references have known respondent over 10 years. The references attest to respondent's good moral character and honesty. Five of the character references attest to their knowledge of respondent's medical condition throughout 2016 to 2017, its impact on her ability to function, and her subsequent recovery in 2018. Character references from attorneys and judges are entitled to serious consideration since they have a "strong interest in maintaining the honest administration of justice." (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319.)

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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 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).)

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



The most severe sanction applicable to respondent's misconduct is found in Standard 2.7(b) which provides: "Actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests."

Respondent engaged in multiple acts of misconduct over four years in the course of representing two clients. Respondent failed to communicate significant developments and respond to reasonable status inquires, failed to render competent legal services, failed to promptly account, failed to promptly return a file, and failed to promptly return an unearned fee to a client. As a result of respondent's failures to perform and communicate, both of respondent's clients had to hire new counsel.

Respondent's misconduct is aggravated by her multiple acts of misconduct and significant harm to the clients. Respondent's misconduct is mitigated by her twenty years of discipline free practice prior to the misconduct, good character, extreme physical difficulties, and entering into a pretrial stipulation. In light of respondent's misconduct, a one year period of stayed suspension, with two years of probation and a sixty day period of actual suspension is the appropriate level of discipline to ensure protection of the public, courts and legal profession; to maintain high professional standards by attorneys; and to preserve public confidence in the legal profession.

Case law also supports this level of discipline. In *Bach v. State Bar* (1991) 52 Cal.3d 1201, an attorney with no prior discipline represented a client in a single matter in which he failed to perform competently, failed to communicate, failed to properly withdraw, failed to refund unearned fees, and failed to respond to written inquiries from a State Bar investigator regarding the matter. The Supreme Court imposed discipline consisting of one year of probation with various terms and conditions including 30 days of actual suspension.

Like *Bach*, respondent failed to perform competently, failed to communicate with her clients, and failed to return unearned fees. Respondent has been credited with more mitigating credit than the attorney in *Bach*, including good character and extreme physical difficulties. However, respondent committed misconduct in two client matters, as opposed to the one matter in *Bach*, and her misconduct is aggravated by the significant harm caused to her clients. On balance, a level of discipline slightly greater than that imposed in *Bach* is appropriate.

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

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

#### **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>
SBC-18-O-11559	Seven	Rules of Professional Conduct, former rule 3-700(D)(2)

**COST OF DISCIPLINARY PROCEEDINGS.**


Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 12, 2019, the discipline costs in this matter are approximately \$4,910. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: DANIELA KOIMAN	Case Number(s): SBC-18-O-10871-YDR SBC-18-O-11559
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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.

2/24/2019            Daniela Koiman  
Date      Respondent's Signature      Print Name

\_\_\_\_\_  
Date      Respondent's Counsel Signature      Print Name  
2-25-19            Terese E. Laubscher  
Date      Deputy Trial Counsel's Signature      Print Name

(Do not write above this line.)

In the Matter of: DANIELA KOIMAN	Case Number(s): 18-O-10871-YDR 18-O-11559-YDR
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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.

“SBC-” is deleted prior to the case number(s) on the following pages of the Stipulation: in the caption on page 1; at the top of page 11; at the bottom of page 17; and in the caption on page 19.

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).)**

Date March 18, 2019 *Rebecca Meyer Rosenberg*  
REBECCA MEYER ROSENBERG, JUDGE PRO TEM  
~~Judge of the State Bar Court~~

**CERTIFICATE OF SERVICE**

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 18, 2019, I deposited a true copy of the following document(s):

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

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

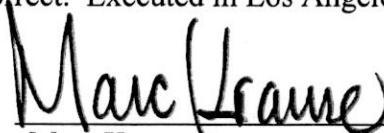
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DANIELA KOIMAN  
LAW OFFICE OF DANIELA KOIMAN  
23679 CALABASAS RD # 1017  
CALABASAS, CA 91302

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

TERESE E. LAUBSCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 18, 2019.



Marc Krause  
Court Specialist  
State Bar Court